

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 1308 (Ochoa Bogh)  
Version: February 20, 2026  
Hearing Date: April 21, 2026  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Legislature: constitutional course

**DIGEST**

This bill requires the Legislative Counsel Bureau, in consultation with the Joint Rules Committee, to develop and conduct an orientation course to cover specified statutory, regulatory, and constitutional topics; and requires each Member of the Legislature and each employee of the Legislature to take the course within six months of the convening of a regular Legislative session, or within six months of taking office or their hire date, as specified, unless the Member or employee meets one of the specified criteria for opting out of the course.

**EXECUTIVE SUMMARY**

Under current law and Legislative Rules, members of the Legislature and some Legislative employees must take courses every session covering topics including ethics, workplace harassment, and workplace violence.

This bill requires every member of the Legislature, and every employee of the Legislature, to take a course on the United States and California Constitutions once per session in conjunction with their ethics course. The bill requires that the course provide an orientation to relevant statutes and regulations and address, at a minimum, the following topics: federalism, preemption, separation of powers, civil rights, the Bill of Rights, state constitutional rights and freedoms, and the roles and responsibilities of the three branches of government at the state and federal levels. The bill requires that the Legislative Counsel Bureau, in consultation with the Joint Rules Committee, develop the course, and permits a Member or employee to opt out of the course if they pass a constitutional knowledge evaluation or are licensed to practice law in California.

This is the second year in a row in which the author has authored a version of this bill. Last year, this Committee heard SB 699 (Ochoa Bogh, 2025) in the spring and offered

amendments to the bill. The author declined the amendments and asked that the vote be postponed in order to give her more time to work on further changes to the bill. The author amended SB 699 in January 2026 and asked that the bill be set for the Committee's January hearing, then pulled the bill from the agenda. This bill includes minor differences from the January version of SB 699, including the requirement that the course provide an orientation to relevant statutes and regulations and the opt-out provisions.

This bill is sponsored by the author and is supported by the California Constitution Center; Hillsdale College; McGeorge College of Law; the University of California College of Law, San Francisco; and approximately 60 individuals. The Committee has not received timely opposition to this bill.

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

Existing constitutional law:

- 1) Requires all Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, to, before they enter upon the duties of their respective offices, take and subscribe the constitutional oath of office, as specified.
  - a) No other oath, declaration, or test shall be required as a qualification for any public office or employment.
  - b) "Public officer and employee" includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing. (Cal. Const., art. XX, § 3.)
- 2) Provides that the portion of the oath set forth in 1) that requires a person to swear or affirm that the person does not advocate, and is not a member, of any party or organization, political or otherwise, that now advocates to overthrow the Government of the United States or of the State of California by force or violence or other unlawful means, and to disclose any such organizations in which they have been a member in the preceding five years, is invalid as a violation of the First Amendment to the United States Constitution. (*See Vogel v. Los Angeles County* (1967) 68 Cal.2d 18, 19, 25-26.)

Existing state law:

- 1) Requires the appropriate legislative ethics committees to conduct, at least semiannually, the following courses:

- a) An orientation course of the relevant statutes and regulations governing official conduct, the curriculum and presentation of which shall be established by house rules.
  - b) An orientation course on the relevant ethical issues and laws relating to lobbying, in consultation with the Fair Political Practices Commission (FPPC); the course shall also include information on each legislative house's policies against harassment, including sexual harassment, in connection with lobbying activities. (Gov. Code, § 8956(a) & (b).)
- 2) Requires that each Member of the Legislature and each designated employee of the Legislature attend each of the courses. (Gov. Code, § 8956(c).)
  - 3) Requires the committees to impose fees on lobbyists for attending the course described in 1)(b), which shall be set at an amount that will enable the lobbyists' participation in the course to be funded from those fees to the fullest extent possible. (Gov. Code, § 8956(d).)
  - 4) Requires, at the day and hour appointed for the assembling of any regular session of the Legislature, the Members and Members-Elect to take the constitutional oath of office. (Gov. Code, §§ 9022, 9023.)
    - a) Members of the Legislature who do not take the oath of office at the assembling of the Legislature may take the oath at any time during the term for which they were elected. (Gov. Code, § 9024.)
    - b) An entry of the oath taken by members of the Legislature shall be made on the journals of the proper house. (Gov. Code, § 9025.)

Current Legislative Rules:

- 1) Require the Senate Committee on Legislative Ethics to conduct periodic workshops, at least once per calendar year, for Senators and officers and employees of the Senate, including workshops specifically designed for newly elected Senators and newly elected appointed officers and employees; at least once per biennial session, each Senator and each officer or employee of the Senate shall attend one of these workshops, and each Senator must also attend an individual training or review session conducted by the Chief Counsel of the Committee. (Standing Rules of the Sen. (2025-2026 Leg. Sess.) Rule 12.3(b)(4).)
- 2) Require each Member of the Assembly to attend their house's Ethics Committee's course on the relevant statutes and regulations governing official conduct. (Standing Rules of the Assem. (2025-2026 Reg. Sess.) Rule 22.5(p).)
- 3) Require every employee of the Assembly to complete the following courses within the first six months of their employment, and thereafter, within the first six months of every legislative session:

- a) The Assembly ethics course.
- b) A course on harassment, discrimination, and retaliation prevention.  
(Standing Rules of the Assem. (2025-2026 Reg. Sess.) Rules 22.5, 24.)

This bill:

- 1) Requires, except as provided in 4), all Members of the Legislature and designated employees of the Legislature, in conjunction with their required ethics training, attend an orientation course regarding the United States Constitution and the California Constitution.
  - a) If the Member assumes their seat after a regular session is convened, the Member shall attend the course within six months of assuming their seat.
  - b) If a designated employee of the Legislature is hired after a regular session is convened, the employee shall attend the course within six months of their hire date.
- 2) Requires the Legislative Counsel Bureau, in connection with the Joint Rules Committee, to develop and conduct the course described in 1).
- 3) Requires the course in 1) to provide an orientation to relevant statutes and regulations and to address, at a minimum, the following topics: federalism, preemption, civil rights, the Bill of Rights, state constitutional rights and freedoms, and the roles and responsibilities of the three branches of government at the state and federal levels.
- 4) Permits a Member or designated employee of the Legislature to opt out of the course described in 1) if either of the following conditions are met:
  - a) The Member or employee demonstrates proficient knowledge of the topics described in 3), as determined by an evaluation that is developed by the Legislative Counsel Bureau, in consultation with the Joint Rules Committee.
  - b) The Member or employee is licensed to practice law in the State of California.

## COMMENTS

### 1. Author's comment

According to the author:

The California State Legislature requires all members and employees to attend mandatory training courses regarding legislative ethics, harassment and discrimination prevention, and workplace violence prevention. Among these mandatory courses, Legislators and staff learn about protections and policies that exist within the workplace and ensure awareness and compliance.

Implementing a mandatory course regarding the Constitutions of both the United States and the State of California would serve to inform legislative members and employees of the protections and policies that these documents outline for each branch of government, specifically related to the role and jurisdiction of the Legislature.

It is essential the legislature ensure that proposed legislation is in alignment with the framework of both the California and U.S. Constitution. With this course, the integrity of the legislative process and preserving the separation of powers that define our democracy will be ensured to all Californians. To fully uphold the responsibilities described in the Oath of Office, all members and employees of the Legislature should be fully informed of the provisions of both Constitutions that they have sworn to abide by within their legislative duties.

2. This bill requires all Members and Legislative employees to take, once per session, an orientation course on relevant statutes and regulations and specified constitutional topics

The bill requires the Legislative Counsel Bureau, in consultation with the Joint Rules Committee, to develop and conduct an orientation course on relevant statutes, regulations, and constitutional topics. The constitutional component of the course must address, at a minimum, the following topics: federalism; preemption; separation of powers; civil rights; the Bill of Rights; state constitutional rights and freedoms; and the roles and responsibilities of the three branches of government at the state and federal levels. The bill does not specify which “relevant statutes and regulations” should be covered in the course, or what they should be relevant to. Many of the mandatory topics required to be covered by their bill are, on their own, the topics of semester-long courses in law school, so it is unclear whether a course covering all seven topics plus some number of statutes and regulations would provide a meaningful orientation to any of them.

As a general rule, every Member, and every employee, of the Legislature must take the course in conjunction with their ethics training; if a Member is seated, or an employee is hired, outside of the six-month window, they must take the course within six months of assuming their seat or of their hire date. A Member or employee may opt out of the course, however, if they satisfy one of two criteria: (1) the Member or employee demonstrates proficient knowledge of the topics covered by the course through an evaluation developed by the Legislative Counsel Bureau and the Joint Rules Committee; or (2) the Member or employee is licensed to practice law in California.

3. Prior legislation on this topic

In 2025, this Committee heard SB 699 (Ochoa Bogh, 2025), which would have established a mandatory two-hour course covering specified constitutional topics. The

Committee had offered amendments to the bill, which the author declined to take. The Committee heard testimony on the bill, but ultimately postponed a vote on the bill to give the author more time to work on new language.

The author amended SB 699 in January 2026; the changes did not align with the Committee's earlier suggested amendments. The Committee set the bill for a hearing in January, but the author pulled the bill from the agenda. SB 699 was returned to the Secretary of the Senate pursuant to Joint Rule 56.

This bill is generally similar to SB 699, as it was amended in January 2026, with some minor differences. This bill newly requires that the course address, in addition to constitutional topics, "relevant statutes and regulations." This bill also introduces an opt-out provision: a Member or employee could skip the course if they either (1) pass a constitutional knowledge test designed by the Legislative Counsel Bureau and the Joint Rules Committee, or (2) are licensed to practice law in the State of California.

#### 4. Arguments in support

According to University of California College of Law, San Francisco:

A course regarding the Constitutions of both the United States and the State of California would serve to inform legislative members and employees of the protections and policies that these documents outline for each branch of government, the role and jurisdiction of the Legislature, and promote understanding of state constitutional protections that are more expansive than their federal counterparts such as California's inalienable right to privacy.

Ensuring that proposed legislation is in alignment with the framework of the U.S. and California Constitutions is essential to protecting the integrity of the legislative process and preserving the separation of powers that defines our democracy. To fully uphold the responsibilities described in the Oath of Office, all members and employees of the Legislature should be fully informed of the provisions of both Constitutions that they have sworn to abide by within their legislative duties.

#### SUPPORT

California Constitution Center  
Hillsdale College  
McGeorge College of Law  
University of California College of Law, San Francisco  
Approximately 60 individuals

#### OPPOSITION

None received

**RELATED LEGISLATION**

Pending legislation: None known.

Prior legislation: SB 699 (Ochoa Bogh, 699) is discussed in Comment 3 of this analysis.

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