

**ASSEMBLY BILL**

**No. 1028**

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**Introduced by Assembly Member Bonta**

February 26, 2015

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An act to amend Section 2093 of the Code of Civil Procedure, and to amend Section 1225 of the Government Code, relating to judicial officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1028, as introduced, Bonta. Judicial officers: oaths and affirmations.

Under existing law, a judicial officer, among others, may administer oaths or affirmations. Existing law also authorizes a former judge or justice of a court of record in this state who retired or resigned from office, other than a judge or justice who was retired by the Supreme Court for disability, to administer oaths and affirmations, as specified.

This bill would remove the provision preventing a former judge or justice who was retired by the Supreme Court for disability from administering oaths and affirmations.

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 2093 of the Code of Civil Procedure is  
2 amended to read:  
3 2093. (a) ~~Every~~ A court, ~~every~~ judge, or clerk of any court,  
4 ~~every~~ justice, ~~and every~~ notary public, ~~and every~~ officer or person  
5 authorized to take testimony in any action or proceeding, or to

1 decide upon evidence, has the power to administer oaths or  
2 affirmations.

3 (b) (1) ~~Every~~A shorthand reporter certified pursuant to Article  
4 3 (commencing with Section 8020) of Chapter 13 of Division 3  
5 of the Business and Professions Code has the power to administer  
6 oaths or affirmations and may perform the duties of the deposition  
7 officer pursuant to Chapter 9 (commencing with Section 2025.010)  
8 of Title 4. The certified shorthand reporter shall be entitled to  
9 receive fees for services rendered during a deposition, including  
10 fees for deposition services, as specified in subdivision (c) of  
11 Section 8211 of the Government Code.

12 (2) This subdivision shall also apply to depositions taken by  
13 telephone or other remote electronic means as specified in Chapter  
14 2 (commencing with Section ~~2017.010~~), ~~Chapter 3 (commencing~~  
15 ~~with Section 2017.710)~~, *2017.010*) and Chapter 9 (commencing  
16 with Section 2025.010) of Title 4.

17 (c) (1) A former judge or justice of a court of record in this  
18 state who retired or resigned from ~~office, other than a judge or~~  
19 ~~justice who was retired by the Supreme Court for disability~~, *office*  
20 shall have the power to administer oaths or affirmations, if the  
21 former judge or justice requests and receives a certification from  
22 the Commission on Judicial Performance that there was no formal  
23 disciplinary proceeding pending at the time of retirement or  
24 resignation. ~~Where no~~

25 (2) *If a* formal disciplinary proceeding was *not* pending at the  
26 time of retirement or resignation, the Commission on Judicial  
27 Performance shall issue the certification.

28 ~~No~~

29 (3) A rule, or regulation regarding the confidentiality of  
30 proceedings of the Commission on Judicial Performance shall *not*  
31 be construed to prohibit the Commission on Judicial Performance  
32 from issuing a certificate as provided for in this section.

33 SEC. 2. Section 1225 of the Government Code is amended to  
34 read:

35 1225. ~~Every~~(a) *An executive and officer, a judicial officer,*  
36 ~~and every a~~ Member of the Legislature may administer and certify  
37 oaths.

38 ~~A~~

39 (b) (1) A former judge of a court of record in this state who  
40 retired or resigned from ~~office, other than a judge who was retired~~

1 ~~by the Supreme Court for disability, office~~ shall be deemed a  
2 judicial officer for purposes of this section, if the former judge  
3 requests and receives a certification from the Commission on  
4 Judicial Performance that there was no formal disciplinary  
5 proceeding pending at the time of retirement or resignation. ~~Where~~  
6 ~~no~~

7 (2) *If a* formal disciplinary proceeding was *not* pending at the  
8 time of retirement or resignation, the Commission on Judicial  
9 Performance shall issue the certification. ~~No~~

10 (c) A law, rule, or regulation regarding the confidentiality of  
11 proceedings of the Commission on Judicial Performance shall *not*  
12 be construed to prohibit the Commission on Judicial Performance  
13 from issuing a certificate as provided for in this section.