STATUTORY RESEARCH
IMPORTANCE OF STATUTES

"Statutes are typically the place to begin research of primary legal sources. Subject *only* to constitutional control, they authorize promulgation of administrative regulations and can overturn or modify court decisions . . . .“ (emphasis supplied)

http://guides.library.harvard.edu/statutes?hs=a
LEARNING OBJECTIVES

- Understand the relationship between session laws and codes.

- Explain the differences between an annotated code and an unannotated code.

- Apply different research strategies to retrieve relevant statutes (e.g., using indexes, tables of contents, popular names tables).
Legislation Overview
LEGISLATIVE PROCESS

Original Bill introduced in Congress (numbered sequentially)

Engrossed Bill – passed by one chamber

Enrolled Bill – passed by both chambers

President or Governor signs (veto override process)
CODIFICATION PROCESS

Slip Laws – each is assigned a Public Law Number based on congressional session & passage order (e.g., PL 103-416)

Session Laws are arranged chronologically (e.g., Statutes at Large, Oklahoma Session Laws)

Statutory Codes are arranged by subject (e.g., United States Code, Oklahoma Statutes)
SO WHAT DOES CODIFICATION MEAN?

Codification means that the law is put into the Code, which is arranged by topic. It makes it easier to do research that way, because you can just look up laws based on their subject and not on date of passage.
Statutes at Large

- Compilation of slip laws passed in each US Congressional session
- One volume number per legislative session, but may be divided into separate books ("parts")
- Arranged chronologically by date of passage
- Useful primarily in legislative history research
- Citation: "108 Stat. 4305" = volume 108 at page 4305
FEDERAL CODIFICATION

• United States Code (official)
  • 54 titles arranged by subject
  • Published every 6 years with annual cumulative supplements
  • Print version is often 2-3 years behind
  • Not annotated

• Annotated Codes (unofficial)
  • United States Code Annotated (USCA)
  • United States Code Service (USCS)
CITING TO THE USC


Official Name of Act, U.S.C. title number, abbreviation of code cited, section symbols and span of sections containing statute, date of code edition cited
WHILE YOU’LL CITE TO THE U.S.C., YOU’LL DO RESEARCH USING THE ANNOTATED VERSION
OKLAHOMA STATUTES
OKLAHOMA SESSION LAWS

• Easily located on Oklahoma State Court Network (OSCN).
  • Cite to court as: 2017 Okla. Sess. Laws 57, for example
• On Westlaw: Oklahoma Proposed & Enacted Legislation → Enacted Legislation (Session Laws)
• Full text of laws enacted during a legislative session
  • Lexis Advance - Oklahoma Advance Legislative Service (1989-2012 or 2014)
OKLAHOMA STATUTES

Oklahoma Statutes is the official version of the Oklahoma statutes (different color each year).

Oklahoma Statutes Annotated is the unofficial, annotated version (green cover).


WHILE OKLAHOMA COURTS MAY HAVE A DIFFERENT PREFERRED METHOD OF CITING TO OKLAHOMA STATUTES, PLEASE DEFER TO HOW YOUR PROFESSOR WANTS YOU TO CITE TO THE OKLAHOMA STATUTES.
Statutory Research Process
RESEARCH STEPS

1) Locate the statute.
2) Read the statute.
3) Examine the annotations to understand the statute and find related material.
4) Browse title/chapter outline(s) for related statutes, especially looking at surrounding sections, definition sections, and purpose sections.
5) Use a citator to (1) validate the statute (i.e., make sure it is current and still good law) and (2) locate citing references.
STEP 1: LOCATING STATUTES

• By citation of statute or related public law number

• Using secondary sources/annotations

• Using finding aids in statutory compilations
  • Popular Name Table
  • Index
  • Table of Contents

• Terms & connectors searching
POPULAR NAME TABLE

- Laws frequently acquire “popular names” based on:
  - Substance of the law (National Dropout Prevention Act of 1991)
  - Sponsor or creator of the law (Gramm-Leach-Bliley Act)
  - Phrases to gain political support for the law (Defense of Marriage Act)
  - Victims of crimes (Adam Walsh Child Protection and Safety Act of 2006)

- Popular Name Tables link the popular name of a statute to its citation(s) in the USC, & often to its Public Law number(s) and Statutes at Large citation(s) as well.
• Identify legally significant terms.

• Look terms up in index.

• If term appears: code title and section.

• If term is not listed, try using legal thesaurus or dictionary to locate synonyms for your terms.
## Access Points – Statutes at Large

<table>
<thead>
<tr>
<th>Source (as of 9/21/18)</th>
<th>Public Law #</th>
<th>Pop. Name</th>
<th>Index</th>
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*Subscription required.

†Subsequent slip laws can be accessed through Private Laws and/or Public Laws.
LET’S SEARCH STATUTES AT LARGE!

- https://www.gpo.gov/fdsys/
- Run a search for “American Indian Probate Reform Act of 2004.”
# ACCESS POINTS - USC

<table>
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<tr>
<th>Source (as of 9/21/18)</th>
<th>Popular Name Table</th>
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<th>Keyword</th>
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</table>

**Note:** All can be used to find by citation.

* Subscription required
LET’S SEARCH THE USCA

- Go to Westlaw and search in the Popular Name Table for “American Indian Probate Reform Act of 2004.”
# ACCESS POINTS - OK

<table>
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<th>Source</th>
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</tbody>
</table>

*Note: All can be used to find by citation.*

*Subscription required*
STEP 2: READING STATUTES
If it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.

Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned.

Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof and, if not paid, the patent shall lapse at the termination of this three-month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded.

If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Director as though no abandonment or lapse had ever occurred.

Credits

CODE OF FEDERAL REGULATIONS
Abandonment of application for failure to pay issue fee, see 37 CFR § 1.316, set out in the Appendix.
Allowance and issue of patent, see 37 CFR § 1.311 et seq., set out in the Appendix.
Delayed payment of balance of issue fee, see 37 CFR § 1.317, set out in the Appendix.
Time of issuance of patent, see 37 CFR § 1.314, set out in the Appendix.
Current through P.L. 111-144 approved 3-2-10
STEP 3: READ ANNOTATIONS
STEP 4: BROWSE TOC

Title 4. Animals

Includes current version of Oklahoma statutes, constitution & court rules. Browse Table of Contents below or search above.

- Select all content | No items selected | Clear Selection

### 4 OK ST T. Refs & Annos

- Chapter 1. Bounties [Repealed]
  - § 30.1. State Bounty on Hawks and Crows
  - § 30.2. County Bounty on Hawks and Crows
  - § 30.3. Gray Wolves and Coyotes
  - § 30.4. Wolves, Coyotes, Bobcats and Foxes

- Chapter 1A. Commercial Pet Breeders Act of 2012
  - § 30.1. Commercial Pet Breeders and Animal Shelter Licensing Act
  - § 30.2. Definitions
  - § 30.3. Enforcement of Act
  - § 30.4. License
  - § 30.5. Application for License—Inspection of Applicant
  - § 30.6. Requirements for License
  - § 30.7. Revocation or Suspension of License
  - § 30.8. Expiration and Renewal of License
  - § 30.9. Required Information Updates
  - § 30.10. Disclosure of License
  - § 30.11. Annual Report Filings
  - § 30.13. Prohibited Conduct—Penalties
  - § 30.15. Limitations
  - § 30.16. Appropriation of Funds

- Chapter 2. Breeding
  - § 31. Breeding Certificates—Duty to Furnish—Contents—Form
  - § 32. Refusal to Furnish Certificate—Penalty
STEP 5: VALIDATING STATUTES
Shepardizing Statutes

Pending legislation

Strong negative treatment indicated

Checking Statutes in KeyCite

A red flag indicates that the statute has been amended by a recent session law, repealed, superseded, or held unconstitutional or preempted in whole or in part.

A yellow flag indicates that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available; that the statute was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute received negative treatment from a court.
RESOURCES

• Statutory Research- Federal & State LibGuide
  • http://libguides.okcu.edu/statutoryresearch

• “A Guide To Reading, Interpreting And Applying Statutes” (Georgetown Law)

• Ask a Librarian!!
Questions?