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.

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

SECTION 1. Section 2093 of the Code of Civil Procedure is amended to read:

2093. (a) Every court, every judge, or clerk of any court, every justice, and every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to
(b) (1) Every A shorthand reporter certified pursuant to Article 3 (commencing with Section 8020) of Chapter 13 of Division 3 of the Business and Professions Code has the power to administer oaths or affirmations and may perform the duties of the deposition officer pursuant to Chapter 9 (commencing with Section 2025.010) of Title 4. The certified shorthand reporter shall be entitled to receive fees for services rendered during a deposition, including fees for deposition services, as specified in subdivision (c) of Section 8211 of the Government Code. (2) This subdivision shall also apply to depositions taken by telephone or other remote electronic means as specified in Chapter 2 (commencing with Section 2017.010), Chapter 3 (commencing with Section 2017.710), and Chapter 9 (commencing with Section 2025.010) of Title 4. (c) (1) 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, shall have the power to administer oaths or affirmations, if the former judge or justice requests and receives a certification from the Commission on Judicial Performance that there was no formal disciplinary proceeding pending at the time of retirement or resignation. Where no (2) If a formal disciplinary proceeding was not pending at the time of retirement or resignation, the Commission on Judicial Performance shall issue the certification. (3) A rule, or regulation regarding the confidentiality of proceedings of the Commission on Judicial Performance shall not be construed to prohibit the Commission on Judicial Performance from issuing a certificate as provided for in this section.

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

1225. Every (a) An executive officer, a judicial officer, and every Member of the Legislature may administer and certify oaths. A (b) (1) A former judge of a court of record in this state who retired or resigned from office, other than a judge who was retired
by the Supreme Court for disability, office shall be deemed a judicial officer for purposes of this section, if the former judge requests and receives a certification from the Commission on Judicial Performance that there was no formal disciplinary proceeding pending at the time of retirement or resignation. Where no

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

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