

AMENDED IN SENATE APRIL 21, 2005

SENATE BILL

No. 894

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Introduced by ~~Senator Dunn~~ *Senators Dunn and Ackerman*

February 22, 2005

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An act to amend Section ~~3484~~ of the Civil ~~Code~~ 69104 of the Government Code, relating to ~~nuisance courts~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 894, as amended, Dunn. ~~Nuisance: remedies: Courts.~~

*Existing law specifies that the Court of Appeal for the Fourth Appellate District consists of 3 divisions.*

*This bill would require an administrative presiding justice to be appointed for each division of the Fourth Appellate District. The bill would require each administrative presiding justice to report directly to the Chief Justice and would prohibit the creation of new positions and the transfer of personnel from one division to another as a result of this subdivision.*

~~Existing law provides that the abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.~~

~~This bill would further specify that the abatement of a nuisance does not prejudice the right of any person to seek an injunction to prevent a recurrence or future occurrence of that activity.~~

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

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

1 SECTION 1. ~~Section 3484 of the Civil Code is amended to~~  
2 read:

1     ~~3484. The abatement of a nuisance does not prejudice the~~  
2 ~~right of any person to recover damages for its past existence or to~~  
3 ~~seek an injunction to prevent a recurrence or future occurrence of~~  
4 ~~that activity.~~

5     *SECTION 1. Section 69104 of the Government Code is*  
6 *amended to read:*

7     69104. (a) The Court of Appeal for the Fourth Appellate  
8 District consists of three divisions. One division shall hold its  
9 regular sessions at San Diego and shall have 10 judges. One  
10 division shall hold its regular sessions in the San  
11 Bernardino/Riverside area and shall have seven judges. One  
12 division shall hold its regular sessions in Orange County and  
13 shall have eight judges.

14     (b) *An administrative presiding justice shall be appointed*  
15 *within each division of the Fourth Appellate District. Each*  
16 *division's administrative presiding justice shall report directly to*  
17 *the Chief Justice. No positions shall be newly created and no*  
18 *personnel shall be transferred from one division to another as a*  
19 *result of this subdivision.*