

AMENDED IN SENATE JANUARY 7, 2008

**SENATE BILL**

**No. 222**

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**Introduced by Senator Cogdill**

February 13, 2007

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~~An act to amend Section 5000 of the Penal Code, relating to the Department of Corrections and Rehabilitation.~~*An act to add Section 6254.19 to the Government Code, relating to public records.*

LEGISLATIVE COUNSEL'S DIGEST

SB 222, as amended, Cogdill. ~~Department of Corrections and Rehabilitation.~~*Public records: personal information.*

*The California Public Records Act requires state and local agencies to make their records available during regular business hours and, upon request, to provide a copy of a record upon payment of any applicable fee, unless an exemption from disclosure applies.*

*This bill would provide that the act shall not be construed to require disclosure of any record in the custody of the State Department of Mental Health that includes the address, telephone number, or other personal information of a victim of any person who is either a sexually violent predator, based on having been convicted of specified crimes, or is in the custody of the department pending a determination as to whether he or she is a sexually violent predator. It would authorize the department to provide a copy of a record with this information if that record is otherwise subject to disclosure pursuant to the act and if all of the personal information of the victim is redacted.*

*This bill makes legislative findings that any limitation on the public's right of access to government information made by this bill is necessary to protect the health and safety of a victim of a sexually violent predator.*

~~Existing law provides that any reference to the Department of Corrections in the Penal Code or any other code refers to the Department of Corrections and Rehabilitation, Division of Adult Operations and that the primary objective of adult incarceration is to promote public safety.~~

~~This bill would make a technical, nonsubstantive change in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6254.19 is added to the Government Code,  
2     to read:

3     6254.19. (a) Nothing in this chapter shall be construed to  
4     require disclosure of any record in the custody of the State  
5     Department of Mental Health that includes the address, telephone  
6     number, or other personal information of a victim of any person  
7     who is either a sexually violent predator, as defined by Section  
8     6600 of the Welfare and Institutions Code, or is in the custody of  
9     the department pending a determination as to whether he or she  
10    is a sexually violent predator.

11    (b) The department may provide a copy of a record described  
12    in subdivision (a) if the record is otherwise subject to disclosure  
13    pursuant to this chapter and if all of the personal information of  
14    the victim described in subdivision (a) is redacted.

15    SEC. 2. The Legislature finds and declares that Section 1 of  
16    this act, which adds Section 6254.19 to the Government Code,  
17    imposes a limitation on the public's right of access to the meetings  
18    of public bodies or the writings of public officials and agencies  
19    within the meaning of Section 3 of Article I of the California  
20    Constitution. Pursuant to that constitutional provision, the  
21    Legislature makes the following findings to demonstrate the interest  
22    protected by this limitation and the need for protecting that  
23    interest:

24    In order to protect the health and safety of a victim of a sexually  
25    violent predator or a person who is awaiting a determination as  
26    to whether he or she is a sexually violent predator, it is necessary  
27    to exempt from public disclosure any record that includes the

1 *address, telephone number, or other personal information of the*  
2 *victim.*

3 ~~SECTION 1. Section 5000 of the Penal Code is amended to~~  
4 ~~read:~~

5 ~~5000. Commencing July 1, 2005, any reference to the~~  
6 ~~Department of Corrections in this or any other code refers to the~~  
7 ~~Department of Corrections and Rehabilitation, Division of Adult~~  
8 ~~Operations.~~

9 ~~Nothing in the act enacted by Senate Bill 737 of the 2005-06~~  
10 ~~Regular Session shall be construed to alter the primary objective~~  
11 ~~of adult incarceration under the reorganized Department of~~  
12 ~~Corrections and Rehabilitation, which remains public safety, as~~  
13 ~~articulated in the legislative findings and declarations set forth in~~  
14 ~~Section 1170.~~

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