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QUICK TIPS: California Statutory Records How To Answer The Question *“I wonder what the heck happened to that code section... ?* Reconstructing Lost Legislative Annotations From 1850-Current

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Introduction

Has this ever happened to you? You have to track down a code section that no longer exists and you run into a brick wall?³ *What the heck could've happened to it?* You wonder. This article is offered to help you answer that question by helping you reconstruct lost legislative history annotations using mostly free online sources. With them, you will be able to reconstruct your code section's family tree before it was laid to rest. Armed with those

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² This May 14, 2010, Quick Tips revision includes information covering new digital sources for 1997-2008 and highlights the main, annual hardcopy source we use for 2009 forward. It also fills in information gaps for other years previously not covered.

Previously my September 2, 2009, quick tips only covered free, online digital sources for 1850-1996. I pointed out that, for the years 1997 forward, researchers could use the year-by-year tables found at the following sources: (1) *Digital, current year only*: The Legislature's *Table of Sections Affected*, published annually online by the Legislature at <http://www.leginfo.ca.gov/legpubs.html>. (Unfortunately, past issues are not archived online.) (2) *Hardcopy*. (a) *Annual*. West's hardcopy *California Legislative Service* is generally the best available alternative. Each year's volume 10 does the honors. (b) *Cumulative*. The separately published statutory records through 1998 are available at depository libraries (in theory).

³ This can happen, for example, when the code section is cited in an older case, a legal document or a law review article.

citations you can even discover what the section looked like on a specific date, including gain access to free online versions of the session laws.⁴

Normally you could expect to find out what happened to your expired code section in a *West* or *Deering's* annotated code book (or Westlaw or Lexis-Nexis): Just hunt up the code section, and even if it doesn't exist anymore, the kindly code editors generally keep track of the legislative history notes. Their helpful notes cite to any prior law, the acts that added and amended it, any repeal or recodifications, etc. But sometimes the kindly code annotators were asleep at the wheel and missed key legislative cites.⁵ (It is not uncommon for *West's* to have cites that *Deering's* misses and vice-versa. That is why I always check both sets of codes.)

It makes sense that the Legislature would keep track of all its enactments, especially the adoption, amendment, repeal and recodification of its code sections and statutes.⁶ But alas, they did not do so in a uniform manner for all years. Thus, another major aim of these quick tips is help make sense of the hodgepodge for you.

The primary, free online tools covering 1850-2008 addressed in Part 1 of this article are:

- The *California Statutes and Amendments to the Codes* indices and tables

Blessed Compilations⁷. The *California Statutes and Amendments to the Codes* publish all of the legislature's enactments⁸ (aka chaptered laws or session laws) and some handy reference tools, including a few *blessed compilations* of statutory records at http://clerk.assembly.ca.gov/archive-list?archive_type=statutes under "Statutes". You are mostly looking for the tables entitled "Statutory Record." But please note: My company, Legislative Research & Intent LLC also has a collection of a few of the separately published Statutory Records (not all) as cited in Part 2 below, and we are always happy to email excerpts to you at no charge. You can email your request to me at intent@lrihistory.com.

⁴For that information, go to the following two complimentary resources posted on our website under "Resources": *Statute Dates: Helpful Tips Regarding California Statute Dates: Effective vs. Operative Dates & Retroactivity* and *Statutes Online: Accessing California Statutes Online: 1850 – Current*.

⁵ I'll have to do a separate Quick Tips on the mind numbing recodification tables. Until then, here is my favorite help: The 1st volume of the various hard bound West Codes are my favorite tool. If there have been massive (sometimes multiple) recodifications (e.g. Education Code), volume 1 of the series will supply the necessary recodification cites.

⁶ The legislature has adopted code sections appearing in named code books (e.g., Civil Code, Penal Code, etc.) as well as *statutes other than code sections*, not appearing in any named code book. E.g., Veh. Code § 35550 as derived from the Statutes of 1915, Chapter 188, § 15, as amended by the Statutes of 1917, Chapter 218, § 12. The 1915 and 1917 acts were not embodied in a separately named code book. They are simply codified acts appearing in the *Statutes and Amendments to the Codes*.

⁷ I have dubbed them "blessed compilations" for this article because the alternative – a year-by-year search of the indices and tables – feels like research hell.

⁸ Fun facts re: the biennial and annual snapshots in the Statutes and Amendments to the Codes:

(1) They were published biennially from 1850 – 1968. In 1969 the Legislature became a fulltime, annual Legislature so annual publications became necessary. Before 1969, the Legislature met every other year except for the occasional off-year, special sessions.

(2) From 1850 - 1929 the statutory records published for each session were nothing more than a topical index with references to the chaptered laws. Groan. There were no handy charts.

(3) Thankfully, in 1931, the Legislature began publishing charts of sections affected in addition to the topical indices. (A new day in easier research was launched!) However, the session before that, in 1929, the Assembly Final History had already begun publishing a statutory record covering all codes and statutes not codes addressed that year. (From 1905 until 1929 the Assembly had only tracked actions relating to the 4 major codes in existence at that time, the Civil Code, the Code of Civil Procedure, the Penal Code and the Political Code.)

Gap Filling. All gaps between the blessed compilations – *except for 1998*⁹ – can be filled with the session-by-session indices and tables provided in this collection a well.

- Assembly final histories, volume 2 (available at the above website under “Histories and Indexes”).

All gaps between any missing compilations – again, *except for 1998* – can also be filled with the session-by-session Assembly final histories.¹⁰ See the Table of Sections Affected at the end.

- New digital compilations covering 1997-2008

The Legislature recently updated its online publications to include two new compilations: a 1989-1997 compilation at http://clerk.assembly.ca.gov/archive-list?archive_type=statutes under “Statutes”. Since it overlaps with the pre-existing 1989-1997 compilation, its main value is that it picks up 1997. The best news, however, is that a new 1999-2008 compilation has been created. You can access either PDF or HTML versions at <http://www.leginfo.ca.gov/legpubs-statrecord.html>. An added bonus with the HTML version is that it has hyperlinks to HTML versions of the cited chaptered laws.

The primary hardcopy sources covering 1850 – current addressed in Part 2 of this article are:

The Legislature published separate, cumulative statutory records from 1850-1998. They should be available at all depository libraries. Statutory records after 1998 can be found in *West’s* annual Legislative Service (volume 10 for all years) which are more than likely maintained in most California county law library collections. Also an annual Table of Sections Affected can generally be found at the end of the annual *Assembly Final History*. Assembly final histories can be found in the *Legislative Calendar* publications for the early years (through the 1950’s, if memory serves). After that they were published separately.

Part 1. Online Statutory Records 1850-2008

As detailed below, the 1850 to 1998 statutory records can be found at http://clerk.assembly.ca.gov/archive-list?archive_type=statutes under either “Statutes” or “Histories and Indexes”. The new 1999-2008 blessed compilation can be found at <http://www.leginfo.ca.gov/legpubs-statrecord.html>.

- 1850-1921:** Topical indices and minimal code charts in the *Statutes and Amendments to the Codes*¹¹.
- **Ouch.** This bank of years requires a-year-by year search. But again, my company has copies of the separately published tables and indices covering 1850-1920 and 1921-1932. We can e-mail you relevant excerpts at no charge. We specialize in finding the easiest, most pain free route whenever possible and sharing solutions with fellow researchers.

⁹ As of this writing, the 1997-1998 online collection of Statutes and Amendments to the Codes merely republishes the 1989-1997 compilation. It does not supply a 1998 statutory record. This is odd.

¹⁰ As of this writing, the online Assembly Final History for 1998 does not yet have a statutory record table.

¹¹ This bank of years requires a-year-by year search. However, my company has indices/tables covering 1850-1932 which we can e-mail you excerpts from at no charge.

- For year-by-year research: Beginning in 1873-74 charts were added, but only for the then existing code books: Civil, Code of Civil Procedures, Penal and Political. Statutes other than codes were not charted – so you are stuck using the topical indices which provide cites to relevant chaptered laws. (Best to go for the above “ouch” remedy.)

1923-1932: Two biennial sources for comprehensive charts cover codes *and* statutes other than codes. (Finally!) But see above “ouch” note to avoid year-by-year searches.¹²

- *Statutes and Amendments to Codes*
- Assembly final histories

1933-1939: *Blessed compilation*,¹³ Statutory Record: 1939 volume of Stats. & Amends to Codes

1933-1941: *Blessed compilation*, Statutory Record: 1941 volume Stats. & Amends to Codes

1942-1948: Same two sources as 1923-1932 above.

1949-1955: *Blessed compilation*, Statutory Record: 1955 volume Stats. & Amends to Codes,

1956-1968: Same two sources as 1923-1932 above.

1969-1977: *Blessed compilation*, Statutory Record: 1977, vol. 3 Stats & Amends to Codes

1969-1978: *Blessed compilation*, Statutory Record: 1978, vol. 4 Stats & Amends to Codes

1979-1985: *Blessed compilation*, Statutory Record: 1985, vol. 4 Stats & Amends to Codes

1979-1986: *Blessed compilation*, Statutory Record: 1986, vol. 4 Stats & Amends to Codes

1987-1988: Gaps, fill with hard copy per Part 2 below or Histories & Indices, Table of Sections Affected

1989-1996: *Blessed compilation*, Statutory Record: 1996, vol. 6 Stats & Amends to Codes

1989-1997: *Blessed compilation*, Statutory Record: 1997, vol. 6 Stats & Amends to Codes

1998: Gap, fill with hard copy per Part 2 below

1999-2008: *Blessed compilation*, Statutory Record (Remember, the HTML versions have links to the actual chaptered laws.)

Part 2. Hardcopy Statutory Records 1850-Current

If at all possible, try and lay your hands on the separately published statutory records. These are *not* available for free at the above websites. However, most California depository libraries should have them. They are:

- *Index to the Laws of California, 1850-1920*¹⁴
- *Index to the Laws of California, Supplement, 1921-1925*¹⁵
- *Statutory Record, Supplement to the Index to the Laws of California, 1850-1932*¹⁶
- *Statutory Record Supplement, 1933-1948*
- *Statutory Record Supplement, 1949-1958*
- *Statutory Record Supplement, 1959-1968*¹⁷
- *Statutory Record Supplement, 1969-1978*¹⁸
- *Statutory Record Supplement, 1979-1988*

¹² Also a new School Code was added to the short list of official code books in 1929.

¹³ All the *blessed compilations* have the same helpful indices and charts covering actions taken with respect to codes and other statutes not codes.

¹⁴ LRI has this volume and is always happy to copy and email excerpts from its collection here at no charge.

¹⁵ Ditto.

¹⁶ Ditto.

¹⁷ Ditto.

¹⁸ Ditto.

- *Statutory Record Supplement, 1989-1998*

Two other resources are:

- Annual hard copy statutory records are published in volume 10 of every yearly *West Legislative Service* collection.
- The annual Table of Sections Affected found at the end of the annual Assembly Final History.

Feel free to contact me if you have any questions at intent@lrihistory.com – and be brave!