

Legislative History
November 19, 2014

1. *People v. Scott* (2014) 58 Cal. 4th 1415, 1421:

“ ‘As in any case involving statutory interpretation, our fundamental task here is to determine the Legislature's intent so as to effectuate the law's purpose. [Citation.] We begin by examining the statute's words, giving them a plain and commonsense meaning. [Citation.]’ [Citation.] “‘When the language of a statute is clear, we need go no further.’ [Citation.] But where a statute's terms are unclear or ambiguous, we may “look to a variety of extrinsic aids, including the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part.” ’ [Citation.]” (*People v. Harrison* (2013) 57 Cal.4th 1211, 1221–1222.)

Compare,

People v. Manzo (2012) 53 Cal. 4th 880, 885, 886:

Statutory construction begins with the plain, commonsense meaning of the words in the statute, “ ‘because it is generally the most reliable indicator of legislative intent and purpose.’ ” (*People v. Skiles* (2011) 51 Cal.4th 1178, 1185.) “When the language of a statute is clear, we need go no further.” (*People v. Flores* (2003) 30 Cal.4th 1059, 1063.) “At,” however, is a short word with a long list of possibilities, “‘[a] preposition of extremely various use, to which lexicographers have given many definitions and shades of meaning. It is a word of great relativity and elasticity of meaning and is somewhat indefinite, shaping itself easily to varying contexts and circumstances, and taking its color from the circumstances and situation under which it is necessary to apply it to surrounding objects. Aside from its context, it is not a

word of precise and accurate meaning, or of clean, clear-cut definition, and it has been said that the connection furnishes the best definition.” (*People v. Stepney* (1981) 120 Cal.App.3d 1016, 1019, fn. 3.)

....

Because of this ambiguity, “[i]t is appropriate to consider evidence of the intent of the enacting body in addition to the words of the measure, and to examine the history and background of the provision, in an attempt to ascertain the most reasonable interpretation.”

2. An Aside: Civil Code section 13; Penal Code section 7, subdivision 16: “Words and phrases must be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, must be construed according to such peculiar and appropriate meaning.”

3. *In re Pedro T.* (1994) 8 Cal. 4th 1041, 1048: “It is axiomatic that in assessing the import of a statute, we must concern ourselves with the Legislature's purpose at the time of the enactment.”

4. Plain Meaning?

A. See Canons, below.

B. Conundrum – to Whom? When? Present Court v. Enacting Legislature . . . Many underlying principles date back to original codification in 1872 or to preceding statutes, but do the courts appreciate?

5. *People v. Soto* (1998) 64 Cal. App. 4th 966, 987: “Federal decisions are particularly compelling, however, where a California statute is based on another federal statute or the Federal Rules.”

Four Common Canons:

1. *Esjudem generis*, which means “of the same sort,” stands for the proposition that when a text lists a series of items, a general term included in the list should be understood to be limited to items of the same sort;

2. *Noscitur a sociis*, literally means “it is known by its companions.” In “Stan Musial was a great ballplayer and batter,” “batter” means one thing; but in “The batter had too little flour and too much water,” it means something else;

3. Rule against superfluities, which complements the principle that courts are to interpret the words of a statute in context and requires courts to construe statutes so that *effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant*; and

4. *In pari materia*, a term appearing in several places in a statutory text is generally read the same way each time it appears.