Crafting Legislation in a Dynamic Environment

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Materials may be accessed at
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DRAFTING EXERCISE 1

Common drafting assignment:
“Cleaning up” proposed language
DRAFTING EXERCISE 1

- Limited time
- Give it your best shot
- Do what you can
- Fix it in committee
Sections of statutes are typically broken down into:

1. Subsections
2. Subdivisions; and
3. Paragraphs.
DRAFTING EXERCISE 1

- Identify grammatical ambiguities
- Get rid of superfluous language
organizational rules: how should definitions, general propositions, exceptions, enforcement issues be organized relative to each other?
DRAFTING EXERCISE 1

Definitions:
– when are they helpful?
– when are they artificial?
DRAFTING EXERCISE 1

- Use terms consistently
- Watch out for problems with what clauses may modify
DRAFTING EXERCISE 1

- Active voice preferred
- Passive voice may be helpful to avoid awkward repetition
Sec. 1234. MEDICAL RECORDS. (a) In this section, "felony" means a sexual assault, and "medical records" means any information used or generated by a health care provider or providers, which may include records relating to emergency room treatment, rehabilitation therapy, or counseling.

(b) On a motion filed on the court's own motion or by the attorney representing the state, the defendant, or the parent or guardian of the victim or, if the victim is no longer a child, the victim, the court shall seal any records of the court that contain the medical records of a minor that is younger than 18 years of age and the victim of a felony.

(c) The court shall hold a hearing on a motion that is contested within seven days from the date the motion is filed. The court is authorized to but is not required to hold a hearing on a motion that is not contested as described by this subsection.

(d) A clerk of the court is not liable if the clerk of the court fails to seal medical records after a motion is granted under this section except on a showing of bad faith. The duty of a court under this section becomes optional at the court's sole discretion when the court finds good cause after a hearing held under Subsection (c).
DRAFTING EXERCISE 2:
DRAFT A SIMPLE BILL
Require college students to finish a degree in four years. Students can change majors one time.

Three-fourths of all teaching must be done by professors, not graduate students. Phase this requirement in over 5 years.

Exempt faculty whose research is externally funded.