

Introduced by Senator KuehlFebruary 20, 2004

An act to add Section 68906 to the Government Code, relating to judicial opinions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1655, as introduced, Kuehl. Judicial opinions: publication, availability, and citation.

Existing law provides that those opinions of the Supreme Court, the courts of appeal, and the appellate divisions of the superior courts, as the Supreme Court may deem expedient, shall be published in the official reports under the general supervision of the Supreme Court.

This bill would provide that all opinions of the Supreme Court, a court of appeal, or an appellate department of a superior court may be cited by any court for any persuasive value they may have. However, the bill would provide that opinions issued on or before the effective date of this bill that have not been certified for publication in the official reports shall have no precedential effect. The bill would further provide that all opinions of the Supreme Court, a court of appeal, or an appellate department of a superior court issued on or after the effective date of this bill shall be made available to public and private reporting services, electronically and without cost. The bill would also provide that the failure to locate, cite, or rely upon an opinion that has not been certified for publication in the official reports does not constitute professional negligence.

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 68906 is added to the Government
2 Code, to read:

3 68906. (a) All opinions of the Supreme Court, a court of
4 appeal, or an appellate department of a superior court may be cited
5 by any court for any persuasive value they may have. However,
6 opinions issued before the effective date of this section that have
7 not been certified for publication in the official reports shall have
8 no precedential effect.

9 (b) All opinions of the Supreme Court, a court of appeal, or an
10 appellate department of a superior court issued on or after the
11 effective date of this section shall be made available to public and
12 private reporting services, electronically and without cost.

13 (c) The failure to locate, cite, or rely upon an opinion that has
14 not been certified for publication in the official reports does not
15 constitute professional negligence.

