

CALIFORNIA LAW REVISION COMMISSION

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NEWS RELEASE
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Trial Court Restructuring Clean-Up: Obsolete "Constable" References

Request for Public Comment

The Law Revision Commission seeks public comment on its tentative recommendation regarding the references to "constables" that remain in the codes.

In the past, constables and deputy constables provided court security services for justice courts. Upon elimination of the justice courts in 1995, most statutory references to constables and deputy constables became obsolete.

Many of those references have already been deleted from the codes. The Law Revision Commission examined the remaining statutory references to constables and deputy constables, and determined that they fall into three categories:

- (1) *Constable References in Code Sections Previously Amended by a Statewide Initiative.* Two Penal Code provisions still refer to constables (Penal Code §§ 412, 413). These provisions cannot be amended through the normal legislative process, because they were last amended through a statewide vote on an initiative measure. The Commission tentatively recommends that they be amended through the initiative process to delete the obsolete references to constables. Due to the cost of that process, however, a stand-alone measure is not warranted. It appears preferable to combine these technical amendments with other reforms when an appropriate opportunity arises.
- (2) *Retirement-Related References to Constables.* Most of the remaining statutory references to constables and deputy constables relate to retirement benefits of such employees. The Commission is tentatively inclined to leave those provisions alone, because they may have continuing relevance.
- (3) *Other References to Constables.* Only one other code section still refers to constables (Corp. Code § 14502). The Commission tentatively recommends that it be amended to delete the obsolete reference to constables.

The tentative recommendation is available on the Commission's website at <www.clrc.ca.gov/J1405.html>.

The Commission often substantially revises its recommendations as a result of public comment. Comments may be in any format. They can be emailed to bgaal@clrc.ca.gov or mailed to the street address shown above. To receive timely consideration, comments should be submitted by **August 31, 2018**.

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