

MEMORANDUM 2026-5
2025-2026 Annual Report (Staff Draft)

This memorandum presents a staff draft of the Commission's *2025-2026 Annual Report*.¹ Much of the content of the Annual Report is routine and does not change significantly from year to year. Items in the report for which the staff requests special attention from Commissioners are identified below. These matters include small portions of identified text in the body of the report, and a draft appendix containing Commissioner biographies.

The attached staff draft does not include drafts of other appendices routinely included in the published version of an Annual Report, consisting of largely repeating standard text (i.e., the text of the Commission's governing statute, its calendar of topics, and a cumulative table of legislative action on Commission recommendations).

CONTINGENT TEXT

Some text in the draft has been temporarily flagged with light shading.² The shaded text is contingent on decisions anticipated to be made at the upcoming Commission meeting.

Following those decisions, the staff will remove the temporary shading and adjust the text as needed.

APPENDIX CONTAINING COMMISSIONER BIOGRAPHIES

Each Annual Report contains an appendix of biographies of all Commissioners who served in the previous calendar year. The Commission's historical practice relating to the content of these biographies has been to conform the biographical information in the Governor's press release announcing a Commissioner's appointment to a standardized template, then the staff asks the Commissioners to provide any edits.

The staff works with the offices of Commissioners appointed by the Senate and

¹ Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

² See pages 3, 10-12 of the Annual Report.

Assembly, and the Legislative Counsel, to develop the biographies of those members.

ACTIVITIES OF COMMISSION MEMBERS AND STAFF

The Annual Report also notes any outside activities by Commission members or staff relating to the Commission's work since the previous Annual Report.³ **Staff requests that Commissioners advise staff if they engaged in any activities of this type during this time period.**⁴

COMMISSION DECISION

Does the Commission approve the attached draft report and appendix, with any directed revisions, for publication?

Respectfully submitted,

Steve Cohen
Senior Staff Counsel

³ The Commission's 2024-2025 Annual Report was approved on April 3, 2025. [Minutes](#) (Apr. 2025), p. 3.

⁴ See page 24 of the attached Annual Report draft for an example of the types of activity reported in previous years.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

2025-2026 Annual Report

STAFF DRAFT

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Comm'n Reports ____ (2026).

SUMMARY OF WORK OF COMMISSION

Recommendations to the 2025 Legislature

In 2025, reports were submitted to the Legislature incorporating the following Commission recommendations:

- State and Local Agency Access to Customer Information from Communication Service Providers
- Equal Rights Amendment

2026 Legislative Program

In 2026, the Commission may seek introduction of legislation effectuating Commission recommendations on the following subjects:

- State and Local Agency Access to Customer Information from Communication Service Providers
- Equal Rights Amendment
- Antitrust Study: Single Firm Conduct
- Antitrust Study: Mergers and Acquisitions

In addition, the Commission will seek introduction of its Biennial Resolution of Authority.

Commission Activities Planned for 2026

The Commission intends to work on the following major topics in 2026: revision of antitrust law, recodification of toxic substance statutes, terminology relating to persons with disabilities, emergency-related reforms, and civil discovery.

If staffing permits and pending legislative approval of additions to the Commission's current authority, the Commission plans to study local education agency reporting and civil writ practices.

The Commission may work on other topics as time permits.

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1. Statute Governing the California Law Revision Commission
2. Calendar of Topics Authorized for Study
3. Biographies of 2025 Commissioners
4. Legislative Action on Commission Recommendations (Cumulative)

CALIFORNIA LAW REVISION COMMISSION

RICHARD SIMPSON, Chair
VICTOR KING, Vice-Chair
MARIA BEE
DAVID A. CARRILLO
ANA CUBAS
AMB. (R.) DAVID HUEBNER
CARA JENKINS
ASSEMBLY MEMBER BLANCA PACHECO

SUMMARY OF REPORT

In conformity with Government Code Section 8293, the California Law Revision Commission submits this report of its activities during 2025 and its plans for 2026.

In 2025, no legislation implementing any Commission recommendation was enacted into law.

The Commission held five public meetings in 2025, each of which were conducted in a hybrid format that included both in-person and teleconference participation.

Approved by the Commission
on January 30, 2026

2025-2026 ANNUAL REPORT

Introduction

The California Law Revision Commission was created in 1953 and commenced operation in 1954 as the permanent successor to the Code Commission,¹ with responsibility for continuing substantive review of California statutory and decisional law.² The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission ordinarily works on major topics, assigned by the Legislature, that require detailed study and cannot easily be handled in the ordinary legislative process. The Commission's work is independent, nonpartisan, and objective.

The Commission consists of:³

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

The Commission may only study topics authorized by the Legislature.⁴

1. 1953 Cal. Stat. ch. 1445, operative September 9, 1953. The first meeting of the Commission was held on February 23, 1954.

2. Gov't Code §§ [8280-8298](#) (statute establishing Law Revision Commission) (Appendix 1 *infra*). See also [1955 Report](#) [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

3. For current membership, see "Personnel of Commission" *infra*, at 21.

4. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*. However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution. Gov't Code § [8298](#). Additionally, a concurrent resolution or statute may directly confer authority to study a particular subject. See, e.g., [2024 Cal. Stat. ch. 233](#) (AB 1906, Gipson) (terminology relating to persons with disabilities); [2022 Cal. Stat. ch. 462](#) (AB 2503, Cristina Garcia) (landlord-tenant terminology); [2022 Cal. Stat. res. ch. 150](#) (SCR 92, Leyva) (Equal Rights Amendment and sex-based discrimination); [2022 Cal. Stat. res. ch. 147](#) (ACR 95, Cunningham & Wicks) (antitrust law); [2016 Cal. Stat. ch. 179](#) (AB 1779, Gatto) and [2015 Cal. Stat. ch. 293](#) (AB 139, Gatto) (revocable transfer on death deeds); [2014 Cal. Stat. ch. 243](#) (SB 406, Evans) (recognition of tribal and foreign court money judgments); [2013 Cal. Stat. res. ch. 115](#) (SCR 54, Padilla) (state and local agency access to customer information from communications service providers); [2006 Cal. Stat. res. ch. 128](#) (ACR 73,

Since it commenced operation, the Commission has submitted 436 final recommendations to the Legislature that included proposed legislation. Of those recommendations considered by the Legislature, 405 (more than 92%) have been implemented in whole or substantial part, resulting in the amendment, addition, or repeal of more than 24,000 sections of California law.⁵

The Commission's recommendations and reports are available on the Commission's website,⁶ along with most other Commission materials. The Commission's recommendations and reports are also regularly published in hardcover volumes that are available in many law libraries.

2026 Legislative Program

In 2026, the Commission may seek introduction of legislation effectuating Commission recommendations on the following subjects:

- State and Local Agency Access to Customer Information from Communication Service Providers
- Equal Rights Amendment
- Antitrust Study: Single Firm Conduct
- Antitrust Study: Mergers and Acquisitions

In addition, the Commission will seek introduction of its Biennial Resolution of Authority.⁷

Commission Activities Planned for 2026

The Commission intends to continue working on the following major topics in 2026: revision of antitrust law, recodification of toxic substance statutes, terminology relating to persons with disabilities, and if staffing permits, emergency-related reforms and civil discovery.

McCarthy) (nonsubstantive reorganization of deadly weapon statutes); [2006 Cal. Stat. ch. 215](#) (AB 2034, Spitzer) (donative transfer restrictions).

5. See *Legislative Action on Commission Recommendations*, Appendix 4 *infra*.

6. https://clrc.ca.gov/Menu3_reports/publications.html.

7. California Law Revision Commission, *Handbook of Practices and Procedures*, §§ [25\(l\)](#), [55\(c\)](#).

If staffing permits and pending legislative approval of additions to the Commission's current authority, the Commission also plans to work on local education agency reporting and civil writ procedures.

The Commission may work on other authorized topics as time permits.

Antitrust Law

The Commission will continue studying whether California antitrust law should be revised as directed in Assembly Concurrent Resolution 95 (2022).⁸

Recodification of Toxic Substance Statutes

The Commission will continue studying the nonsubstantive revision of the Health and Safety Code relating to toxic substances.⁹

Terminology Relating To Persons With Disabilities

The Commission will continue studying how to best replace the terms "dependent adult," "dependent person," and related terms from all California code sections with new terminology describing persons who meet the definition of those terms in a respectful manner that preserves their legal rights and protections.¹⁰

Emergency-Related Reforms

If staffing permits, the Commission will continue studying whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency, as specified.¹¹

Discovery in Civil Cases

If staffing permits, the Commission will begin a study of informal discovery conferences between the parties to a civil action upon request of a party or upon the court's own motion, to discuss discovery matters in dispute between the parties.¹²

Local Education Agency Reporting

If staffing permits and pending legislative approval of a change to the Commission's current authority, the Commission will begin a study of Education Code provisions relating to local education

8. [2022 Cal. Stat. res. ch. 147](#) (ACR 95, Cunningham & Wicks).

9. [2024 Cal. Stat. res. ch. 138 \(para. 13\)](#), ACR 169, Kalra).

10. [2024 Cal. Stat. ch. 233](#) (AB 1906, Gipson)

11. [2024 Cal. Stat. res. ch. 138 \(para. 14\)](#), ACR 169, Kalra).

12. [2024 Cal. Stat. res. ch. 138 \(para. 5\)](#), ACR 169, Kalra).

agency reporting.¹³

Civil Writ Practice

If staffing permits and pending legislative approval of a change to the Commission's current authority, the Commission will begin a study of whether civil writ practices should be revised.¹⁴

Other Subjects

The studies described above will dominate the Commission's time and resources during 2026. As time permits, the Commission may consider other subjects that are authorized for study.

Function and Procedure of Commission

The principal duties of the Commission are to:¹⁵

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,¹⁶ bar associations and other learned bodies, and from judges, public officials, lawyers, and the public generally.
- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.¹⁷

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics for study, listing both studies in progress and topics intended for future

13. See Memorandum [2025-45](#), pp. 8-9.

14. See Memorandum 2026-2.

15. Gov't Code §§ [8280-8298](#) (statute governing California Law Revision Commission); Appendix 1 *infra*.

16. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. Gov't Code § [10271](#).

17. Gov't Code § [8289](#). The Commission is also directed by Government Code Section [8290](#) to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the United States Supreme Court. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra*.

consideration.¹⁸ Under its general statutory authority, the Commission may only study topics in that calendar that have been or are thereafter authorized by a concurrent resolution.¹⁹

A concurrent resolution²⁰ or statute²¹ may also direct the Commission to study a particular subject,²² and the Commission has general authority to study and recommend revisions to correct technical or minor substantive defects in California statutes.²³

Calendar of Topics for Study

The Commission's most recently submitted calendar of topics includes 14 topics for study authorized by the Legislature.²⁴

Background Studies and Expert Consultants

The Commission's work on a report or recommendation at times begins with a background study, typically prepared by a law professor or practicing attorney in the field who is retained as a consultant. Consultants have already acquired the considerable knowledge necessary to understand the specific problems under consideration, and typically receive modest compensation, as paid in connection with public service rather than at regular professional

18. Gov't Code § [8293\(a\)](#).

19. *Id.*

20. For examples of concurrent resolutions referring a specific topic to the Commission for study, see [2022 Cal. Stat. res. ch. 150](#) (SCR 92, Leyva) (Equal Rights Amendment and sex-based discrimination); [2022 Cal. Stat. res. ch. 147](#) (ACR 95, Cunningham & Wicks) (revision of antitrust law); [2013 Cal. Stat. res. ch. 115](#) (SCR 54, Padilla) (state and local agency access to customer information from communications service providers).

21. For example, Gov't Code § [71674](#) requires the Commission to recommend repeal of provisions made obsolete by the Trial Court Employment Protection and Governance Act (Gov't Code § [71600](#) *et seq.*), Lockyer-Isenberg Trial Court Funding Act of 1997 ([1997 Cal. Stat. ch. 850](#) (AB 233, Escutia)), and the implementation of trial court unification.

Pursuant to Civ. Proc. Code § [681.035](#), the Commission also has continuing authority to study enforcement of judgments.

Statutory authority for a Commission study may be uncodified. See, e.g., [2022 Cal. Stat. ch. 462](#) (AB 2503, Cristina Garcia) (landlord-tenant terminology); [2016 Cal. Stat. ch. 179](#) (AB 1779, Gatto) (revocable transfer on death deeds).

22. Gov't Code § [8293\(a\)](#).

23. Gov't Code § [8298](#).

24. *Calendar of Topics Authorized for Study*, Appendix 2 *infra*; [2024 Cal. Stat. res. ch. 138](#) (ACR 169, Kalra).

rates for their services.²⁵ Background studies are published on the Commission’s website and may also be published in a law review.²⁶

From time to time, the Commission also requests expert assistance from law professors and other legal professionals who may provide written input or testify at meetings.²⁷

Recommendations and Reports

After making its preliminary decisions in a study, the Commission posts a tentative recommendation or tentative report²⁸ in the study on its website and distributes it electronically to interested persons and organizations with a request for public comment.

Comments received on a tentative recommendation or tentative report are presented to the Commission in staff memoranda and considered by the Commission in determining what final recommendation to make to the Legislature.²⁹ Once the Commission

25. [Minutes](#) of Commission Meeting on June 25, 1955, p. 5.

26. For background studies published in law reviews, see Méndez, *California Evidence Code - Federal Rules of Evidence, IX. General Provisions*, 44 U.S.F. L. Rev. 891 (2010); Méndez, *California Evidence Code - Federal Rules of Evidence, VIII. Judicial Notice*, 44 U.S.F. L. Rev. 141 (2009); Méndez, *California Evidence Code - Federal Rules of Evidence, VII. Relevance: Definition and Limitations*, 42 U.S.F. L. Rev. 329 (2007); Méndez, *California Evidence Code — Federal Rules of Evidence, VI. Authentication and the Best and Secondary Evidence Rules*, 41 U.S.F. L. Rev. 1 (2006); Méndez, *California Evidence Code - Federal Rules of Evidence, V. Witnesses: Conforming the California Evidence Code to the Federal Rules of Evidence*, 39 U.S.F. L. Rev. 455 (2005); Alford, *Report to Law Revision Commission Regarding Recommendations for Changes to California Arbitration Law*, 4 Pepp. Disp. Resol. L.J. 1 (2004); Méndez, *California Evidence Code - Federal Rules of Evidence, IV. Presumptions and Burden of Proof: Conforming the California Evidence Code to the Federal Rules of Evidence*, 38 U.S.F. L. Rev. 139 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, I. Hearsay and Its Exceptions: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 351 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, II. Expert Testimony and the Opinion Rule: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 411 (2003); Méndez, *California Evidence Code - Federal Rules of Evidence, III. The Role of Judge and Jury: Conforming the Evidence Code to the Federal Rules*, 37 U.S.F. L. Rev. 1003 (2003).

27. For example, to facilitate the Commission’s understanding of antitrust law for Study [B-750](#), the Commission retained an antitrust expert and assembled eight working groups of leading academics and practitioners to examine different aspects of antitrust law. See [Tentative Recommendation](#), pp. 1-2.

28. A Commission “report” differs from a “recommendation” in that a report does not propose the enactment of legislation. California Law Revision Commission, *Handbook of Practices and Procedures* § [25 \(j\)\(k\)](#).

29. See Gaal, *Evidence Legislation in California*, 36 S.W.U. L. Rev. 561, 563-69 (2008); Quillinan, *The Role and Procedures of the California Law Revision*

has reached its conclusions in a study,³⁰ a final recommendation, including proposed implementing legislation, is submitted to the Legislature³¹ and the Governor, and also distributed electronically and published on the Commission's website.

Official Comments

The Commission prepares an official Comment explaining each section it recommends for enactment, amendment, or repeal.³² The Comments are included in the Commission's published recommendations. A Comment typically explains the purpose of the recommended revision, and may also indicate the derivation of a section, its relation to other law, and potential issues concerning its meaning or application.³³

Commission Materials as Legislative History

Commission recommendations are sent to both houses of the Legislature, as well as the Legislative Counsel and Governor.³⁴

A bill introduced to effectuate a Commission recommendation is assigned to legislative committees charged with study of the matter in depth.³⁵ A copy of the recommendation is provided to legislative committee members and staff before the bill is heard and throughout the legislative process. The legislative committees rely on the

Commission in Probate and Trust Law Changes, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987). See also Memorandum [2025-42](#).

30. Occasionally, one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noted in the minutes of the meeting at which the recommendation is approved. [Minutes](#) of Commission Meeting on July 22-23, 1960, p. 4; [Minutes](#) of Commission Meeting on August 18-20, 1960, p. 6; California Law Revision Commission, *Handbook of Practices and Procedures* § [280](#).

31. Gov't Code § [9795](#).

32. California Law Revision Commission, *Handbook of Practices and Procedures* §§ [25\(f\)](#), [260\(c\)](#), [277](#).

33. Commission Comments are published by Thomson Reuters and LexisNexis in their published editions of the annotated codes and published in selected codes prepared by other publishers. Comments are also available online on Westlaw and LexisNexis.

34. Gov't Code §§ [8291](#), [9795](#), [11094-11099](#); see also *Reynolds v. Superior Court* (1974) 12 Cal.3d 834, 847 n.18 (Commission "submitted to the Governor and the Legislature an elaborate and thoroughly researched study").

35. See e.g., <https://clerk.assembly.ca.gov/legislative-information/process> (discussing the legislative process, including the purpose and function of the policy committee system).

recommendation in analyzing the bill and making recommendations to the Legislature.³⁶

If an amendment is made to the bill that is inconsistent with a submitted Commission Comment, the Commission may adopt a revised Comment and provide it to the Legislature.³⁷ The Commission also provides any revised Comment to the Governor's office once the bill has passed the Legislature. These materials are a matter of public record.

Use of Commission Materials to Determine Legislative Intent

Commission materials considered by the Legislature are legislative history, declarative of legislative intent,³⁸ and entitled to great weight in construing statutes.³⁹ The materials are a key

36. See e.g., [Assembly Committee on Water, Parks, and Wildlife Analysis](#) of AB 1760 (April 18, 2023).

37. California Law Revision Commission, *Handbook of Practices and Procedures* §§ [25\(n\)](#), [565\(b\)](#), [565\(e\)](#), [605\(c\)](#), [705\(c\)](#).

38. See, e.g., *Guardianship of Ann S.* (2009) 45 Cal.4th 1110, 1137 n.20 (Commission's official comments deemed to express Legislature's intent); *Metcalf v. County of San Joaquin* (2008) 42 Cal.4th 1121, 1132 (official comments of California Law Revision Commission are declarative of intent not only of drafters of code but also of legislators who subsequently enacted it); *Collection Bureau of San Jose v. Rumsey* (2000) 24 Cal.4th 301, 308 & n.6 (comments to reenacted statute reiterate clear understanding and intent of original enactment); *County of Los Angeles v. Superior Court* (1965) 62 Cal.2d 839, 843-844 (statutes reflect policy recommended by Commission).

39. See, e.g., *People v. Veamatahau* (2020) 9 Cal.5th 16, 32; *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 770 ("Comments of a commission that proposed a statute are entitled to substantial weight in construing the statute, especially when, as here, the Legislature adopted the statute without change."); *Jevne v. Superior Court* (2005) 35 Cal.4th 935, 947 (Commission report entitled to substantial weight in construing statute); *Utility Consumers' Action Network, Inc. v. AT&T Broadband of Southern Cal., Inc.* (2006) 135 Cal.App.4th 1023, 1029 (Commission recommendation enacted without change is entitled to substantial weight when interpreting statutory provision); *Hale v. Southern California IPA Medical Group, Inc.* (2001) 86 Cal.App.4th 919:

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 400, fn. 8 [276 Cal.Rptr. 524]; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal.App.3d 524, 535, fn. 7 [260 Cal.Rptr. 713].) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal.App.4th 23, 30, fn. 10 [17 Cal.Rptr.2d 340].)

interpretive aid for practitioners as well as courts,⁴⁰ and courts may judicially notice and rely on them.⁴¹ Courts at all levels of the state⁴² and federal⁴³ judicial systems depend on Commission materials to construe statutes enacted on Commission recommendations. Appellate courts have cited Commission materials in more than a thousand published opinions.

Commission materials have been used as direct support for a court's interpretation of a statute,⁴⁴ as one of several indicia of legislative intent,⁴⁵ to explain the public policy behind a statute,⁴⁶ and on occasion to demonstrate by its silence the Legislature's intention not to change the law.⁴⁷ The Legislature's failure to adopt

40. Cf. 11 B. Witkin, Summary of California Law *Constitutional Law* § 138(d) (2020) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

41. See, e.g., *Lang v. Roché* (2011) 201 Cal.App.4th 254, 263 n. 8; *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26 (providing overview of materials that may be judicially noticed in determining legislative intent); *Hale v. Southern California IPA Medical Group, Inc.* (2001) 86 Cal.App.4th 919, 927; *Barkley v. City of Blue Lake* (1993) 18 Cal.App.4th 1745, 1751 n.3.

42. See, e.g., *Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 298 (California Supreme Court); *Branches Neighborhood Corp. v. CalAtlantic Group, Inc.* (2018) 26 Cal.App.5th 743, 754, n.5 (court of appeal); *Rossetto v. Barross* (2001) 90 Cal.App.4th Supp. 1 (appellate division of superior court).

43. See, e.g., *California v. Green* (1970) 399 U.S. 149, 154 n.3 (United States Supreme Court); *S. Cal. Bank v. Zimmerman (In re Hilde)* (9th Cir. 1997) 120 F.3d 950, 953 (federal court of appeals); *Mortgage Electronic Registration Systems v. Robinson* (C.D. Cal. 2014) 45 F.Supp.3d 1207, 1210 (federal district court); *Ford Consumer Fin. Co. v. McDonell (In re McDonell)* (B.A.P. 9th Cir. 1996) 204 B.R. 976, 978-79 (bankruptcy appellate panel); *In re 3 MB, LLC* (Bankr. E.D. Cal. 2019) 609 B.R. 841, 851-52 (bankruptcy court).

44. See, e.g., *People v. Ainsworth* (1988) 45 Cal.3d 984, 1015.

45. See, e.g., *Heieck & Moran v. City of Modesto* (1966) 64 Cal.2d 229, 233 n.3.

46. See, e.g., *Southern Cal. Gas Co. v. Public Utils. Comm'n* (1990) 50 Cal.3d 31, 38 n.8; *Altizer v. Highsmith* (2020) 52 Cal.App.5th 331, 338.

47. See, e.g., *In re Pikush* (B.A.P. 9th Cir. 1993) 157 B.R. 155, 157-58 (Commission's recommendation "[n]owhere" suggests that statutory revisions would create new exemption for annuities, thus the Legislature did not create such exemption when it made those revisions); *State ex rel. State Pub. Works Bd. v. Stevenson* (1970) 5 Cal.App.3d 60, 64-65 (Legislature had no intention of changing existing law where "not a word" in Commission's reports indicated intent to abolish or emasculate well-settled rule).

a Commission recommendation may be used as evidence of legislative intent to reject the proposed recommendation.⁴⁸

Commission materials are entitled to great weight, but they are not conclusive.⁴⁹ While the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every consistent or inconsistent case is noted in the Comments,⁵⁰ nor can it anticipate judicial conclusions as to the significance of existing case authorities.⁵¹ Hence, failure of the Comment to note every change the recommendation would make in prior law, or to refer to a consistent or inconsistent judicial decision, is not intended to, and should not, influence the construction of a clearly stated statutory provision.⁵²

Some types of Commission materials are improperly relied on by courts as evidence of legislative intent. On occasion, courts have cited preliminary Commission materials such as tentative recommendations, correspondence, and staff memoranda and drafts in support of their construction of a statute.⁵³ While these materials

48. See, e.g., *McWilliams v. City of Long Beach* (2013) 56 Cal.4th 613, 623-24; *Nestle v. City of Santa Monica* (1972) 6 Cal.3d 920, 935-36.

49. See, e.g., *Wilson v. County of San Joaquin* (2019) 38 Cal.App.5th 1, 11; *Redevelopment Agency v. Metropolitan Theatres Corp.* (1989) 215 Cal.App.3d 808, 812 (Comment does not override clear and unambiguous statute). Commission materials are but one indicium of legislative intent. See, e.g., *Estate of Joseph* (1998) 17 Cal.4th 203, 216. The accuracy of a Comment may also be questioned. See, e.g., *Buzgheia v. Leasco Sierra Grove* (1994) 30 Cal.App.4th 766, 774; *In re Thomas* (Bankr. E.D. Cal. 1989) 102 B.R. 199, 202.

50. Cf. *People v. Coleman* (1970) 8 Cal.App.3d 722, 731 (Comments make clear intent to reflect existing law even if not all supporting cases are cited).

51. See, e.g., *Arellano v. Moreno* (1973) 33 Cal.App.3d 877, 885 (noting that decisional law cited in Comment was distinguished by the California Supreme Court in a case decided after enactment of the Commission recommendation).

52. The Commission respectfully disagrees with the court's approach to statutory construction of Commission Comments or recommendations as expressed in *Kaplan v. Superior Court* (1971) 6 Cal.3d 150, 158-59. No view on any legal authority should be inferred from the absence of discussion on that authority in a Commission Comment or recommendation. See also *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, [11 Cal. L. Revision Comm'n Reports 1163](#) (1973); 1974 Cal. Stat. ch. 227.

53. See, e.g., *Rojas v. Superior Court* (2005) 33 Cal.4th 407 (tentative recommendation, correspondence, and staff memorandum and draft); *Yamaha Corp. v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12-13 (tentative recommendation). However, in some cases, proposed legislation will be based on a tentative, rather than final, Commission recommendation. See, e.g., *Estate of*

may be indicative of the Commission's intent in proposing the legislation, only the Legislature's intent in adopting the legislation is entitled to weight in construing the statute.⁵⁴ Unless preliminary Commission materials were before the Legislature during its consideration of the legislation, those materials are not legislative history and are not relevant in determining the Legislature's intention in adopting the legislation.⁵⁵

A Commission study analyzing a statute prepared after enactment of that statute is not part of the legislative history of the statute.⁵⁶ However, documents prepared by or for the Commission may be used by the courts for their analytical value, apart from their role in statutory construction.⁵⁷

Publications

Commission publications are distributed to the Governor, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.⁵⁸ Commission materials are also distributed to other individuals upon request.⁵⁹

Archer (1987) 193 Cal.App.3d 238, 243. In that event, reliance on the tentative recommendation is proper.

See also *Ilkhchooyi v. Best* (1995) 37 Cal.App.4th 395, 406 (letter responding to tentative recommendation); D. Henke, California Legal Research Handbook § 3.51 (1971) (background studies).

54. Cf. *Rittenhouse v. Superior Court* (1991) 235 Cal.App.3d 1584, 1589 (linking Commission's intent and Legislature's intent); *Guthman v. Moss* (1984) 150 Cal.App.3d 501, 508 (determination of Commission's intent used to infer Legislature's intent).

55. The Commission concurs with the opinion of the court in *Juran v. Epstein* (1994) 23 Cal.App.4th 882, 894 n.5, that staff memoranda to the Commission should generally not be considered as legislative history.

56. See, e.g., *Duarte v. Chino Community Hosp.* (1999) 72 Cal.App.4th 849, 856 n.3.

57. See, e.g., *Sierra Club v. San Joaquin Local Agency Formation Comm'n* (1999) 21 Cal.4th 489, 502-03 (unenacted Commission recommendation useful as "opinion of a learned panel"); *Hall v. Hall* (1990) 222 Cal.App.3d 578, 585 (Commission staff report most detailed analysis of statute available); *W.E.J. v. Superior Court* (1979) 100 Cal.App.3d 303, 309-10 (law review article prepared for Commission provides insight into the development of law); *Schonfeld v. City of Vallejo* (1975) 50 Cal.App.3d 401, 407 n.4 (court indebted to many studies of Commission for analytical materials).

58. Gov't Code § [8291](#). For limitations on Section 8291, see Gov't Code §§ [9795](#), [11094-11099](#).

59. California Law Revision Commission, *Handbook of Practices and Procedures* § [285](#).

The Commission's reports, recommendations, and studies are published on the Commission's website⁶⁰ and in hardcover volumes that serve as a permanent record of the Commission's work and are a valuable contribution to the legal literature of California. These volumes are also available at many law libraries. Publications that are out of print are available as electronic files.⁶¹

⁶⁰ www.clrc.ca.gov

⁶¹ See [Commission Printed Reports, Recommendations, and Studies](#).

Personnel of Commission⁶²

As of January 30, 2026, the following persons are members of the Commission:

Legislative Members⁶³

Assembly Member Blanca Pacheco
Senate Representative (Vacant)

Legislative Counsel⁶⁴

Cara Jenkins

Members Appointed by Governor⁶⁵

	<i>Term Expires</i>
Richard Simpson <i>Chair</i>	October 1, 2027
Victor King <i>Vice-Chair</i>	October 1, 2027
Maria Bee	October 1, 2027
David A. Carrillo	October 1, 2027
Ana Cubas	October 1, 2029
Amb. (r.) David Huebner	October 1, 2029
Vacancy	

62. See also *Biographies of 2025 Commissioners*, Appendix 3 *infra*.

63. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov't Code § [8281](#).

64. The Legislative Counsel serves on the Commission by virtue of the office. Gov't Code § [8281](#).

65. Seven Commission members are appointed by the Governor with the advice and consent of the Senate, to serve staggered four-year terms. See Gov't Code § [8281](#). If a vacancy occurs in any of these appointed offices mid-term, the Governor may appoint a replacement to the vacant office, to serve for the balance of the unexpired term of the person's predecessor. *Id.* Upon expiration of a Commission member's term, the member if not reappointed may continue to serve an additional 60 days, after which time the office is deemed to be vacant. Gov't Code § [1774\(a\)](#).

The following persons are currently on the Commission's staff:⁶⁶

Legal

SHARON REILLY
Executive Director

SARAH HUCHEL
Chief Deputy Director

STEVE COHEN
Senior Staff Counsel

Administrative

CHRISTIE HOUSE
Chief of Administration

MEGAN HAYENGA
Office Technician

Committee on Revision of the Penal Code

On January 1, 2020, the Committee on Revision of the Penal Code was formed as a part of the Commission.⁶⁷

The Commission provides administrative support for the Committee, but the membership, authority, and deliberative processes of the two bodies are separate and non-overlapping.⁶⁸

The Committee describes its activities and recommendations in a separate Annual Report.⁶⁹

Commission Budget

The Commission's operations for the 2025-26 fiscal year, including the operations of the Committee on Revision of the Penal Code, is funded through a reimbursement from the California Office of Legislative Counsel in the amount of \$3,408,000.⁷⁰

66. The Commission also employs three attorneys who work exclusively for the Committee on Revision of the Penal Code: Thomas Nosewicz, Joy Haviland, and Richard Owen.

67. Gov't Code § [8280\(b\)](#).

68. Gov't Code §§ [8281](#) (Commission membership), [8281.5](#) (Committee membership), [8289](#) (Commission duties), [8290.5](#) (Committee duties and authority), 8293(a) (Commission authority).

69. Gov't Code § [8293\(b\)](#).

70. See <https://ebudget.ca.gov/202526/pdf/Enacted/GovernorsBudget/8000/8830>.

Expert Reports: Antitrust Study

The Commission recruited experts to assist the Commission in its study of Antitrust Law.⁷¹ The experts' scopes of work are described in Memoranda [2023-16](#) and [2024-32](#).

The Commission is extremely grateful for the invaluable assistance these experts provided. The reports they prepared for the Commission established a critical foundation for the Commission's deliberations.

Other Activities

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific

71. Antitrust working groups were composed of the following individuals: *Single Firm Conduct*: Professor Aaron Edlin, UC Berkeley Law; Professor Doug Melamed, Stanford Law School; Sam Miller, UC Law San Francisco (visiting scholar); Professor Fiona Scott Morton, Yale School of Management; and Professor Carl Shapiro, UC Berkeley Law; *Mergers and Acquisitions*: Professor Richard Gilbert, UC Berkeley Economics; Professor Prasad Krishnamurthy, UC Berkeley Law; Professor John Kwoka, Northeastern University, Economics; Professor Daniel Sokol, USC Gould School of Law, Marshall School of Business; and Professor Guofu Tan, USC Dornsife, Economics; *Concerted Action*: Professor Peter Carstensen, University of Wisconsin School of Law; Professor Josh Davis, UC Law San Francisco; Professor Joseph Farrell, UC Berkeley Economics; Professor Christopher Leslie, UC Irvine School of Law; Julie Pollock, Berger Montague; Sarah Van Culin, Zelle LLP; and Judith Zahid, Zelle LLP; *Consumer Welfare Standard*: Professor Jorge Contreras, University of Utah College of Law; Professor Warren Grimes, Southwestern Law School; Professor Douglas Melamed, Stanford Law School; Heather Nyong'o, Cleary Gottlieb; and Professor Barak Orbach, University of Arizona, James E. Rogers College of Law; *Technology Platforms*: Abiel Garcia, Kesselman Brantly Stockinger LLP; David Kesselman, Kesselman Brantly Stockinger LLP; Professor Mark Lemley, Stanford School of Law; Professor Justin McCrary, Columbia Law School; Brantley Pepperman, Quinn Emanuel; Professor Steve Tadelis, UC Berkeley Economics; and Kevin Teruya, Quinn Emanuel; *Enforcement and Exemptions*: Kathleen Foote, California Department of Justice, Antitrust Section (ret.); Professor Roger Noll, Stanford Economics (emeritus); Marc Seltzer, Susman Godfrey LLP; and Dena Sharp, Girard Sharp; *Concentration in California*: Dean Harvey, Leiff Cabraser Heimann & Bernstein; Cheryl Johnson, California Department of Justice (ret.); Diana Moss, Progressive Policy Institute; Professor Barak Richman, Duke Law School; and Shana Scarlett, Hagens Berman; *Artificial Intelligence*: Abiel Garcia, Kesselman Brantly Stockinger, LLP; David Kesselman, Kesselman Brantly Stockinger, LLP; Professor Sam Miller, UC Law San Francisco; Diana Moss, Progressive Policy Institute; and Professor Fiona Scott Morton, Yale School of Management. For additional biographical information, see Memoranda [2023-11](#), [2023-16](#), and [2023-22](#).

associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.⁷²

National Conference of Commissioners on Uniform State Laws

The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (ULC).⁷³ Legislative Counsel and Commission member Cara Jenkins is a member of the California Commission on Uniform State Laws and the National Conference of Commissioners.

A representative of the ULC presented updates on its Antitrust Pre-Merger Notification Act to the Commission on January 23 and December 4, 2025.

Other Commissioner and Staff Activities

On February 14, 2025, Executive Director Sharon Reilly gave a presentation about the Commission to an advanced legislative process class at UC Law San Francisco, taught by former Commissioner and Legislative Counsel Diane Boyer-Vine.

Legislative History of Recommendations in the 2025 Legislative Session

No Commission recommendations were considered by the Legislature in 2025. However, [SB 29](#) (Laird),⁷⁴ would partially implement a 1961 recommendation related to Survival of Actions.⁷⁵

Report on Statutes Repealed by Implication or Held Unconstitutional

Government Code Section [8290](#) provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by

72. Gov't Code § [8296](#).

73. Gov't Code § [8289](#).

74. As of January 21, 2026, SB 29 is on the [Assembly Inactive File](#) for the 2025-26 Legislative Session.

75. [Recommendation and Study Relating to Survival of Actions](#), 3 Cal. Law Revision Rep. (1961). This bill was pending in the Legislature as of January 19, 2026.

the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual Report was prepared,⁷⁶ and has the following to report:

- No decision of the United States Supreme Court or the California Supreme Court holding a California statute repealed by implication has been found.
- No decision of the United States Supreme Court holding a California statute unconstitutional has been found.
- One decision of the California Supreme Court holding a California statute unconstitutional has been found.⁷⁷

Recommendations

The Commission respectfully recommends that the Legislature authorize the Commission to continue its study of the topics previously authorized as well as the proposed new topics on local education agency reporting and civil writ procedures.⁷⁸

Pursuant to the mandate imposed by Government Code Section [8290](#), the Commission further recommends the repeal of the provisions referred to under "Report on Statutes Repealed by Implication or Held Unconstitutional," *supra*, to the extent they have been held unconstitutional, and have not been amended, reformed, or repealed.

76. The study in the Commission's last Annual Report was carried through opinions published on or before March 7, 2025. This study has been carried through opinions published on or before January 14, 2026.

77. In *Los Angeles Police Protective League v. City of Los Angeles* (2025) 18 Cal.5th 970, the California Supreme Court held that Penal Code Section 148.6(a), which prohibits the filing of a knowingly false allegation of misconduct against a peace officer, is a content-based restriction on speech that warranted and failed to satisfy heightened constitutional scrutiny, and as a result violates the First Amendment of the United States Constitution.

78. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra*.

APPENDIX 4

BIOGRAPHIES OF 2025 COMMISSIONERS

Richard Simpson, of Sacramento, presently serves as Chair of the Commission. He also serves on the California Commission on Teacher Credentialing. He was previously Chief of Staff for the Office of Senator Hertzberg in 2019, Deputy Chief of Staff and Education Advisor for eight Assembly Speakers from 1999 to 2016, Legislative Secretary in the Office of Governor Gray Davis in 1999, a legislative advocate for the California Teachers Association from 1996 to 1998, Chief of Staff for the Senate Education Committee from 1995 to 1996, Education Advisor for the Office of the Assembly Speaker Willie Brown, Jr. from 1991 to 1994, Senior Consultant for the Assembly Education Committee from 1984 to 1990, and Education Consultant at the Senate Office of Research from 1978 to 1984. He also served as a member of the Commission on Judicial Performance from 2013 to 2024 and as a member of the Sacramento County Board of Education from 1990 to 2002. Commissioner Simpson received a Master of Public Policy degree from the University of California, Berkeley.

Victor King, of La Crescenta, presently serves as Vice-Chair of the Commission. He is senior counsel practicing education law at Olivarez Madrugá Law Organization LLP in Los Angeles, California. He was previously the University Legal Counsel for California State University, Los Angeles from 2002 to 2024, a partner and associate with the law firm of Lewis Brisbois Bisgaard and Smith LLP from 1999 to 2002, an associate with the law firm of Bottum and Felton from 1996 to 1999, and an associate with the law firm of Ochoa and Sillas from 1991 to 1995. He was also a Trustee of the Glendale Community College District from 1997 to 2009. Commissioner King received a Juris Doctor degree from the University of Michigan Law School.

Maria Bee, of Oakland, has been the Chief Assistant City Attorney at the Oakland City Attorney's Office since 2018. She has been with the Oakland City Attorney's Office since 2014 where she

was previously Special Counsel and a Supervising Attorney. Prior to this, she was the Chief of Victim Services in the San Francisco District Attorney's Office from 2006 to 2014 and a Deputy City Attorney in the Oakland City Attorney's Office from 2000 to 2006. She also serves on the board of the Alameda County Bar Association and is a member of the Charles Houston Bar Association. Commissioner Bee received a Juris Doctor degree from the University of California, Berkeley Law.

Senator Catherine S. Blakespear, of Encinitas, has been a member of the California State Senate since 2022. Prior to this, she was Mayor of Encinitas from 2016 to 2022, on the Encinitas City Council from 2014 to 2016, and a Traffic Commissioner in Encinitas from 2011 to 2014. She previously worked as an associate attorney with Ray Quinney & Nebeker, as an estate planning attorney in solo practice, and as a reporter for the Los Angeles Times and Associated Press. Senator Blakespear received a Juris Doctor degree from the University of Utah, S.J. Quinney College of Law, and a bachelor's and master's degree in journalism from Northwestern University.

David A. Carrillo, of Berkeley, has been Executive Director and Lecturer in Residence at the California Constitution Center, University of California, Berkeley Law since 2012. He was previously a Deputy Attorney General for the California Department of Justice from 2001 to 2003, a Deputy City Attorney for the City of San Francisco from 2007 to 2012, and a Deputy District Attorney for Contra Costa County from 1995 to 1998. Commissioner Carrillo received a Juris Doctor degree, a Master of Laws degree, and a Doctor of the Science of Jurisprudence degree from the University of California, Berkeley Law.

Xochitl Carrion, of San Francisco, is a Senior Associate at McDowall Cotter, APC. She founded and was an attorney with the Law Office of Xochitl Carrion from 2023 to 2025. She was previously an attorney at the ALTO Alliance LLC from 2021 to 2022, an Assistant District Attorney at the San Francisco District Attorney's Office from 2015 to 2021, and an associate at Goldfarb

& Lipman LLC from 2007 to 2015. Commissioner Carrion also served as the President of the California La Raza Lawyers Association and as Vice President of the San Francisco Sheriff's Oversight Board. Commissioner Carrion received a Juris Doctor degree from the University of California Law San Francisco.

Ana Cubas, of Los Angeles, has been an adjunct professor with the Los Angeles Community College District since 2017, the Founder and President of the Latina Public Service Academy since 2014, and the Founder and Chief Executive Officer of Ana Cubas Consulting LLC. since 2013. She was previously the Government Affairs Manager at Vanir Construction Management from 2016 to 2017, a Project Manager at HDR Inc. from 2014 to 2015, and Chief of Staff for District 14 of the City of Los Angeles from 2009 to 2012. She is a member of the United States Green Building Council and the California Hispanic Chambers of Commerce. Commissioner Cubas received a Master of Arts degree in Public Affairs and Urban/Regional Planning from Princeton University, and a Master of Business Administration degree from the University of Southern California.

Amb. (r.) David Huebner, of Palm Springs, has been an arbitrator and mediator affiliated with JAMS since 2017. He was previously a partner at Arnold & Porter from 2014 to 2016, the U.S. Ambassador to New Zealand and the Independent State of Samoa from 2009 to 2014, a partner at Sheppard Mullin Richter & Hampton LLP from 2005 to 2009, an Adjunct Professor at the University of Southern California Gould School of Law from 1999 to 2007, and a partner at Coudert Brothers from 1992 to 2005, where he also served as Chair and CEO. Commissioner Huebner received a Juris Doctor degree from Yale Law School, and an A.B. degree, *summa cum laude*, from Princeton University.

Cara Jenkins, of Sacramento, was appointed Legislative Counsel for the State of California in 2020. She was previously a Deputy Legislative Counsel in the Office of Legislative Counsel from 2010 to 2020, an associate at a private law firm in Sacramento, and an intern at the Sacramento City Attorney's office and the California

Department of Justice. She also serves as a member of the California Commission on Uniform State Laws. Commissioner Jenkins received a Juris Doctor degree from University of the Pacific, McGeorge School of Law.

Assembly Member Ash Kalra, of San Jose, has been a member of the California State Assembly since 2016 and currently chairs the Assembly Judiciary Committee. He was previously a Deputy Public Defender for Santa Clara County from 2004 to 2015 and served on the San Jose City Council for eight years. Commissioner Kalra received a Juris Doctor degree from Georgetown University.

Assembly Member Blanca Pacheco, of Downey, has been a member of the California State Assembly since 2022 and is the Chair of the Assembly Rules Committee. She previously served as mayor of Downey from 2020 to 2022, was elected to the Downey City Council in 2016, has served as President of the League of California Cities, Los Angeles Division, and was an at-large director on the League of California Cities' State Board. Commissioner Pacheco received a Juris Doctor degree from Loyola Law School.
