

Senate Bill No. 1112

CHAPTER 542

An act to amend Sections 10, 12a, and 135 of the Code of Civil Procedure, relating to courts.

[Approved by Governor October 4, 2001. Filed with
Secretary of State October 5, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1112, Polanco. Courts: judicial holidays.

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.

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

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

10. Holidays within the meaning of this code are every Sunday and any other days that are specified or provided for as judicial holidays in Section 135.

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

12a. (a) If the last day for the performance of any act provided or required by law to be performed within a specified period of time is a holiday, then that period is hereby extended to and including the next day which is not a holiday. For purposes of this section, "holiday" means all day on Saturdays, all holidays specified in Section 135 and, to the



extent provided in Section 12b, all days which by terms of Section 12b are required to be considered as holidays.

(b) This section applies also to Sections 659, 659a, 946, and 974 to 982, inclusive, and the periods of time severally therein prescribed or provided for, and to all other provisions of law, however stated or wherever expressed, providing or requiring an act to be performed on a particular day or within a specified period of time. The mention of these sections is not intended and shall not be construed to exclude the application of this section to any other provisions of law, whether the latter are expressed in this or any other code or statute, ordinance, rule, or regulation.

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

135. Every full day designated as a holiday by Section 6700 of the Government Code, including that Thursday of November declared by the President to be Thanksgiving Day, is a judicial holiday, except September 9, known as "Admission Day," and any other day appointed by the President, but not by the Governor, for a public fast, thanksgiving, or holiday. If a judicial holiday falls on a Saturday or a Sunday, the Judicial Council may designate an alternative day for observance of the holiday. Every Saturday and the day after Thanksgiving Day is a judicial holiday. Officers and employees of the courts shall observe only the judicial holidays established pursuant to this section.

