



Using Statutes

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What are statutes?

Statutes are laws enacted by a legislative body. They are binding on persons located within the jurisdictional authority of the legislative body. Statutes are what most people call “laws.” While statutes are presumed to be clear as to their meaning, it is usually necessary to consult court decisions to determine how a particular statute is applied within the jurisdiction.

How are statutes published?

Statutes are published in three different forms: slip laws, session laws and codes. Each form provides advantages for different research needs. Slip laws are individual copies of laws published as soon as they are enacted. Session laws are chronological compilations of the laws passed by a particular legislature within each session. Codes are topical arrangements of all the permanent general laws in force in a particular jurisdiction at a particular point in time.

Most statutory legal research is conducted using codes, since they provide the most complete picture of what the law is at a particular time by bringing related provisions together and incorporating amendments into the text. A special type of code, called an annotated code, provides references to cases that have applied the statute, and to other research aids.

CODES

What are codes?

Codes are topical arrangements of all the current, general laws in force in a particular jurisdiction. They bring together related laws and incorporate amendments into the text of the existing statute.

Code sections on specific topics may be located by using indexes found at the backs of individual volumes or in separate volumes shelved at the beginning or end of the code set. Some codes are numbered with chapter or title numbers. Some state codes are really collections of codes on individual subjects such as domestic relations law, criminal law and commercial law.

The most frequently consulted codes are annotated codes. These contain the text of the current laws and also provide references to cases that interpret the statute. They may also provide cross references to other relevant statutes, regulations, and legislative history information. Codes are kept current with supplemental volumes, pocket parts and pamphlets. These must always be checked to ensure that you have the most recent version of the law.

How are codes used?

Codes are used to find the current law in a particular jurisdiction since they incorporate amendments and bring related provisions together. Because small changes in language frequently occur in compiling a code, the code may not be the most authoritative form of the law, even though it is the most convenient to use for research.

What codes do we have at the Boston College Law Library, and where are they?

We have the print versions of the United States Code (on Level 3), the codes of all fifty states (on Level 4), and Canadian codes, both federal and provincial (on Level 4).

The United States Code is available electronically on LexisNexis and Westlaw. It is also on the Internet via the Boston College Law Library web page at <http://www.bc.edu/lawlibrary>.

The Massachusetts code and the codes of other states are available electronically on LexisNexis and Westlaw; check the database directories for more information or ask at the Information Desk. Most, but not all, states have mounted their codes on the web. Visit the Boston College Law Library web page at <http://www.bc.edu/lawlibrary>.

What are the differences among the various editions of the United States Code?

There are three editions of the United States Code: the official *United States Code (USC)* at Law General Collection KF 62 .A2, published by the United States government, and two unofficial versions: West's *United States Code Annotated (USCA)*, at Law General Collection KF 65 .A5, and LexisNexis Legal Publishing's *United States Code Service (USCS)* at Law General Collection KF 65 .S5. *USC* is published every six years with annual cumulative supplements, but like other official government publications, it is frequently delayed. Most researchers use one of the unofficial commercially published codes because they are more current and also because they contain case annotations and other research aids. Both unofficial codes — *USCA* and *USCS* — are updated by annual pocket parts and monthly pamphlets. Following West Group's tradition of comprehensiveness, *USCA* tends to contain annotations to more cases than *USCS*, but *USCS* often contains references to cases not included in *USCA*. Both contain references to regulations pertaining to particular statutes as well as references to other books by the same publisher.

What are the differences among the various Massachusetts codes?

Like the federal code, the Massachusetts code is published in three different versions: the official *General Laws of Massachusetts (Mass. Gen. L.)*, at Law Massachusetts Collection KFM 2430, and two unofficial versions: West's *Massachusetts General Laws Annotated (Mass. Gen. Laws Ann.)*, at Law Massachusetts Collection KFM 2430 1958 .A42, and LexisNexis Legal Publishing's *Annotated Laws of Massachusetts (Mass. Ann. Laws)*, at Law Massachusetts Collection KFM 2430 1932 .A2. On the Internet, visit <http://www.state.ma.us/legis/laws/mgl/index.htm> for an electronic version of the official code. The two unofficial codes are used more frequently than the official code because they contain annotations to cases that interpret the statutes and references to Massachusetts regulations.

SESSION LAWS

What are session laws?

Session laws are the enactments of a legislative body during a legislative session and are published in the order of their enactment. They contain the complete text of laws exactly as they were enacted.

There usually is an index to each legislative session, but to find a session law using the annual or biennial index, a researcher would have to know the legislative session during which a law was enacted. Luckily, code volumes usually contain references to the session law or laws that have been incorporated in a particular code section. This makes it much easier to find a session law.

Session laws are sometimes published in legislative advance services. These pamphlets are used to find additions or amendments made since the latest pocket parts were prepared for the code volumes.

How are session laws used?

Session laws are the most authoritative form of the law. If a difference in the wording of a statute occurs in its code form and its session law form, the words of the session law are controlling. Session laws are used in historical research, in compiling legislative histories, and are cited as proof of the historical fact of enactment, amendment and repeal. They also are useful in determining which laws were in force at a particular time.

What session laws do we have at Boston College, and where are they?

The Boston College Law Library has the session laws of the fifty states as well as all federal session laws. The official set of federal session laws, *Statutes at Large*, is at Law General Collection KF 50. Session laws from 1935 to date are also found in *United States Code Congressional and Administrative News (USCCAN)*, at Law General Collection KF 48 .U54. An unofficial publication of the session laws, *USCCAN* is much more current than the official version and also contains legislative history excerpts. Recent federal session laws are also available electronically on LexisNexis, Westlaw and the Internet from the Government Printing Office. Go to <http://www.gpoaccess.gov>, then select "Public and Private Laws."

The session laws of the fifty states are available on microfiche and can be found in the microform room in Cabinets 24-26. The Massachusetts session laws, *Acts and Resolves*, also are in hard copy at call number Law General Collection KFM 2425. Recent state session laws are also available on LexisNexis and Westlaw. Consult the LexisNexis and Westlaw database directories or ask for help at the Information Desk. Some states have put their session laws on the web. For recent Massachusetts session laws, visit <http://www.state.ma.us/legis>.

SLIP LAWS

How are slip laws used?

Slip laws are separate copies of individual laws. They have no indexes since each law is published separately. Slip laws are used to keep up to date on new legislation since they are the first printed form available after enactment.

Do we get slip laws at Boston College?

Boston College gets federal slip laws. They are kept on Reserve at the Information Desk. We also receive federal and Massachusetts legislative advance services.

HELPFUL HINTS FOR STATUTORY RESEARCH

How do I find out if a statute has been amended or repealed?

Tables of amendments and repeals published in codes and advance legislative services provide citations to session laws that modify existing statutes. All three versions of the US Code, *USCCAN*, and *Statutes at Large* through 1976 contain tables that allow researchers to find amendments, repeals, and new code provisions. Another tool for finding amendments and repeals is the statutory portion of Shepard's citators.

What is the quickest way to find a citation to a statute?

When you know the popular name of a statute, e.g. "Lemon Law," you can quickly find its citation using a popular name table such as *Shepard's Acts and Cases by Popular Name*, at Law General Collection KF 90 .S52. Popular name tables can also be found in the tables volumes of state and federal codes and in *USCCAN*.

If you do not know the popular name of a statute, use the indexes at the end of the federal and state codes to locate a citation to your statute by looking up its subject (e.g. "driving under the influence").

When researching similar laws in more than one state, such as child support laws, it can be helpful to consult *Subject Compilations of State Laws* at Law Reference Area KF 1 N93x. This set provides citations to the laws of many states that discuss a particular topic.

Another quick way to find statutes is to consult the *United States Law Digests* volumes of the *Martindale-Hubbell Law Directory*, which is shelved at Law Reference Area KF 190 .M37 and available electronically on LexisNexis.

WITNESSES:

No person interested as party or otherwise in the result of an action is excluded or excused from testifying on that account (c.516, §22) except as hereinafter stated.

Privileged Communications.—There is no statutory privilege as to communications to attorneys; however, confidential physician-patient communications are placed by statute "on the same basis as those provided by law between attorney and client" (c. 329, §26) as are communications between certified psychologists and their clients (c. 330A, §19). Priest-penitent privilege is also recognized. (c. 516, §35). Confidential communications between victims of sexual assault or domestic abuse and their counselors and third persons present to assist communication with victim are privileged. (c. 173-C, §2).

Death or Incompetency of Party to Transaction.—In action by indorsee or assignee of bill of exchange, promissory note or mortgage, against original party thereto, defendant may not testify in how own behalf if either original parties to such bill, note or mortgage, is dead or insane, unless plaintiff testifies or offers testimony of original party thereto. (c. 516, §26).

See also topic Depositions and Discovery.

Excerpt from Martindale-Hubbell Law Digest for New Hampshire, 1997.

What is a Uniform Law?

Uniform laws are state statutes patterned after a model law to ensure that laws are similar from state to state for easier interstate relations. Uniform laws should not be confused with federal laws. Uniform laws concern matters that are reserved to the states and have an impact on other states. Some notable examples are the Reciprocal Enforcement of Support Act and the Uniform Commercial Code. *Uniform Laws Annotated*, at Law General Collection KF 165 .A5 1968, is a useful source when dealing with a uniform law. The *ULA* contains

information about legislative intent, as well as references to other states' interpretations of the same or similar statutory language. There is a copy of *Uniform Laws Annotated* in the general collection and an additional copy on reserve at the Circulation Desk. The *ULA* is also available on Westlaw in the ULA database. LexisNexis has many uniform laws in separate databases; for more information, consult the LexisNexis directory or ask at the Information Desk.

Are statutory numbering systems consistent between session laws and codes?

Many jurisdictions use the same terminology in the numbering system of both the session laws and the code. For example, the Massachusetts code is divided into major sections called chapters. Also, the individual acts of each session of the legislature are numbered by chapter, beginning with the first law in each session as Chapter 1, etc. However, there is no correlation between a law's chapter number in the session in which it is enacted and the code chapter number in which it will be placed.

Similarly, the United States Code is divided into fifty major topics called titles. Within individual pieces of legislation, major subdivisions are also called titles. Again, these title numbers are not consistent from session law to code. To alleviate this confusion, conversion tables that cross-reference code sections and session laws are published in most code sets.

				101-194	
Nov. 30, 1989 101-194	§ 1	103 Stat. 1716	5 App. 6 s 101 nt	
		§ 101(a)	103 Stat. 1716 to 1724	18 s 207	
		§ 101(b)	103 Stat. 1724	18 s prec. 201	
		§ 102	103 Stat. 1724	18 s 207 nt	
		§ 201	103 Stat. 1724	5 App. 4 s 201 to 212	Repealed
		§ 201	103 Stat. 1724	5 App. 4 s 301 to 309	Repealed
		§ 202	103 Stat. 1724 to 1744	5 App. 4 s 101 to 111	
		§ 202	103 Stat. 1744	5 App. 4 s 112	Repealed
		§ 204	103 Stat. -	5 App. 4 s 101 nt	
		§ 301	103 Stat. 1745	5 s 7351	
		§ 302(a)	103 Stat. 1745	31 s 1353	

Excerpt from USCA TABLES, Table 2, Statutes at Large, P.L. 101-194. Current through P.L. 105-22, approved 6-27-97

Further References

Cohen, Morris L., Robert C. Berring, and Kent C. Olson, *How to Find the Law* (West Publishing). Chapter on "Statutes." Law Reserve KF 240 .H6

Jacobstein, J. Myron and Roy M. Mersky, *Fundamentals of Legal Research* (Foundation Press). Chapters on "Federal Legislation" and "State and Municipal Legislation." Law Gen. Coll. KF 240 .J3

Singer, Norman J., *Statutes and Statutory Construction [Sutherland on Statutory Construction]* (Clark Boardman Callaghan). Law Gen. Coll. KF 425 .S26

An electronic version of this guide may be found at: <http://www.bc.edu/schools/law/library/research/researchguides/>

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