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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 legislative annotations from 1850-1996.

By Carolina Rose<sup>1</sup>  
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Has this ever happened to you – you run across an old code or statutory citation that no longer exists, and you have to find out what the heck happened to it? Normally you’d expect to find the answer 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 – you know, citing to any prior law, the acts that added and amended it, any repeal or codification, etc. But sometimes the kindly code annotators were asleep at the wheel and missed key legislative cites.<sup>2</sup> (It is not uncommon for *West’s* to have cites that *Deering’s* misses and vice-versa. That’s why I always check both sets of codes.) When that happens, the following resources available for free on the internet at <http://192.234.213.35/clerkarchive/> covering 1850-1996 have helped me reconstruct an accurate set of legislative citations.<sup>3</sup> I can find out if and when the laws of interest was amended, repealed or recodified. I can even find the referenced chaptered laws in the *Statutes and Amendments to the Codes* (also available for free at that same website).

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.<sup>4</sup> But alas, they did not do so in a uniform manner for

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<sup>1</sup> Carolina Rose (1976 J.D., Stanford) is co-founder and President of Legislative Research, Inc. (LRI) which was a member of CAPA. LRI (established in 1983) specializes in the historical research surrounding the adoption of California codes and regulations. Carolina worked for the California Legislature for 7 years where she was responsible for over 200 measures; provides expert witness consulting in the reconstruction of legislative history; and teaches MCLE seminars on legislative history, related ethical advocacy strategies and regulatory history research.

<sup>2</sup> I’ll have to do a separate Quick Tips on the mind numbing recodification tables. Until then, here is my favorite help: The 1<sup>st</sup> 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.

<sup>3</sup> For 1997 forward I am stuck using the year-by-year tables found in the Legislature’s *Table of Sections Affected*, published annually online by the Legislature at <http://www.leginfo.ca.gov/legpubs.html> -- but unfortunately, past issues are not archived online. *West’s* hardcopy *California Legislative Service* is the alternative. Each year’s volume 10 does the honors. The separately published *Statutory Record Supplement, 1989-1998* is also useful.

<sup>4</sup> 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

all years. The aim of these quick tips is make sense of the hodgepodge for you. The primary tools are the *California Statutes and Amendments to the Codes* indices and tables, as augmented by the Assembly final histories (both available at the above website). The *California Statutes and Amendments to the Codes* publish all of the legislature's enactments and some handy reference tools, including a few *blessed compilations*<sup>5</sup> of statutory records as listed below in addition to their annual/biennial legislative enactments.<sup>6</sup> Gaps between the missing years/sessions can be filled with the session-by-session *Statutes and Amendments to the Codes* and/or the Assembly final histories. Again, you are mostly looking for the tables entitled "Statutory Record." But please note: My company, Legislative Research, Inc., also has a collection of separately published Statutory Records as cited below, and we are always happy to email excerpts to you at no charge. You can email your request to me at carolina.rose@lrihistory.com.

### Statutory Records 1850-1996, Online Helps At

<http://192.234.213.35/clerkarchive/>

- 1850-1921:** Topical indices and minimal code charts in the *Statutes and Amendments to the Codes*<sup>7</sup>.
- **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 which we can email you excerpts from at no charge. I'm all about taking the easiest, most pain free route whenever possible and sharing solutions.
  - **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.
- *Statutes and Amendments to Codes*
  - Assembly final histories
- 1933-1939:** *Blessed compilation*,<sup>8</sup> 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,

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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*.

<sup>5</sup> I've named them "blessed compilations" for this article because the alternative – a year-by-year search of the indices and tables – feels like research hell.

<sup>6</sup> 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.)

<sup>7</sup> This bank of years requires a-year-by year search. However, my company has indices/tables covering 1850-1932 which we can email you excerpts from at no charge.

<sup>8</sup> All the *blessed compilations* have the same helpful indices and charts covering actions taken with respect to codes and other statutes not 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  
**1989-1996:** *Blessed compilation*, Statutory Record: 1996, vol. 6 Stats & Amends to Codes

If at all possible, try and lay your hands on the separately published statutory records (*not* available for free at the above website). They are:

- *Index to the Laws of California, 1850-1920*<sup>9</sup>
- *Index to the Laws of California, Supplement, 1921-1925*<sup>10</sup>
- *Statutory Record, Supplement to the Index to the Laws of California, 1850-1932*<sup>11</sup>
- *Statutory Record Supplement, 1933-1948*
- *Statutory Record Supplement, 1949-1958*
- *Statutory Record Supplement, 1959-1968*<sup>12</sup>
- *Statutory Record Supplement, 1969-1978*<sup>13</sup>
- *Statutory Record Supplement, 1979-1988*
- *Statutory Record Supplement, 1989-1998*

Feel free to contact me if you have any questions at [carolina.rose@lrihistory.com](mailto:carolina.rose@lrihistory.com) – and be brave!

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<sup>9</sup> LRI has this volume and is always happy to copy and email excerpts from its collection here at no charge.

<sup>10</sup> Ditto.

<sup>11</sup> Ditto.

<sup>12</sup> Ditto.

<sup>13</sup> Ditto.