

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 1906 (Gipson)  
Version: March 13, 2024  
Hearing Date: June 11, 2024  
Fiscal: Yes  
Urgency: No  
ME

**SUBJECT**

California Law Revision Commission: persons with disabilities: terminology

**DIGEST**

This bill requires the California Law Revision Commission (CLRC), with input from stakeholders, to complete and submit a study to the Legislature on how to remove the terms “dependent adult” and “dependent person” from existing code sections. The bill requires the CLRC to convene a working group that includes the protection and advocacy agency, persons described by those terms, and groups representing those persons. The bill requires the study to include recommendations on how to replace the terms with new terminology that would respectfully describe those persons and preserves the legal rights and protections of those and other persons.

**EXECUTIVE SUMMARY**

The California Law Revision Commission (CLRC) was created in 1953 and tasked with the responsibility for a continuing substantive review of California statutory and decisional law. The CLRC studies the law in order to discover defects and make related recommendations to the Legislature for needed reforms.

The CLRC’s enabling statute recognizes two types of topics the CLRC is authorized to study: (1) those that the CLRC identifies for study and lists in the Calendar of Topics that it reports to the Legislature; and (2) those that the Legislature assigns to the CLRC directly, by statute or concurrent resolution. Once the CLRC identifies a topic for study, it cannot begin to work on the topic until the Legislature, by concurrent resolution, authorizes the CLRC to conduct the study. Direct legislative assignments have become much more common in recent years, and many of the CLRC’s recent studies were directly assigned by the Legislature.

The CLRC is governed by Government Code Section 8293 which sets out the broad list of topics it is authorized to study. This authorization must be renewed in a concurrent resolution at least once per two-year legislative session. The most recent reauthorization was through ACR 24 (Chau, 2021). ACR 169 (Kalra, 2024) reauthorizes the CLRC to

study the 14 topics that were authorized by ACR 24. ACR 169 is currently pending in the Senate Judiciary Committee.

AB 1906 adds a topic for the CLRC to study. Specifically, this bill requires the California CLRC, with input from stakeholders, to complete and submit a study to the Legislature on how to remove the terms “dependent adult” and “dependent person” from existing code sections. The bill requires the study to include recommendations on how to replace the terms with new terminology that would respectfully describe those persons and preserves the legal rights and protections of those and other persons.

This bill is sponsored by the Arc and United Cerebral Palsy California Collaboration and supported by California Disability Services Association, Educate. Advocate., and Showing Up for Racial Justice North County San Diego. No timely opposition has been submitted to the Committee.

### **PROPOSED CHANGES TO THE LAW**

Existing law provides that: the CLRC shall file a report at each regular session of the Legislature that shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration; the CLRC shall confine its studies to those topics set forth in the calendar contained in its last preceding report that have been or are thereafter approved for its study by concurrent resolution of the Legislature; and that the CLRC shall also study any topic that the Legislature, by concurrent resolution or statute, refers to it for study. (Gov. Code § 8293 (a).)

This bill:

- 1) Makes findings and declarations regarding the terms “dependent adult” and “dependent person” being demeaning and inaccurate terms, among other things. Explains that it is the intent of the Legislature in enacting this bill that the terms “dependent adult” and “dependent person” be replaced in code with updated terminology that describes these adults in a respectful way; and that the change in terminology is undertaken in a consistent and comprehensive manner that does not substantively alter existing law.
- 2) Specifies that the CLRC shall, with input from stakeholders, including, but not limited to, the state protection and advocacy agency, complete and submit to the Legislature a study on how to remove the terms “dependent adult” and “dependent person” from California code sections, including, but not limited to, code sections that use the term “dependent” in conjunction with the term “elder” to describe the physical or financial abuse of persons who are elders or persons with a disability, including, but not limited to, the Penal Code, Welfare and Institutions Code, and Civil Code.

- 3) Specifies that as part of the study, the CLRC shall convene a working group that includes all of the following: the state protection and advocacy agency; groups representing persons who are described by the current definitions of “dependent adults” and “dependent persons;” and persons who are described by the current definitions of “dependent adults” or “dependent persons.”
- 4) Provides that the study shall identify all existing California code sections and provisions of the California Code of Regulations regarding persons who meet the definition of “dependent adult” and “dependent person” that should be amended.
- 5) Provides that the study shall include recommendations on how to revise existing California code sections and provisions of the California Code of Regulations in order to remove “dependent adult” and “dependent person” and replace those terms with new terminology in a manner that would describe these adults in a respectful way and that would preserve the legal rights and protections of both of the following groups of persons in a comprehensive and consistent manner.
- 6) Provides that this bill is inoperative on January 1, 2029.

### COMMENTS

#### 1. Author statement

According to the author:

AB 1906 seeks to change terminology used in statute to describe California’s disability and elderly communities. I stand in support of some of our most vulnerable communities to eliminate misleading and offensive terms from statute. We must continue to advocate for these communities and work together until language in statute is inclusive and no longer offensive.

#### 2. Support for the bill

The Arc and United Cerebral Palsy California Collaboration write the following as sponsors of this bill:

“Dependent adult” and “dependent person” are misleading because most people with disabilities, including adults younger than 65 who have disabilities caused by aging, live independently. These terms too often mislead law enforcement officers, prosecutors, social workers, and even crime victims and their families to think that many people with disabilities are excluded from the law’s protections. Equally importantly, the word “dependent” demeans and insults the majority of people with disabilities, who live independently.

AB 1906 only covers the legal language and does not compromise individuals' basic human right to use whatever terms they choose to describe themselves.

The California Disability Services Association writes the following in support of this bill:

CDSA writes to express support for AB 1906 which would replace "dependent adults" and "dependent persons" with the simple and respectful terms "adults with disabilities" and "persons with disabilities."

Many people with disabilities have objected to the existing terms for years – they can mislead law enforcement officers, social workers, and crime victims and their families into thinking that many people with disabilities are excluded from the law's protections. In addition, "the term 'elder and dependent adult abuse' is cumbersome and often leads to the use of shorthand terms, including the misleadingly narrow 'elder abuse' or the misleadingly broad 'adult abuse.'

As we shift to a more person-centered DD system, so must our terminology.

### **SUPPORT**

The Arc (sponsor)  
United Cerebral Palsy California Collaboration (sponsor)  
California Disability Services Association  
California Long-Term Care Ombudsman Association  
Educate.Advocate.  
Showing Up for Racial Justice North County San Diego

### **OPPOSITION**

None known

### **RELATED LEGISLATION**

#### **Pending Legislation:**

AB 2026 (Mathis, 2024) makes changes to the terms: "autistic children," "developmentally disabled children," "developmentally disabled adults," "disabled adults," "severely disabled children," and "seriously emotionally disturbed children" in provisions of the Health and Safety Code and Welfare and Institutions Code. AB 2026 is currently in the Assembly Judiciary Committee.

AB 2125 (Garcia, 2024) requires the CLRC to deliver, on or before September 30, 2027, a study regarding the recusal of judicial officers for prejudice and conflict of interest, as specified and requires the CLRC to consult with the Commission on Judicial

Performance in developing the study. Also makes these provisions inoperative on September 30, 2031, and repeals them on January 1, 2032. AB 2125 is currently in the Senate Judiciary Committee.

ACR 169 (Kalra, 2024) grants approval to the CLRC to continue its study of 14 designated topics that the Legislature previously authorized or directed the CLRC to study. The measure is currently in the Senate Judiciary Committee.

Prior Legislation:

ACR 24 (Chau, Res. Ch. 108, Stats. 2021) authorized the CLRC to continue its study of 13 topics and added an additional topic of study regarding states of disaster or emergencies.

ACR 173 (Gallagher, Res. Ch. 26, Stats. 2020) authorized the CLRC to continue its study of 13 topics.

SCR 91 (Roth, Res. Ch. 158, Stats. 2018) granted approval to the CLRC to continue its study of designated topics that the Legislature previously authorized or directed the CLRC to study; authorized and requested the CLRC to study and report on topics relating to hazardous waste control and hazardous substances; provided that before commencing work on any project within the list of topics authorized for study by the Legislature, the CLRC shall submit a detailed description of the scope of work to the Senate and Assembly Committees on Judiciary and any legislative policy committee with jurisdiction over the study's subject matter; and expressly allowed the CLRC to provide copies of its recommendations to members of a legislative policy committee and invited CLRC staff to hearings for the purpose of explaining recommendations and answering questions from committee members.

ACR 148 (Chau, Res. Ch. 150, Stats. 2016) authorized the CLRC to continue its studies on whether specified laws should be revised; authorized an additional study of the California Public Records Act; provided that before commencing work on any project within the list of topics authorized for study by the Legislature, the CLRC shall submit a detailed description of the scope of work to the Senate and Assembly Committees on Judiciary and any legislative policy committee with jurisdiction over the study's subject matter; and expressly allowed the CLRC to provide copies of its recommendations to members of a legislative policy committee and invite CLRC staff to hearings for the purpose of explaining recommendations and answering questions from committee members.

SCR 54 (Padilla, Res. Ch. 115, Stats. 2013) authorized the CLRC report on and prepare recommended legislation concerning statutes governing access by state and local government agencies to customer information from communications service providers.

AB 567 (Wagner, Res. Ch. 15, Stats. 2013) repealed the requirement that the CLRC make the decennial recommendations, and retained the CLRC's general authority to study, review, and make recommendations regarding the enforcement of judgments law.

ACR 125 (Papan, Res. Ch. 167, Stats. 2002) authorized the CLRC to study, report on, and prepare recommended legislation concerning the issue of financial privacy to address protection and control of a consumer's personal information and provide both administrative and civil penalties.

**PRIOR VOTES:**

Assembly Floor (Ayes 73, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 10, Noes 0)

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