



## Statutory Research

The research process for statutes involves an understanding of these elements:

- Where to find existing laws and statutory compilations
- How to update existing laws
- How to find cases and other analytical material useful in interpreting laws
- How to find pending legislation
- How to find laws as they existed at a previous point in time

Each legislative body has a process by which laws are passed, codified, and published. Understanding this process facilitates strategies for the typical research problems involving statutes. These are:

- Determining whether any statutes apply to the problem at hand, and locating the current (and possibly past) text;
- Determining if the law was passed according to rules governing the legislative process, possibly affecting the validity of a law;
- Determining the legislative history of the law, affecting its interpretation; and
- Determining if any courts have interpreted the law as referenced by published opinions

The legislative process has its own documentation, published regularly in paper and online. The ease of locating and retrieving individual documents varies with the steps in the process. A summary of what one expects to find is as follows:

- Bills. The text of bills as introduced, amended, and passed. There may also be competing bills on the same subject. Typical reference is by house of origin, number, and name.
- Documents generated by the legislature during the consideration of bills. These may be reports, hearings, transcripts of debate, or other kinds of documents. Typical reference is to house of origin and a numerical designation. There are various types of journals and other publications that track the progress of a legislative body and its debates.
- Session Laws. Once a law is passed, the text of that law as passed is published in numerical order within a volume documenting all laws passed during a term of that legislative body. Typical reference is by public law or public act.
- Codes. These are organized by subject, and usually divided into titles or chapters (or both), and then further into sections or paragraphs, subsections, etc. Session laws are integrated into the text of a code. The currency of the code is determined by the date of the last legislative activity that has been incorporated into the text.



The federal government and the states all have documents of this type to varying degrees. They are usually available through either public or commercial publications, in paper, online, or both.

## Federal Law

### **Bills**

Bills are introduced in either house of congress. Tax bills, however, can only originate in the House of Representatives. They are designated by an alphanumerical citation that indicates the house of origin and the type of proposed legislation. For example S 1347 is the 1347<sup>th</sup> bill introduced in the Senate for a congress; HR 4637 is a house bill; SJR 12 is a senate joint resolution. Bills follow the legislative process until they pass or die. If a bill does not pass during the session of congress in which it was introduced, it dies, and must be reintroduced in the next congress for continued consideration.

Bills are not published in comprehensive paper publications because the volume is too large to be commercially viable. United States depository libraries usually have archives of bills in microform format, and CIS publishes a commercial set of microforms. Bill text and tracking is available through Lexis and Westlaw. The government provides comprehensive bill and legislative tracking since the 104<sup>th</sup> congress (approximately 1995) on the Thomas web site. Named after Thomas Jefferson and provided by the Library of Congress, Thomas is on the web at <http://thomas.loc.gov>. Some materials on Thomas go back as far as the 92<sup>nd</sup> congress (approximately 1972). Bills are searchable and downloadable in PDF format, including versions from different stages in the process.

Terms you may encounter to describe various versions of the bills include “introduced,” “engrossed,” and “enrolled.” Once a bill is introduced, it may be amended on the floor of the chamber of introduction or in committee. In any event, the amendment alters the language of the bill. Once a bill passes the first chamber, with or without amendments, the text is considered “engrossed” and sent to the second chamber for consideration. The final version of the bill that passes both houses of the legislature is termed “enrolled” and sent to the executive for signature.

The Commerce Clearing House publication *Congressional Index* tracks congressional activity and is updated on a weekly basis. No full text appears in this publication. There are also publications such as *Congressional Quarterly*, which provide a weekly view of congressional activity in a magazine format. Editorially, CQ only covers legislation and trends that have wide interest. The Thomas (<http://thomas.loc.gov>) web site provided by the Library of Congress will track legislation starting with the 104<sup>th</sup> congress.

### **Public Laws**

When congress passes an act and the president signs it, the act is given a public law number. The current version of a public law citation is designated by the number of the



congress which passed the act, and the numerical designator of the order in which the act was signed. For example, P.L. 106-347 is the 347<sup>th</sup> law enacted by the 106<sup>th</sup> congress. Earlier congresses used years and chapters as a designator. However, most modern legislation uses the P.L. format.

The law is printed as a slip law, which contains, in pamphlet form, the text of the law as passed. Various sections of a public law may be codified in many different parts of the *U.S. Code*, as there is no restriction on congress whether or not to combine unrelated material in a single bill that is voted on and passed as a whole. The slip law will usually note in the margins where particular section of the Public Act will appear or affect in the *U.S. Code*. Sometimes a section of a Public Law will amend an existing section of the code by ordering existing text stricken out and new text added in its place. Sometimes these amending sections will revise the numbering of existing sections and add new material where old sections existed. The historical notes in the various compilations of the Code help a researcher keep track of the affect of an amendment to a section. The current slip laws published by the United States government contain page numbers that correspond to the pages in *Statutes At Large*. In essence, slip laws are advance sheets to *Statutes At Large*.

*Statutes At Large* is the bound compilation of session laws of the United States. Session laws are easily what their name implies, printed versions of laws as passed by a specific legislative body in the order in which they are passed. *Statutes At Large* contains tables which cross-reference sections of a law to their codified counterparts. The volumes also contain the text of resolutions and other material voted on by congress. They contained the text of all treaties ratified by the Senate until approximately 1952 when these materials were published instead in a (then) new set of books called *United States Treaties*.

Laws usually have popular names and short titles. These are usually a lot simpler and clearer than the technical names of some acts, which can be very long and cumbersome. A short title is usually designated by one of the first sections of a Public Law which will state the short title designated by the passing legislative body. A researcher can locate citations to popular names and short titles in the tables that appear in one of the last volume of each U.S. Code compilation. Shepards also publishes a volume called *Acts and Cases by Popular Name* that provides the same utility. The utility of short titles is the allowance of an easy reference in documents and filings.

West publishes a set of books that documents congressional and executive activity. The *United States Code, Congressional and Administrative News* (USCCAN) reprints *Statutes At Large* (including page numbers), and adds edited legislative history and other related analytical material. This set has published since 1942 and is available back to that date on Westlaw.

The best index to congressional activity, including public laws is *CIS*, which stands for Congressional Information Service. The paper volumes are detailed and in-depth



references to all congressional activity, with access points by numbers, dates, and subject. The books are cross-referenced to fiche that has the full text of the indexed document. More information on CIS and its online counterpart, Congressional Universe, will appear in the discussion of legislative history.

*Statutes At Large* and Public Law databases are available on both Westlaw and Lexis. *The U.S. Code, Congressional and Administrative News* is on Westlaw. Congressional Universe is a service of Lexis that is usually purchased separately from the Lexis online service.

### **The Official and Unofficial Codes of the United States**

There are three print versions of the federal statutes. The official is the *United States Code* (USC), which is published every 6 years by the Government Printing Office. Supplements are published in the intervening years. The government-published codes appear well after their spine dates by a year to two years. Therefore, for the most current federal compilation, use either the *United States Code Annotated* (USCA) or the *United States Code Service* (USCS).

The Code is organized into 50 titles, which are broken into chapters, and then sections. Citation to the code refers to title and section, such as 42 USC §1983 (2000). Chapters are not part of the citation format. Each title generally covers a single subject. However, the code has grown so broad that material related to a particular subject may be found in other titles. For example, the civil rights laws of the United States are generally in Title 42. However, criminal penalties for some civil rights violations are in Title 18, which covers crimes and criminal procedure.

The official code will provide the text of the statute current to the date noted on the title page of the printed copy, its source, and its revision history. The editors provide notes, short explanatory or cross-referencing material, about a section or chapter when appropriate.

The official United States Code is searchable on GPO Access (<http://www.access.gpo.gov>). There is a downloadable version (MS Word format) of the United States Code at the site for the United States House of Representatives Office of Law Revision Counsel (<http://uscode.house.gov/>). This office is charged with editing the official text of the Code for the print copy. The online version of the text is usually more current than the printed version.

### **The United States Code Annotated (West)**

West Group publishes this version of the code. The organization of the USCA uses the same numbering system as the USC. West publishes the code in approximately 200 plus bound volumes. These are updated by annual pocket parts, and assorted pamphlets published throughout the year. In addition to the material in the USC, West adds notes of



decisions, which are annotations of cases that has interpreted or invoked the particular federal statute. Annotation sets are indexed by a numerical/subject outline appearing just before the start of the set. West also adds references to topics and key numbers for their digests that are relevant to the statute. The rest of the text includes historical notes of revision, selected law review citations, and cross references to treatises and other analytical material published by West. There are table volumes that provide cross-references between code sections and *Statute At Large* citations, and between earlier versions of the code that appeared before the current compilation (1927). A popular name table for laws appears in the last index volume.

This is the version of the code that is on Westlaw. All of the full text is searchable, including all of the editorial and extra analytical material that West provides in the printed edition. The search results will indicate the date or Public Law through which the text is current, thus indicating whether or not further updating is necessary.

### **The United States Code Service (USCS)**

Several different legal presses have published the *United States Code Service*. The Lawyer's Cooperative Publishing Company (LCP) originally published the code. Thompson Publishing purchased LCP and West among others in the mid-1990's, forcing Thompson to sell the USCS as part of antitrust compliance with the Justice department. Lexis purchased the publishing rights as they had always had arrangements with LCP to use this edition of the code as their online federal code database.

The USCS shares a lot of publishing characteristics with the USCA. It is organized with the same numbering system as the USC. There are annotations, historical material, tables, cross-references to Lexis online material and other analytical material in the Lexis publishing world in addition to the same material in the USC. Annual pocket parts and other pamphlets update the volumes. The statutory source text comes from Statutes At Large, which is different from the technical corrections (i.e., spelling errors, etc.) that West editors introduce in their version of the code.

### **Which version to use?**

Since these versions of the code share almost identical analytical capabilities, the most compelling reason to choose one over the other is the cross-referencing to other publications, which are usually limited to that publisher's catalog. For example, if one uses the Wright and Miller *Federal Practice and Procedure* treatise, cross-referencing will only appear in the USCA. If one prefers *Moore's Federal Practice* treatise, then cross-referencing will only appear in the USCS.



## Illinois

### **Bills**

The process for bills in Illinois follows the same conventions described in the federal section above. The only significant variation in the Illinois legislative process is that a bill must have three readings in each chamber before a vote is held on a bill. Bill text and status are on Lexis and Westlaw. The legislature provides full text archives and status for the last several general assemblies at <http://www.ilga.gov>.

Bill tracking in paper is through a publication called the *Legislative Synopsis and Digest*. Several volumes appear through the course of a general assembly. Replacement volumes periodically update them until a final set of books is issued for a year. The volumes are organized by chamber and bill number, and include a chronology of activity under each bill if one exists. The paper copies found in most libraries extend well earlier than the online version at the legislature's web site. For those interested, there is an interesting guide prepared by the Illinois Legislative Reference Bureau on drafting legislation, complete with explanations of terminology used in identifying documents in various stages of the legislative process. The guide is on the web at <http://www.ilga.gov/commission/lrb/lrbguide.htm>. Other Legislative Reference Bureau publications are available at [http://www.ilga.gov/commission/lrb\\_home.html](http://www.ilga.gov/commission/lrb_home.html).

### **Public Acts**

Once a bill has been passed and signed by the governor, it is given a numerical designation similar to the federal system. P.A. 91-1019 is the 1019<sup>th</sup> act passed by the 91<sup>st</sup> general assembly. These are compiled in volumes called *Laws of Illinois*, which are the session laws of Illinois. These volumes only contain acts as signed into law with little analytical material. The text of public acts for the last several general assemblies is also on the legislature's web site.

### **The Codes of Illinois**

The statutes for the state of Illinois appear in a compilation known as *Illinois Compiled Statutes* (ILCS). Acts are organized into chapters that are organized around a general subject. Each chapter is divided into acts, and each act is divided into sections. 735 ILCS 5/3 is a citation to the 3<sup>rd</sup> section of the 5<sup>th</sup> act in chapter 735.

The chapter and numbering system is significantly different from the prior statutory compilation, *Illinois Revised Statutes* (Ill. Rev. Stat.). Because the new code is only 10 years old, there are extensive amounts of references in cases and other material to the *Illinois Revised Statute* citations. There are table volumes in all current code compilations that cross-reference between old and new citations. The current code is on the legislature's web site.



### **State Bar Association Edition**

The closest there is to an “official” code is the State Bar Association Edition of ILCS, although it is by no means designation official by the State of Illinois. Published in 7 volumes, it contains the text of the statutes, source act and amendment history, and notes where appropriate. One volume acts as an index and popular name table. There are no annotations or other editorial enhancements. The set is published by West rather than under the authority of the State of Illinois. It appears in a recompiled and updated form every two years, with a paper one-volume supplement in the intervening year. There are no annotations or other editorial enhancements to aid a researcher in this version of the ILCS.

### **Smith-Hurd Illinois Annotated Statutes**

West publishes this set. Smith-Hurd is a reference to historical sets that West Group acquired years ago and continues the current product under these names. The numbering system for ILCS is in the public domain. Hence, this publication, as well as the Lexis version described below, uses the same common numbering system. The set is updated by annual pocket part and regular pamphlets.

The editorial enhancements include historical notes, reference to law review articles, annotations, relevant key numbers, and references to other Thompson/West publications.

### **Illinois Compiled Statutes (Lexis)**

The only comparable difference between the features is that the Lexis Publishing editorial staff prepares the analytical notes cross-referencing to other Lexis materials. Lexis does not provide West key number referencing.

## **Other Materials**

### **Advanced Legislative Service (ALS) Pamphlets**

Throughout the course of a general assembly, Both West and Lexis will publish pamphlets that contain the latest public acts. These supplement the pocket part to the current text of the law. These pamphlets indicate a cut off date so as to give the researcher an indication whether the law needs to be updated further.

### **Illinois House and Senate Journals**

These are two publications that track the activity of the two chambers of the general assembly. The activity is noted in abstract form on a calendar basis. There are no verbatim reports of activity in these publications.



## Transcripts of the Debates of the House and Senate

Historically, these appeared only on microform, and only since 1971. There are transcripts on the legislature's web site for the last three general assemblies. The default access point is by legislative day. Limited keyword search is available.

## Annotated Codes Generally

Each state has an annotated code, mostly published commercially, and they generally contain many of the same features described for the commercial U.S. and Illinois Codes above. In summary, these features are:

- The text of the legislation divided into a common numbering scheme. The divisions may be by title and/or chapter, section and/or paragraph, and subsections to these.
- Historical notes that indicate the number of amendments to a particular section, and short explanatory notes as to the impact of those amendments to the original text, and their effective dates.
- Cross-references to secondary materials such as law review articles, ALR annotations, and other material published by that Code's publishing group. West published codes will also include references to topics and key numbers for West digests.
- Annotations to cases that have interpreted or significantly referred to that section of the code. Note that if there are multiple editions of a code by commercial publishers for a single jurisdiction, the list, description, and organization of the annotations will be subject to the editorial discretion of the individual editorial staffs.
- Updates by pocket parts or pamphlets. Closing dates for legislative activity and/or cases within significant reporters will be listed within the first several pages of these pamphlets.
- Advance Legislative Service pamphlets are published at various time throughout the year to supplement the pocket parts, indicating new legislative activity, new case annotations, or both.