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RESEARCH TIPS: CALIFORNIA CHAPTERED LAWS ONLINE, 1850 – CURRENT

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In the interpretation of statutes, the courts will resort to the use of extrinsic aids to shed light on the Legislature's intent.* One such extrinsic aid of little known value is the multi-volume *California Statutes and Amendments to the Codes* (hereafter *Statutes*). Every bill passed since 1850 has been assigned a chapter number within a designated legislative session and is published in the *Statutes*. However, the four 1872 Code Enactments were published separately (Civil, Civil Procedure, Penal and Political). Analyzing the evolution of a California code section from its earliest inception can yield valuable information regarding legislative intent.

Regarding Internet access to the *Statutes*, there is good news and bad news. The good news is that, with the exception of the 1872 Code Enactments, the California Legislature has provided Internet access to all of the chaptered laws. The bad news is that one of the databases has its "challenges," and has been known to test one's sanity.

TIPS ON HOW TO USE THE STATUTES

Here is an example of how to use the *Statutes* based on an actual project our office worked on: Opposing counsel is asserting that a statute imposes a mandatory duty on your client. You disagree because a plain reading of the statute – "may do X" – reveals a discretionary intent. However, there is no case law to support your common sense analysis of the statute, so you turn to the *West's* and *Deering's* legislative history code annotations for the necessary *Statutes* citations that allow you to assemble every incarnation of the statute from day one. (*West* and *Deering's* occasionally miss one or more citations so it is in your best interest to check both publications. Between the two of them, you can catch most of the omissions.) After analyzing the evolution of the statute, you discover that it was originally written to say "shall do X" before it was amended to say "may do X" – supporting your conclusion that the Legislature did not intend to create a mandatory duty on your client.

Why can't you just rely on the descriptions of the amendments in the annotated codes? There are several reasons. For example, many times the annotated codes do not provide the actual descriptions of the amendments, and sometimes their descriptions do not do justice to the actual amendments. Also, rarely do the annotations describe the first incarnation of a statute. They mainly focus on subsequent amendments, and they never describe the derivations, which are the prior law versions of the statute (i.e., when it existed under one or more different code sections or in uncodified general law). Lastly, it is difficult to keep track of statutory changes when there have been many amendments or re-letterings of subdivisions. You can avoid these problems by having the actual language in front of you.

INTERNET ACCESS TIP

(1) 1850 – 1993. This database contains Adobe PDF versions of all of the chaptered laws from 1850 through 1993, excluding the 1872 Code Enactments. This is the most challenging database, and can be found on the Assembly's web page:

<http://192.234.213.35/clerkarchive/>. The third drop down menu on the left says "Statutes." Click on the drag-down menu and scroll to the year you need. After selecting the year, a table of contents will open. Find the bank of chaptered laws that has your chaptered law number in it and click on it. This will open up the appropriate volume from the *Statutes*.

- **Finding the chapter you need.** Once you open the appropriate file, look for bookmarks on the left side of the screen. The word "Statutes" will in the bookmarks column with a "+" sign next to it. Click on the symbol to expand the bookmarks which will allow you to see increment of chapter numbers. Click on the chapter number that is numerically closest to the one you are interested in. After that, it is simply a matter of scrolling through until you reach the specific chapter that you are interested in.
- **Using large Adobe files.** The best tip we can give is this: remain patient. Most of the files contained in this database are gigantic, some even exceeding 100MB. Files this large take a painfully long time to upload completely. Even with a high speed, connection the average wait time is thirty or forty minutes. Because of these large sizes, we recommend closing all other applications before beginning the uploading process because you won't want to overwhelm your computer. Your computer may appear to "freeze" while the huge records are uploading, but try to resist the temptation to reboot. You may be able to scroll through the file a couple of times, or even print once. But, risk too much activity before the file is completely uploaded, and your computer will get angry with you. One way around this, besides waiting for the upload to complete, is to exit and reenter after each activity. It "cleans the slate."

(2) 1993 – Current, without a bill number. Go to <http://www.leginfo.ca.gov/statute.html> and enter the chapter number and year number and, in return, you will get receive a word searchable HTML version of the chaptered law.

(3) 1993 – Current, with a bill number. Go to <http://www.leginfo.ca.gov/bilinfo.html> and select the appropriate year from the first drop-down menu. The second drop-down menu allows you to select the bill type, either Senate or Assembly. In the text box, type in the bill number and hit "search." The first entry under "Bill Text" will say "Chaptered." You can view the chaptered law in either the HTML or PDF, depending on personal preference. Please note that the 1993-94 session only has the HTML version.

* For points and authorities, see LRI's website www.lrihistory.com: Complimentary Resources > Research and Practice Guide, Chapters 1 and 8.

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