

West's
ANNOTATED
CALIFORNIA CODES



CONSTITUTION

Article 1 (§§ 1 to 14)

West's
ANNOTATED
CALIFORNIA CODES



CONSTITUTION
of the
STATE OF CALIFORNIA

Article 1 (§§ 1 to 14)

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WEST PUBLISHING CO.

FOREWORD

Volume 1 contains a portion of the Constitution as amended and supplemented with the most recent text and annotative materials. This recompiled volume reflects extensive activity since publication of the original volume in such constitutional areas as liberty of speech and press, exercise of religion, due process, equal protection, and searches and seizures.

The enactments, pertinent judicial constructions and other annotative materials which have accumulated in recent years have been integrated with existing provisions to simplify and facilitate the use of this volume.

All standard practice features of West's Annotated California Codes are continued and expanded in this volume for maximum utility. These valuable research features include:

Case Notes—State and federal court constructions setting forth the facts and the law.

Cross References—State laws of related subject matter, qualification or limitation are noted and listed.

Historical Notes—Showing the source and tracing the development of the law.

Law Reviews—References to pertinent articles and commentaries.

Library References to:

Key Number Digests.

Corpus Juris Secundum.

Opinions of the Attorney General.

An index, comprehensive and detailed, covering the complete text of the Constitution appears in the last volume of the Constitution.

The Publisher expresses its sincere appreciation to the State Officials, to the members of the Judiciary, to the Law Schools, and to the practicing Attorneys whose timely suggestions, supplementing the varied experience of the Publisher, have contributed materially to the successful planning and development of WEST'S ANNOTATED CALIFORNIA CODES.

THE PUBLISHER

December, 1983

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CALIFORNIA CODES

The present system of Codes in California was anticipated by the enactment in 1872 of the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code. The first three of these Codes are still in existence, but the subject matter of the Political Code is now largely covered by the Government Code.

The intensive codification program which produced the current set of Codes was launched in 1929 with the enactment of Stats.1929, c. 750, and was completed in 1953 with the enactment of the Unemployment Insurance Code. The set then consisted of twenty-five Codes including the three enacted in 1872. The total was increased to twenty-seven with the adoption of the Commercial Code in 1963, and of the Evidence Code in 1965. In 1981, the twenty-eighth code was added when the Public Contract Code was enacted.

Stats.1929, c. 750, which launched the codification program, created the California Code Commission, and charged it with the duty of revising all laws of the state. The work of revision was to comprehend the preparation of a statutory record showing the status and disposition of acts theretofore adopted, the codification, consolidation, compilation or revision of all statutes in force; and the express repeal of all statutes theretofore repealed by implication, held unconstitutional, or rendered obsolete by the revision. The final report of the Code Commission was submitted September 1, 1953.

An essential preliminary part of the Code Commission's work was the preparation of a statutory record showing origin, amendments, and repeals of state laws enacted since 1850. The first volume of Statutory Record was published in 1933. Thereafter a supplementary volume was published for the period 1933-1948, another for the period 1949-1958, and another for the period 1959-1968. The Record is supplemented and brought to date in each volume of the session laws.

The California Law Revision Commission was created in 1953 (Government Code § 10300) and charged with the duty of recommending changes deemed necessary to eliminate defects and anachronisms, to modify or eliminate antiquated and inequitable rules of law, and to bring the law into harmony with modern conditions (Government Code § 10330). The recommendations of the Commission have resulted in the enactment of numerous revisions of, as well as additions to, the law.

Publication of West's California Codes was announced in 1954. This is a completely annotated edition which is supplemented by means of pocket parts and pamphlets.

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The official Codes incorporate all the general and permanent legislative law of California. West's Annotated Codes contain additionally the text of—

Initiative Measures—

Chiropractic Act (Business and Professions Code § 1000-1 et seq.)

Daylight Savings Time Law (Government Code § 6807-1 et seq.)

Gift and Inheritance Taxes (Revenue and Taxation Code)

Income Tax Indexing (Revenue and Taxation Code)

Osteopathic Law (Business and Professions Code § 3600-1 et seq.)

Political Reform Act of 1974 (Government Code § 81000 et seq.)

Tax limitation—Proposition 13, Jarvis-Gann (Constitution Article 13A)

Usury Law (Civil Code § 1916-1 et seq.)

Victims' Bill of Rights, 1982 (Constitution, Penal and Welfare and Institutions Codes)

Uncodified laws of general interest—

See, for example, the Appendixes to the Public Utilities Code and the Harbors and Navigation Code

Water district laws—

See the Appendix to the Water Code

General and permanent laws are enacted currently in California as additions to or amendments of the Codes. The code section numbers, as well as Title, Division, Part, Chapter, and Article headings, where appropriate, are included in the laws as enacted. However, section headings for West's Codes are prepared by the West editorial staff, except for certain headings which are supplied by the Office of Legislative Counsel.

Subsequent to their original enactment several of the Codes have been repealed in their entirety and reenacted. These are—

Code	Originally enacted	Reenacted
Agricultural ¹	1933	1967
Education	1943	1976
Elections	1939	1961
Fish and Game	1933	1957
Vehicle	1935	1959

Research has been complicated in California by the enactment and reenactment of new Codes, Divisions, Parts, and Chapters in which subject matter is revised, transferred or repealed, and the same section numbers are used over again to identify different text. The problem thus created is solved in West's California Codes by the inclusion of Conversion Tables, italicized notes, and historical notes containing explanatory matter and derivation credits, all of which combine to trace the law from its origin to the present, and from the present law to its

¹ Renamed the "Food and Agricultural Code" in 1972.

CALIFORNIA CODES

source. Depending on their size and scope, the Tables are inserted at the beginning of volumes or at the head of chapters.

The means for finding a particular Code section are provided by—

General Index

Code Index

Analyses

Code

Title

Division

Part

Chapter

Cross References

The user of the General Index should examine both main volume and pocket part, and, having found his or her reference, should look for his or her section in both pocket part and main volume of the Code cited.

The pocket parts for West's California Codes supplement both the text and the annotative materials in the main volumes. Annotated pamphlets, normally issued twice a year, supplement only annotative features. Legislative service pamphlets, issued during legislative sessions as often as is necessary to provide prompt service, supplement the text of the Codes. Cumulative Tables and an Index in each legislative service pamphlet enable the user to find amendments of existing sections and to identify and locate newly enacted laws.

The development of the California Codes reflects the progressive posture of the California Legislators and of other energetic and enlightened individuals with an interest in the future of the state. The rapid increase in population caused in large part by migratory movement has created ecological, economic, and social problems which have been difficult to solve. The legislative solutions, to the extent that control and regulation can be effective, are found in the pages of the California Codes.

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West's
ANNOTATED
CALIFORNIA CODES

AGRICULTURAL
(now FOOD AND AGRICULTURAL)
BUSINESS AND PROFESSIONS
CIVIL
CIVIL PROCEDURE
COMMERCIAL
CORPORATIONS
EDUCATION
ELECTIONS
EVIDENCE
FINANCIAL
FISH AND GAME
FOOD AND AGRICULTURAL
GOVERNMENT
HARBORS AND NAVIGATION
HEALTH AND SAFETY
INSURANCE
LABOR
MILITARY AND VETERANS
PENAL
PROBATE
PUBLIC CONTRACT
PUBLIC RESOURCES
PUBLIC UTILITIES
REVENUE AND TAXATION
STREETS AND HIGHWAYS
UNEMPLOYMENT INSURANCE
VEHICLE
WATER
WELFARE AND INSTITUTIONS

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CONSTITUTION ANALYSIS

ARTICLE I. DECLARATION OF RIGHTS

Sec.

1. Inalienable Rights.
2. Liberty of Speech or of the Press; Responsibility for Abuse; Right of Refuse to Disclose Source of Information by Member of News Media.
3. Right to Instruct Representatives, Petition and Assembly.
4. Religious Liberty.
5. Military Subordinate to Civil Power; Standing Army; Quartering in Houses.
6. Slavery; Involuntary Servitude.
7. Due Process and Equal Protection; Pupil School Assignment or Transportation; Privileges and Immunities.
8. Business, Profession, Vocation or Employment; Sex, Race, Creed, Color, or National or Ethnic Origin.
9. Bill of Attainder; Ex Post Facto Laws; Obligation of Contracts.
10. Detention of Witnesses; Imprisonment for Debt, Tort, or Militia Fine.
11. Habeas Corpus; Suspension.
12. Bail; Release; Exception for Certain Crimes; Excessive Bail; Recognition.
13. Searches and Seizures; Warrant.
14. Felony Prosecutions; Indictment or Information; Proceedings Before Magistrate; Right to Counsel; Interpreter.
15. Criminal Cases; Speedy Public Trial; Compel Attendance of Witnesses; Appearance and Defense; Counsel; Depositions; Double Jeopardy; Self-Incrimination; Due Process.
16. Jury Trial; Three-fourths Verdict; Waiver of Jury Trial; Number of Jurors.
17. Cruel or Unusual Punishments; Excessive Fines.
18. Treason; Proof Required.
19. Eminent Domain; Just Compensation; Possession.
20. Noncitizens; Property Rights.
21. Husband and Wife; Separate Property.
22. Right to Vote or Hold Office Not Conditioned by Property Qualification.
23. Grand Jury.
24. Rights Not Dependent on Federal Constitution; Rights Reserved to People.
25. Fishing Rights Over Public Lands; Legislative Regulation.
26. Mandatory and Prohibitory Provisions.
27. Death Penalty.
28. Legislative Findings and Declaration; Rights of Victims; Restitution; Safe Schools; Truth-in-evidence; Bail; Prior Convictions.

CONSTITUTION ANALYSIS

ARTICLE II. VOTING, INITIATIVE AND REFERENDUM, AND RECALL

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1. Political Power; Purpose of Government.
- 1½. Repealed.
2. Voters; Qualifications.
- 2.5, 2½, 2¾. Repealed.
3. Residence; Registration; Free Elections.
4. Improper Practices; Certain Persons as Electors; Prohibition.
5. Primary Elections for Partisan Offices; Open Presidential Primary.
6. Nonpartisan Offices.
7. Voting; Secrecy.
8. Initiative.
9. Referendum.
10. Initiative and Referendum; Majority Vote; Effective Date; Conflicting Measures; Amendments and Repeals; Submission of Petition to Attorney General; Submission to Electors.
11. Initiative and Referendum Powers of Cities and Counties.
12. Naming Individuals to Office or Private Corporations to Perform Function or Have Power or Duty.
13. Power of Electors to Remove Elective Officer.
14. Petition; Reasons for Recall; Time; Percentages of Signatures Required.
15. Election; Call by Governor; Majority Vote; Successor.
16. Duties of Legislature.
17. Governor or Secretary of State; Recall; Transfer of Duties.
18. State Officers; Reimbursement of Expenses if not Recalled.
19. Local Officers; Recall.
20. Commencement of Terms of Office; Time of Elections.

ARTICLE III. STATE OF CALIFORNIA

1. Constitution of United States Supreme Law of Land.
2. Boundaries; Sacramento as Capital.
3. Enumeration; Exercise.
- 3.5. Administrative Agencies; Prohibition Against Declaring Statute Unenforceable or Unconstitutional, Exceptions.
4. Salaries; Elected State Officers; Judges.
5. Suits Against State.

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1. Legislative Power.
- 1a. Renumbered.
- 1b to 1d. Repealed.
2. Senate and Assembly; Membership; Terms.
3. Sessions of Legislature.
4. Compensation of Members; Retirement Benefits and Allowances.
5. Qualifications and Elections of Members; Expulsion; Conflicting Interests.

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6. Senatorial and Assembly Districts.
7. Officers; Rules for Proceedings; Quorum; Journal; Public Proceedings; Recesses.
8. Bills; Procedure; Effective Date of Statutes; Urgency Measures.
9. Statutes; Single Subject; Title; Amendment.
10. Bills; Presentation to Governor; Veto; Passage Over Veto; Pocket Veto; Reduction or Elimination of Items of Appropriation.
11. Legislative Committees.
12. Budget; Time for Submission; Budget Bill; Itemized Expenditures; Required Vote for Appropriation Measures; Legislative Control.
13. Legislators; Prohibition Against Holding Other Public Office or Employment.
14. Immunity of Legislators From Civil Process.
15. Bribery of Legislator, etc.
16. Uniform Operation of Laws; Local or Special Laws.
17. Extra Compensation for Past Services.
18. Impeachment.
19. Lotteries; Horse Races, Horse Race Meetings and Bingo Games.
20. Fish and Game; Districts; Commission.
21. Preservation of Government in Event of War-caused or Enemy-caused Disaster.
22. Renumbered.
- 22a. Repealed.
23. Renumbered.
- 23a, 23b. Repealed.
24. Renumbered.
25. Renumbered.
- 25a, 25½. Repealed.
- 25½. Renumbered.
- 25.7. Repealed.
26. Renumbered.
27. Repealed.
28. State Capitol; Restoration; Urgency Statutes.
- 29 to 31. Renumbered.
- 31a. Renumbered.
- 31b. Taxes; Limitation on Lien; Presumption of Payment [Renumbered Art. 13, § 27].
- 31c. Street Improvement Liens; Relief [Renumbered Art. 4, § 28].
- 32 to 38. Repealed.

ARTICLE IV A. DISTRICTING OF STATE SENATE, ASSEMBLY AND BOARD OF EQUALIZATION AND UNITED STATES HOUSE OF REPRESENTATIVES [REJECTED]

ARTICLE V. EXECUTIVE

1. Executive Power; Governor.
2. Governor; Term; Qualifications; Other Offices.
3. Governor; Report to Legislature; Recommendations.

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4. Governor; Information Relating to Duties of Executive Officers, Agencies and Employees.
- 4.5. Renumbered § 4.
5. Governor; Filling Vacancies.
6. Governor; Reorganization.
7. Governor; Commander-in-chief of Militia.
8. Governor; Reprieves, Pardons and Commutations; Report to Legislature.
9. Lieutenant Governor; Qualifications; President of Senate; Vote.
10. Lieutenant Governor; Succession to Office of Governor.
11. Election of Lieutenant Governor and Other Constitutional Officers.
12. Compensation of Constitutional Officers.
13. Attorney General; Law Enforcement.
- 14 to 22. Repealed.

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- 1a to 1c. Repealed.
2. Supreme Court; Justices; Time for Convening; Concurrence Required for Judgment; Acting Chief Justice.
3. Courts of Appeal; Districts; Divisions; Power; Concurrence Required for Judgment; Acting Presiding Justice.
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- 4a to 4%. Repealed.
5. Municipal and Justice Courts; Districts; Number; Organization; Jurisdiction; Exception for San Diego County.
- 5.5. Repealed.
6. Judicial Council.
7. Commission on Judicial Appointments.
8. Commission on Judicial Performance.
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10. Jurisdiction; Habeas Corpus and Proceedings for Extraordinary Relief; Original Jurisdiction of Superior Courts; Comments on Evidence and Credibility of Witnesses.
- 10a, 10b. Repealed.
11. Appellate Jurisdiction of Supreme Court, Courts of Appeal and Superior Courts; Findings of Fact.
12. Supreme Court; Transfer of Causes.
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14. Publication of Opinions; Decisions of Supreme Court and Courts of Appeal.
15. Judges of Courts of Record; Qualifications.
16. Election of Judges; Vacancies.
17. Judges; Eligibility to Other Offices; Fines and Fees.
18. Judges; Disqualification; Suspension; Retirement; Rules.
19. Judges; Compensation.
20. Judges; Retirement, Causes.
21. Temporary Judges.

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22. Trial Courts of Record; Officers to Perform Subordinate Judicial Duties.
- 23 to 26a. Repealed.

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1. Inclusion of Officers and Employees; Permanent Appointments and Promotions.
2. Personnel Board; Presiding Officer; Executive Officer.
3. Enforcement and Administration of Civil Service Laws.
4. Exemptions.
5. Temporary Appointments.
6. Preferences; Veterans and Their Spouses; Special Rules.
7. Conflicting Offices.
8. Bribe to Procure Election or Appointment; Disqualification; Exclusion From Office and Juries for Certain Crimes; Regulations; Corrupt Practices.
9. Subversive Persons and Groups; Prohibition Against Public Employment and Tax Exemptions.

ARTICLE VIII. MILITIA [REPEALED]

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2. Superintendent of Public Instruction.
- 2.1. Superintendent of Public Instruction; Deputy and Associates.
3. County Superintendents of Schools; Election.
- 3.1. County Superintendents of Schools; Qualifications; Salaries; Classification of Counties.
- 3.2. Joint County Board of Education; Joint County Superintendent of Schools; Establishment Election.
- 3.3. County Boards of Education; County Charter Provisions.
4. State School Fund.
5. Common School System.
6. Public School System; Certificated Employees' Salaries; State School Fund; Apportionment; Taxation.
- 6½. School Districts; Multiple Counties; Bonds.
7. State Board of Education; Textbooks; County Boards of Education; Teachers.
- 7.5. Textbooks.
8. Public Money for Religious and Private Schools; Teaching Religious Doctrine.
9. University of California.
10. Leland Stanford Junior University.
11. California School of Mechanical Arts.
12. California Academy of Sciences.
13. Cogswell Polytechnical College.
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5. Public Use; State Regulation and Control.
6. Franchise; Rates.
7. Water Rights of Government Agencies.

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3. Restrictions on Appropriation of Water From the Components of the Wild and Scenic Rivers System; Exception.
4. Restrictions on Changes in the Delta Protection Act Unless Approved by the Electors; Exception.
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2. Cities; Uniform Procedure for Formation; Powers; Annexation and Consolidation.
3. Charters; Adoption by Counties and Cities; Amendment, Revision or Repeal; Conflicting Measures.
4. County Charters; Provisions.
5. City Charters; Provisions.
- 5.1. Repealed.
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- 7½. Inoperative.
- 7½b. Repealed.
8. Performance of Municipal Functions by County; Request.
- 8½. Repealed.
9. Public Works in Municipalities; Operation or Regulation.
10. Extra Compensation or Allowance After Service Rendered; Payment of Claims; Residency of Public Employees; Exception.
- 10.5. Repealed.
11. Delegation of Powers Over Municipal Functions; Deposits in and Payments by Banks, Investments, Registration of Evidence of Debt.
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- 13½. Repealed.
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- 15 to 20. Repealed.

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5. Additional Authority and Jurisdiction of Commission; Review; Eminent Domain.
6. Duties of Commission.
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9. Restatement of Existing Law.
- 10 to 23a. Repealed.

ARTICLE XIII. TAXATION

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2. Taxation of Personal Property; Classification; Limitation.
- 2.5, 2.6. Repealed.
- 2.8. Assessment or Reassessment of Property Damaged or Destroyed by Misfortune or Calamity.
3. Exemptions; Public Property, Governmental Bonds, Libraries, Museums, Schools, Church Property, Cemeteries, Crops, Immature Trees, etc.
- 3.5. Property of Veterans, and of Spouses and Parents of Deceased Veterans; Adjustment in Valuation.
4. Exemptions; Homes of Disabled Veterans and Spouses; Property for Religious, Hospital or Charitable Purposes; Schools; Parking.
5. Exemptions; Buildings Under Construction, Equipment and Land for Higher Education, Religious, Hospital and Charitable Purposes.
6. Exemptions; Classifications; Failure to Claim; Waiver.
7. Exemptions; Real Property Generating Taxes Less Than Cost of Assessment and Collection.
8. Open Space Lands; Enforceable Restrictions; Valuation; Historical Property.
- 8.5. Postponement of Ad Valorem Taxes; Low or Moderate Income Persons 62 Years of Age or Older; Subventions; Reimbursement.
9. Single-family Dwellings; Assessment.
- 9a. Repealed.
10. Golf Courses; Assessment for Use Plus Mineral Value or Rights.
11. Lands Owned by Local Governments and Located Outside its Boundaries; Water Rights; Inyo and Mono Counties.

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- 11¼. Reporting and Collection of Income Taxes; Exceptions.
 - 11½. Reporting and Collection of Income Taxes.
 - 12. Taxation of Personal Property, Possessory Interests and Improvements on Exempt Land; Lien; Rates Sufficient to Secure Payment; Rate Adjustment.
 - 13. Assessment; Land; Improvements.
 - 14. Assessment; Place.
 - 14½. Repealed.
 - 15. Assessment or Reassessment of Property Damaged or Destroyed After Lien Date.
 - 16. County Board of Equalization; Assessment Appeals Boards.
 - 17. State Board of Equalization; Membership.
 - 18. State Board of Equalization; Measurement and Conformance of Assessment Levels.
 - 19. Taxation of Pipelines, Flumes, etc., Railroads and Utilities.
 - 20. Maximum Local Tax Rates and Bonding Limits.
 - 21. School District Taxes; Annual Levy by Counties.
 - 21.5. Repealed.
 - 22. Limitation on Real and Personal Property Taxes.
 - 23. State Boundaries; Change; Determination of Tax Matters.
 - 24. Taxation for Local Purposes; Use of State Appropriations and Subventions.
 - 25. Reimbursement of Local Governments for Loss From Homestead Exemptions.
 - 25.5. Repealed.
 - 26. Income Tax; Exemptions.
 - 27. Taxations of Corporations and Banks.
 - 28. Taxation of Insurance Companies.
 - 29. Contracts to Apportion Revenue From Sales or Use Tax; Approval at Election.
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 - 31. Grant or Contract Vitiating Power of Taxation.
 - 32. Process to Prevent or Enjoin Collection of Tax; Action to Recover Tax Paid.
 - 33. Enforcement Laws.
 - 34, 35. Rejected.
 - 37 to 44. Repealed.

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- 1. Ad Valorem Tax on Real Property; Maximum Amount.
- 2. Full Cash Value; Full Cash Value Base; Exclusion of Any Active Solar Energy System.
- 3. Changes in State Taxes; Enactments to Increase Revenues; Imposition.
- 4. Special Taxes; Imposition.
- 5. Effective Date of Article.
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ARTICLE XIII.B. GOVERNMENT SPENDING LIMITATION

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2. Disposition of Excess Revenues Received; Revision of Tax Rates and Fee Schedules.
3. Adjustment of Appropriation Limits; Transfer of Financial Responsibility; Emergency.
4. Establishment or Change in Appropriation Limit for New or Existing Entities by Electors.
5. Establishment of Funds by Each Entity of Government; Contributions; Withdrawals.
6. New Programs or Services Mandated by Legislature or State Agencies; Subvention.
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8. Definitions.
9. Appropriations Subject to Limitations; Exclusions.
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3. Mechanics' Liens.
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- 2, 3. Repealed.

ARTICLE XVI. PUBLIC FINANCE

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- 1.5. General Obligation Bond Proceeds Fund.
2. Amendments to Constitution Providing for Issuance and Sale of Bonds.
3. Appropriation of Public Money; Aid to Private Institutions.
4. Power to Insure or Guarantee Loans to Nonprofit Corporations and Public Agencies; Limitation Upon Authority.
- 4½. Repealed.
5. Public Funds; Aid of Religious Purposes or Institutions.
6. Public Credit or Funds; Loan or Gift; Public Ownership of Corporate Stock; Veterans Aid, Transfer of Funds.
7. Public Money; Appropriations; Warrants.
8. Support of Public Schools and Public Institutions of Higher Education.
- 8½. Repealed.

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9. Fish and Game Funds.
10. Federal Aid to Aged; Co-operation of State; Determining Maximum Local Expenditures.
11. Relief Administration.
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13. Relinquishment of Encumbrances and Rights Taken for Old Age Aid.
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- 14.5. Revenue Bonds; Alternative Energy Source Facilities; Acquisition, Construction, etc.; Lease or Sale of Facilities; Restrictions.
15. Parking Facility Securities; Meter Revenues as Security.
16. Property in Redevelopment Project.
- 16.5. Repealed.
17. State; Loan of Credit; Stock Subscription or Ownership; Stock of Mutual Water Companies; Authorized Investments.
18. Debt Limit; County, Municipal and School; Majority Vote for Repair, etc., of School Buildings; Election to Exceed Limit.
19. Special Assessments; Improvements; Property for Public Use; Chartered Cities or Counties.
- 19.5 to 21. Repealed.

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ARTICLE XVIII. AMENDING AND REVISING THE CONSTITUTION

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2. Fees and Taxes Upon Vehicles, Use or Operation; Purposes.
3. Allocation of Revenues; Determination of Another Basis for Distribution; Statutory Revision.
4. Public Mass Transit Guideways; Majority Voter Approval for Allocation; Bonds.
5. Pledge or Use of Revenues for Payment of Bonds for Streets and Highways; Percentage.
6. Loan of Designated Revenues to State General Fund; Authority.
7. Applicability.
8. Use of Realty Acquired by Tax Revenues for Local Public Park and Recreational Purposes.
9. Transfer of Surplus State Property; Coastal Zone.