

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE MAY 16, 2001

AMENDED IN SENATE APRIL 3, 2001

SENATE BILL

No. 1112

Introduced by Senator Polanco
(Principal coauthor: Senator Escutia)

February 23, 2001

An act to amend *Sections 10, 12a, and 135 of the Code of Civil Procedure, and to amend Sections 68071 and 68072 of the Government Code, relating to court rules courts.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1112, as amended, Polanco. Court rules.

Existing law provides for the effective date of court rules adopted by the Judicial Council *and trial courts.*

This bill would make conforming changes to those provisions, relating to trial court ~~unification~~ *rules*, by deleting references to a municipal court.

Existing law designates state holidays. Existing law adopts those state holidays, with the exception of Admission Day and Cesar Chavez Day, as judicial holidays.

This bill would include Cesar Chavez Day as a judicial holiday.

Existing law defines holidays, for purposes of the Code of Civil Procedure, to be state holidays, with specified exceptions.

This bill would revise that definition of holidays, to reference, instead, judicial holidays.

Existing law provides that if the last day for the performance of any act provided or required by law is a state holiday, excluding Martin

Luther King Day and Cesar Chavez Day, and including Admission Day, then the period is extended to the next court day that is not a holiday.

This bill, instead, would provide that if the last day for the performance of any act provided or required by law is a judicial holiday, then the period is extended to the next court day that is not a holiday.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 10 of the Code of Civil Procedure is*
 2 *amended to read:*

3 10. Holidays within the meaning of this code are every
 4 Sunday and ~~such any other days, other than the holidays specified~~
 5 ~~in subdivisions (e) and (f) of Section 6700 of the Government~~
 6 ~~Code, as that are specified or provided for as judicial holidays in~~
 7 ~~Chapter 7 (commencing with Section 6700) of Division 7, Title 4~~
 8 ~~of the Government Code Section 135.~~

9 SEC. 2. *Section 12a of the Code of Civil Procedure is amended*
 10 *to read:*

11 12a. (a) If the last day for the performance of any act
 12 provided or required by law to be performed within a specified
 13 period of time ~~shall be~~ *is* a holiday, then that period is hereby
 14 extended to and including the next day which is not a holiday. ~~The~~
 15 ~~term “holiday” as used herein shall mean~~ *For purposes of this*
 16 *section, “holiday” means all day on Saturdays, all holidays*
 17 ~~specified in Section 6700 and 6701 of the Government Code, other~~
 18 ~~than the holidays specified in subdivisions (e) and (f) of Section~~
 19 ~~6700 of the Government Code, 135 and, to the extent provided in~~
 20 Section 12b, all days which by terms of Section 12b are required
 21 to be considered as holidays. ~~However, for a period of time~~
 22 ~~expiring prior to January 1, 1952, time shall be computed and~~
 23 ~~extended in accordance with the provisions of this section as they~~
 24 ~~existed on January 1, 1951.~~

25 (b) This section applies also to Sections 659, 659a, 946, and
 26 974 ~~through~~ *to* 982, inclusive, and the periods of time severally
 27 therein prescribed or provided for, and to all other provisions of
 28 law, however stated or wherever expressed, providing or requiring
 29 an act to be performed on a particular day or within a specified
 30 period of time. The mention of these sections is not intended and



1 shall not be construed to exclude the application of this section to
2 any other provisions of law, whether the latter are expressed in this
3 or any other code or statute, ordinance, rule, or regulation.

4 *SEC. 3. Section 135 of the Code of Civil Procedure is amended*
5 *to read:*

6 135. Every full day designated as a holiday by Section 6700
7 of the Government Code, including that Thursday of November
8 declared by the President to be Thanksgiving Day, is a judicial
9 holiday, except September 9, known as “Admission Day,” ~~March~~
10 ~~31, known as “Cesar Chavez Day,”~~ and any other day appointed
11 by the President, but not by the Governor, for a public fast,
12 thanksgiving, or holiday. If a judicial holiday falls on a Saturday
13 or a Sunday, the Judicial Council may designate an alternative day
14 for observance of the holiday. Every Saturday and the day after
15 Thanksgiving Day is a judicial holiday. Officers and employees of
16 the courts shall observe only the judicial holidays established
17 pursuant to this section.

18 *SEC. 4. Section 68071 of the Government Code is amended*
19 *to read:*

20 68071. No rule adopted by a superior court shall take effect
21 until the January 1 or July 1, whichever comes first, following the
22 30th day after it has been filed with the Judicial Council and the
23 clerk of the court, and made immediately available for public
24 examination. The Judicial Council may establish, by rule, a
25 procedure for exceptions to these effective dates.

26 ~~SEC. 2.~~

27 *SEC. 5. Section 68072 of the Government Code is amended*
28 *to read:*

29 68072. Rules adopted by the Judicial Council, the Supreme
30 Court, or a court of appeal shall take effect on a date to be fixed in
31 the order of adoption. If no effective date is fixed, those rules shall
32 take effect 60 days after their adoption. Rules adopted by a
33 superior court shall take effect as provided in Section 68071.

