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# California Primary Law

The purpose of this guide is to identify all of the California primary law in the Law Library's collection, and how to access each type. Primary law includes constitutions and charters, statutes and ordinances, legislative documents, court opinions (cases), court rules, and administrative regulations and rulings.

### **Related Guides**

- California Legislative History (https://www.saclaw.org/resource\_library/california-legislative-history/)
- Reading Citations (https://www.saclaw.org/resource\_library/reading-citations/)
- Federal Primary Law (https://www.saclaw.org/resource\_library/federal-primary-law/)
- West Digests (https://www.saclaw.org/resource\_library/west-digests-finding-cases-by-topic/)
- Using Shepard's Citation Service (https://www.saclaw.org/resource\_library/using-shepards-citation-service-on-lexis/)

# **Basics**

**Primary sources** contain "the law" itself, which we are bound to follow. **Secondary sources** are materials about the law; they explain and help us to find "the law" in a given situation. Although secondary sources are very useful in legal research, no one is legally bound by them.

An example of a primary source is *Deering's California Codes Annotated*. This multi-volume set contains California's statutes, codified (organized by subject) into 29 titles. An example of a secondary source is *A Summary of California Law* by B.E. Witkin, a critical examination of California law. While Witkin's analysis is highly regarded and often cited by California courts, it is not "the law."

The Law Library has the majority of California primary law in print or online in *Lexis Advance*, which may only be used in the Law Library.

Lexis Advance is organized by content type and jurisdiction. Start from the Home Page at the "Explore Content" section, select the [State] tab, then select [California]. All of the current California primary law materials are listed. To start your search, click on the source material you want to search, for example, [All California Statutes and Legislation] and then enter keyword(s) or a citation in the red search box and click on the red magnifying glass.

Many of these sources are also freely accessible from anywhere via the Internet.

# **Statutes**

# California Statutes

California statutes begin as chaptered bills. A bill is "chaptered" by the Secretary of State after it has passed through both houses of the Legislature and has been signed by the Governor, or becomes law without the



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Governor's signature. These chaptered bills are then bound in the California government's official publication, *Statutes and Amendments to the Codes of California*.

These chaptered bills, also known as session laws, are published in the order they are passed. The Law Library's collection covers 1850-2008 at (KFC 30 .A2 (Compact)).

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes & Legislation** heading, select [All California Statutes and Legislation]? Under the **Public Laws/ALS** heading, select [CA – California Advance Legislative Service]. **Contains:** 1987 through current legislative session as received. Urgency legislation is effective immediately. Non-Urgency legislation will become effective January 1 of the year following enactment.

To search for law(s) enacted with any later changes to those laws noted:

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes & Legislation** heading, select [All California Statutes and Legislation]? Under the **Bill Text** heading select [California Full Text Bills]. **Contains:** the full text of bills pending in the California state legislature and all prior sessions back to 1991. Specific language may be added to or deleted from existing statutory law as a result of pending legislation and is highlighted. To find the enacted statute, Select [Version]? select [Enacted].

Internet: Statutes and Amendments to the Code (1850-2008) (https://clerk.assembly.ca.gov/historical-information/archive-list?field\_archive\_type\_value=statutes), California State Assembly Archive. **Contains:** the Statutes and Amendments to the Code for most years from 1850 to 2008.

# California Legislative Services

Legislative services are provided by publishers to alert subscribers of changes to the codes. California's legislature meets yearly to pass new laws. Legislative services identify updates to the California codes from the latest enactments of the California legislature. Legislative services also contain such information as senate and assembly bills by chapter, constitutional amendments, selected resolutions, and propositions.

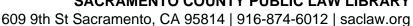
Print access to older legislation may be obtained by contacting the Witkin State Law Library (https://www.library.ca.gov/law/), Stanley Mosk Library and Courts Building, 914 Capitol Mall, Third Floor, Sacramento, CA 95814, (916) 654-0185.

The current editions of *Advance Legislative Service to Deering's California Codes Annotated* are at KFC 30 .5 D4 (Compact). The Law Library keeps the past 5 years.

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes & Legislation** heading, select [All California Statutes and Legislation]? Under the **Public Laws/ALS** heading, select [CA – California Advance Legislative Service].

Much of the same information is now available online for free from the California government.

Internet: Current legislative information is available at <u>California Legislative Information (http://leginfo.legislature.ca.gov/)</u>. Click on "Bill Information," and enter the bill number, code section, key words, or other search terms. There are also fields to enter the Session Year, Author, and Code. Click on the search box, then on the results page,





click on the bill you are interested in researching. You can read the Legislative Counsel's Digest and the text of the bill. With a little digging you can find the bill's history, votes, analysis, and status, compare versions, track the bill, etc.

# California Codes

After the session laws are passed, they are organized into subject areas ("codified") so they can be found. California statutory law consists of 29 titles, called "codes," covering the following subject areas: Business and Professions Code, Civil Code, Code of Civil Procedure, Commercial Code, Corporations Code, Education Code, Elections Code, Evidence Code, Family Code, Financial Code, Fish and Game Code, Food and Agricultural Code, Government Code, Harbors and Navigation Code, Health and Safety Code, Insurance Code, Labor Code, Military and Veterans Code, Penal Code, Probate Code, Public Contract Code, Public Resources Code, Public Utilities Code, Revenue and Taxation Code, Streets and Highways Code, Unemployment Insurance Code, Vehicle Code, Water Code, and Welfare and Institutions Code. These titles are further subdivided into sections, each section being a law, for example, "Civil Code § 1."

#### Current California Codes

Deering's California Codes Annotated, published by LexisNexis (formerly Bancroft-Whitney), has approximately 220 volumes, and is shelved at KFC 30 .5 D4.

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes and Legislation** heading, select [CA – Deering's California Codes Annotated]. **Contains**: current Deering's annotated codes.

Internet: at California Legislative Information (http://leginfo.legislature.ca.gov/). Contains: the current code without annotations.

### Historical California Codes

Shelved in alphabetical order according to title and sub arranged by year, for example, Agriculture Code (KFC 30 .5 .D4 F6) to Water Code (KFC 30 .5 .D4 W35), in the Historical Collection in compact shelving. You may search the library's online catalog (https://catalog.saclaw.org/) by any of the 29 code titles to identify the publication dates of those code volumes in our collection.

West's Annotated California Codes, published by Thomson Reuters (formerly West), has approximately 250 volumes, and is shelved at KFC 30 .W48 (Historical). The last update received by the Law Library was January 2019.

Lexis Advance: In the [Explore Content] section? Under the **Statutes & Legislation** heading, select the [Archived code search]. **Contains:** Codes from 1991-to current.

# **California Constitutions**

California's original Constitution of 1849 was replaced by the current Constitution in 1879. However, the 1879 Constitution has been revised and amended several times, most notably in 1966 and 1976, when the state



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adopted recommendations of the California Constitution Revision Commission.

Volumes including the current edition of the California Constitution are contained in *Deering's California Codes Annotated* (KFC 30 .5 .D4 C6 (Compact))

Historical: Older versions of the California Constitution are located in the Historical Collection in compact shelving. The earliest state constitutions are sometimes bound with older editions of the California General Laws, Statutes, at KFC 30 .A2 (Historical).

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes and Legislation** heading, select [CA-California Constitution]. **Contains:** the Constitution of the State of California as published in the current compilation entitled *Deering's California Codes Annotated*.

Archived editions of the California Constitution:

Lexis Advance: In the [Explore Content] section? Under the **Statutes and Legislation** heading, select [Archived codes] Under **Narrow by** heading, select [Constitutions]? Under the **Date year only** heading, select a year? Under the **Jurisdiction** heading, select [California]. **Contains**: archives from 1991-current.

Internet: The current California Constitution (http://leginfo.legislature.ca.gov/faces/codes.xhtml) is available at California Legislative Information's "California Law" web page. The Constitution of the State of California of 1849 (http://www.sos.ca.gov/archives/collections/constitutions/) is available on the website of the California State Archives. The 1879 California Constitution (http://archives.cdn.sos.ca.gov/collections/1879/archive/1879-constitution.pdf) is also available on the Archive's website.

The California Constitution Revision Commission collection 1930-1974 (1965-1970) is available at California State University Sacramento's Library. The collection consists of California Constitution Revision Commission files, including agendas, minutes, memorandums, correspondence and background material collected by Donald H. Pflueger when he served as a member of the Commission in 1963. A collection guide <a href="https://oac.cdlib.org/findaid/ark:%2F13030%2Fkt4199r6fk">https://oac.cdlib.org/findaid/ark:%2F13030%2Fkt4199r6fk</a>) provides a summary of the documents available.

# **Court Rules**

### California Court Rules

Every court creates its own court rules, which that court must follow. Volumes including the state-wide California Rules of Court are contained in both *Deering's California Codes Annotated* (KFC 30.5 .D4 R8 (Compact)). Current editions of federal, state, and local California court rules are kept at the Reference Desk:

California Rules of Court: State (KFC 992 .A31).

California Rules of Court: Federal District Courts (KFC 992 .A32).

Northern California Local Court Rules (KFC 992 .A21).



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Southern California Local Court Rules (KFC 992 .A2).

The Standard California Codes: Rules of Court (includes Rules of Prof. Conduct) (KFC 30. 5. D4 R86).

Rules of the Superior Court in and for the County of Sacramento (KFC 993 .A3 S23).

Historical: Rules of the Superior Court in and for the County of Sacramento (from 1994) are at KFC 993 .A3 S23 (Compact).

Deering's California Desktop Code Series: set includes Rules of Court. Library has 1979-prior year in the Historical Collection in compact shelving at KFC 30 .5 .D4 C56.

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes and Legislation** heading, select [All California Statutes and Legislation]? Under the **Court Rules** heading, select either [CA – California Local, State & Federal Court Rules] or [California Superior Ct. Local Rules].

[CA – California Local, State & Federal Court Rules] contains California Rules of Court, Local rules for California District Courts, and the Local and United States Bankruptcy court rules.

[California Superior Ct. Local Rules] contains the local rules organized by county.

Internet: Most current court rules are available on the court's website. For example, the California Rules of Court (http://www.courts.ca.gov/rules.htm) are at the California Courts Judicial Branch of California's website, courts.ca.gov. The Sacramento County Superior Court Local Rules (https://www.saccourt.ca.gov/local-rules/local-rules.aspx) on that court's website. Rules for other courts can be found on their own websites.

# **Court Opinions (Cases)**

# **California Supreme Court**

California Supreme Court cases are published in three reporters: the official *California Reports*, and two Thomson Reuters (West) reporters, the *California Reporter* and the *Pacific Reporter*.

California Reports is the official reporter. The Library's collection includes the first series, abbreviated **Cal.** (1850 – 1934);  $2^{\text{nd}}$  series, **Cal. 2d** (1934 – 1970);  $3^{\text{rd}}$  series, **Cal. 3d** (1970 – 1991);  $4^{\text{th}}$  series, **Cal. 4**<sup>th</sup> (1991 – 2017), and the  $5^{\text{th}}$  series, **Cal. 5**<sup>th</sup> (2018 – present) beginning at KFC 45 .A21 (Compact).

West's California Reporter contains West's headnotes and key numbers, and is tied to West's California Digest . California Supreme Court cases are reported in the first series, abbreviated **Cal. Rptr.** (1960 - 1991);  $2^{nd}$  series, **Cal. Rptr. 2d** (1991 - 2004); and the  $3^{rd}$  series, **Cal. Rptr. 3d** (2003 - 2019), beginning at KFC 51 .W48 (Compact).



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West's California Digest, covering 1951-1981 KFC 57 .W47, and West's California Digest 2d, covering 1981-present, are located at KFC 57 .W471 (Compact).

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the Cases heading, select [CA Supreme Court Cases since 1850]

Internet: The California Appellate Courts Case Information system provides case information for California Supreme Court and Court of Appeal cases. Citable, published, Official Reports Opinions (1850-present) (http://www.lexisnexis.com/clients/CACourts/) are made searchable online for free by LexisNexis, via a contract with the California Reporter of Decisions.

# **California Appellate Courts**

California Court of Appeals cases are published in the official reporter *California Appellate Reports* and in *West's California Reporter*.

California Appellate Reports is the official reporter. The Library's collection includes the first series, abbreviated **Cal. App.** (1905 – 1934); 2<sup>nd</sup> series, **Cal. App. 2d** (1934 – 1969); 3<sup>rd</sup> series, **Cal. App. 3d** (1969 – 1991); 4<sup>th</sup> series, **Cal. App. 4th** (1991 – 2017), and the 5<sup>th</sup> series, **Cal. App. 5th** (2017 – current) beginning at KFC 48 .A212 (Compact).

California Court of Appeals cases are also reported in *West's California Reporter* in the first series, abbreviated **Cal. Rptr.** (1960 – 1991); 2<sup>nd</sup> series, **Cal. Rptr. 2d** (1991 – 2004); and the 3<sup>rd</sup> series, **Cal. Rptr. 3d** (2003 – 2019), beginning at KFC 51 .W48 (Compact).

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the Cases heading, select [CA Courts of Appeals Cases from 1905]

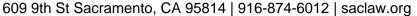
Internet: The California Appellate Courts Case Information system provides case information for California Supreme Court and Court of Appeal cases. Citable, published, Official Reports Opinions (1850-present) (http://www.lexisnexis.com/clients/CACourts/) are made searchable online for free by LexisNexis, via a contract with the California Reporter of Decisions.

# **Advance Sheets or Slip Opinions**

The official advance sheets of the *California Supreme Court* and *Courts of Appeal* are published by LexisNexis and contain the most recent opinions published by the courts. Often called "slip opinions," these soft-bound volumes are shelved at the end of the *California Reports* at KFC 45 .A24 (Compact). Published every ten days, the advance sheets are discarded once the appropriate bound volume is received.

Lexis Advance: The California Supreme Court cases are updated regularly as received from the court. The California Court of Appeals cases are updated within 1 day of publication.

Internet: The official California Courts web site, updated hourly, provides slip opinions from the California Courts of Appeal and the California Supreme Court (https://courts.ca.gov/opinions/publishedcitable-opinions) issued within the





last 60 days.

# Regulations

# California Regulations

The California Code of Regulations (CCR), comprised of 28 Titles, contains the regulations of approximately 200 state agencies made available by the Office of Administrative Law (OAL).

The OAL contracts for the official publication of the CCR every five years. Thomson Reuters (West) holds the current contract, and publishes *Barclay's Official California Code of Regulations*, shelved at KFC 35 .A23 (Compact).

Title 24, the California Building Standards Code, is not published in *Barclay's Official California Code of Regulations*, but for copyright reasons is published separately by the copyright holder, the <u>California Building Standards Commission (http://www.bsc.ca.gov/Home.aspx)</u> (CBSC).

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Administrative Materials, Codes and Regulations** heading, select [CA – Barclays Official California Code of Regulations]. **Contains:** the current edition of the CCR (excluding Title 24).

Internet: California Code of Regulations

(https://govt.westlaw.com/calregs/index?\_\_irTS=20151229182749611&transitionType=Default&contextData=(sc.Default)). **Contains:** the current edition of the CCR (excluding Title 24), provided free by Thomson Reuters (Westlaw), via a contract with the Office of Administrative Law.

### California Code of Regulations, Title 24

The CBSC is the "author" of the various codes (Building, Energy, Fire, Mechanical, Plumbing, etc.) that make up Title 24, the <u>California Building Standards Code (http://www.bsc.ca.gov/Codes.aspx)</u>. California's building codes are published in their entirety every three (3) years. These codes are based on Uniform Model Codes that are published (and copyrighted) by the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials, and other such similar-sounding organizations. California's official building codes (with the necessary California amendments) are published by the International Code Council (ICC) on a triennial basis.

The current 2022 Code is shelved by the CCR. Historical editions; back to 1995, are at KFC 35 .A25 (Compact).

Internet: The current edition of Title 24 and supplements are available via Internet at the website of the California Building Standards Commission (http://www.bsc.ca.gov/).

# **California Regulatory Notice Register**

Before an agency can adopt a regulation, the proposed regulation must be published in the *California Regulatory Notice Register* 



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and a time period for public comment must be provided. The Register contains notices by state agencies to adopt, amend, or repeal regulations, plus public comments and much more. Current and historical issues (6 years) are at KFC 35 .A2 (Compact).

Internet: The current year and archives (back to 2018) on the OAL website at the Office of Administrative Law's California Regulatory Notice Register Online (http://oal.ca.gov/california\_regulatory\_notice\_online/) website.

The Notice Register has been published since 1974. Print access to Notice Registers prior to 2002 may be obtained by contacting the <u>Witkin State Law Library (http://www.library.ca.gov/law/)</u>, **Stanley Mosk Library and Courts Building**, 914 Capitol Mall, Third Floor, Sacramento, CA 95814, (916) 654-0185.

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Administrative Materials, Codes and Regulations** heading, select [All California Administrative Codes and Regulations] under **California Registers**, select CA – California Regulatory Law Bulletin]. **Contains:** 1995-present.

# **Administrative Decisions**

Administrative agencies may be established directly by the Constitution, as the Public Utilities Commission, for example, or be created by the Legislature. Agencies may sometimes be called Commissions or Boards. Many California executive and administrative agencies, in addition to promulgating regulations, serve a quasi-judicial function, investigating disputed claims, holding hearings ascertaining facts, making conclusions from the facts as a basis for their official action, and exercising discretion of a judicial nature to reach a binding decision. Most recent agency rulings may be found on the agency's website.

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Administrative Materials** heading, select [All California Administrative Materials]? Select agency name.

Agencies and coverage vary.

Internet: Many agencies post recent agency rulings on their website. You can find a partial list of these sites and more information about finding regulations on the <a href="UCLA Law Library's Guide to California Administrative">UCLA Law Library's Guide to California Administrative</a> <a href="Law (https://libguides.law.ucla.edu/caladminlaw/">Law (https://libguides.law.ucla.edu/caladminlaw/</a>).

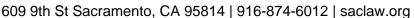
# **Popular California Agencies**

The Law Library collects the following California agency decisions in print:

# **Attorney General Opinions**

Opinions of the Attorney General of California, current and historical.

The Law Library has v. 1 (1944) – current at KFC 780 .A8 C3 (Compact).





Opinions since 1980 are available free at the Attorney General's website: <u>Legal Opinions of the Attorney</u> General -Search for Opinions (1980 – Current). (https://oag.ca.gov/opinions/search)

# **Fair Employment & Housing Commission Decisions**

Precedential Decisions of the California Fair Employment and Housing Commission.

The Law Library has 1978-2002 at KFC 572 .A5 (Compact).

# **Legal Ethics Opinions**

Ethics opinions published by the State Bar of California, Committee on Professional Responsibility and Conduct.

The Law Library has the California Compendium on Professional Responsibility and Conduct at KFC 76.5.C3 C64. The Law Library also has the *California State Bar Court Reporter* at KFC 76.5.A5 (Compact), which contains precedential appellate opinions in California attorney disciplinary and regulatory cases from 1992 to present.

Also available online at the <u>California State Bar's "Ethics Opinions" website.</u> (https://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Opinions)

# **Decisions of the Public Employment Relations Board (PERB).**

PERB is charged with administering the seven collective bargaining statutes covering California public employees. The Law Library has 2007 to present at KFC 562 .P8 A855 (Compact).

Also available online at the <u>California Public Employment Relations Board's "Decisions" (https://perb.ca.gov/decisions/)</u> page.

# **State Personnel Board Decisions**

Precedential Decisions of the California State Personnel Board. The Law Library has 1992-2002 in print at KFC 763 .A553 (Compact).

Also available online at the <u>California State Personnel Board's "Precedential Decisions (https://www.spb.ca.gov/precedentialdecisions/precedentialdecisions.aspx)"</u> page.

# **Workers' Compensation Appeals Board Decisions**

Decisions released by the California Department of Industrial Relations–Workers' Compensation Appeals Board (WCAB) as well as summaries of petitions for review of WCAB decisions that were denied by the California Court of Appeals.

The Law Library has California Compensation Cases, v. 1 (1936) - current at KFC 592 .C3 (Compact), and



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California Workers Compensation Journal v. 1 (1973) – current at KFC592 .C2 (Compact).

Also available online at the Department of Industrial Relations' "Workers Compensation Appeals Board Decisions (https://www.dir.ca.gov/wcab/wcab\_dars.htm)" page.

# **California Municipal Codes**

# **Sacramento City Code**

The Law Library has in print at KFX 2263 .A3 S23.

Internet: American Legal Publishing, "Sacramento, California City Code" (https://codelibrary.amlegal.com/codes/sacramentoca/latest/sacramento\_ca/0-0-0-1)

Ordinances passed by the Sacramento City Council from 1921 – present may be researched at: <u>City of Sacramento "Record Library."</u> (http://records.cityofsacramento.org/)

# **Sacramento County Code**

The Law Library has the current code in print at KFC 1199 .A35 S215 and some archived copies in Historical.

Internet: eCode, "Sacramento County, California County Code" (https://ecode360.com/SA4999)

# **Center for Sacramento History (CSH):**

CSH is a historical research center for the Sacramento region. The Center is the official repository for public documents of enduring value created by the Sacramento City and the Sacramento County governments.

Search for material in the <u>Center for Sacramento History's Catalog (https://sacramento.pastperfectonline.com/)</u> or link to digitized public documents starting in1849 at the <u>Internet Archive: Center for Sacramento History's Collection.</u>

(https://archive.org/details/centerforsacramentohistory?tab=collection)

# Other California local codes and charters:

The Law Library has a limited number of other local city and county codes and/or ordinances. To find local codes in print, <u>search our catalog (https://catalog.saclaw.org/)</u> by the county or city name. For example: enter Yolo county as a general keyword search will retrieve the Yolo County code record in the catalog.

Internet: UC Berkeley maintains a large depository collection of local ordinance codes and charters. Links are provided to electronic versions of these documents, if available, at <a href="IUC Berkeley's Institute of Governmental Studies">IUC Berkeley's Institute of Governmental Studies</a>, California Local Codes and Charters <a href="https://igs.berkeley.edu/library/california-local-government-documents/codes-and-charters">Internet: UC Berkeley in a large depository collection of local ordinance codes and charters. Links are provided to electronic versions of these documents, if available, at <a href="https://igs.berkeley.edu/library/california-local-government-documents/codes-and-charters">Internet: UC Berkeley in a large depository collection of local ordinance codes and charters. Links are provided to electronic versions of these documents, if available, at <a href="https://igs.berkeley.edu/library/california-local-government-documents/codes-and-charters">IC IUC Berkeley in a large depository collection of local ordinance codes and Charters</a>.

Lexis Advance: In the [Explore Content] section? Select the [State] tab? Select [California]? Under the **Statutes and Legislation** heading, select [California Municipal Codes]. **Contains:** selected municipal codes published by the Municipal Code Corporation.