GUIDELINES FOR WHEN TO UPDATE STATUTES REGARDING
THE PRESENT TENSE, ACTIVE VOICE, AND AUTHORITY VERBS

1. The determination of whether to update existing statutory language is primarily one for the attorney drafting the bill to make. If updating seems advisable under section 4 but the drafter has not updated a statute, a revisor should raise the issue with the drafter and should consider whether to include the updates in the current version of the bill or the next draft of the bill.
   a. LAs do not need to suggest updates to bills.
   b. LAs should raise a concern if they notice conflicting updates between bills or within a bill.

2. The attorney should comply with the drafting manual concerning the use of the present tense, active voice, and authority verbs (unless doing so is likely to create ambiguity) when a bill adds:
   a. An entirely new subdivision of law; or
   b. An entirely new sentence within an existing subdivision of law. In doing so, the attorney should consider whether the rest of the subdivision should be updated - see section 4.

3. Do not update a subdivision of law that is not already in a bill for other, substantive reasons. This does not prevent:
   a. Updating an introductory portion of law that is not otherwise being amended and therefore wouldn't otherwise be in the amending clause.
   b. Updating an entire section or other multi-part subdivision of law if doing so is helpful for other reasons, for example, most of the subdivisions of the section or subdivision are already being amended or it's important to show the context of the section or subdivision.

4. In determining whether to update existing statutory language, an attorney should consider:
   a. Whether updating the language is likely to create ambiguity or have any substantive effect.
   b. Whether the existing language has been construed by case law. If so, the attorney should not update the language unless doing so would clearly not affect the reasoning or result of the case.
   c. Whether the existing language relates to a particularly sensitive issue. If so, the language should probably be left alone.
   d. Whether the sponsor of the bill or the committee where it will probably be heard are likely to be concerned with each and every statutory change.
   e. The resulting work load on the publication and bill production processes, including on LAs, revisors, and the pub team. Updating in a 5- or 10-page bill has a very different impact than doing so in a 50-page bill. Updating sections of law that are in the bill only as conforming amendments may be unduly burdensome if there are many conforming amendments.

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1For purposes of these guidelines, "update" means to amend an existing statute to make it comply with the drafting manual concerning the use of the present tense, active voice, and authority verbs (that is, "shall", "may", "must", and "need").

2Refer to the drafting manual, pages 5-15 through 5-19.