

ASSEMBLY BILL

No. 831

Introduced by Assembly Member Monning

February 26, 2009

An act to amend Section 8545.1 of the Government Code, relating to the State Auditor.

LEGISLATIVE COUNSEL'S DIGEST

AB 831, as introduced, Monning. State Auditor: confidential records.

Existing law prohibits the State Auditor, any current or former employee of the Bureau of State Audits, any person or business entity that is contracting with or has contracted with the bureau and the current and former employees of those persons and business entities, the officers and employees of any state or local governmental agency or publicly created entity that has assisted the bureau in its audits or has received specified information from the bureau for comment or review, and any person or business entity that is contracting with or has contracted with those state or local governmental agencies or publicly created entities from divulging or making known to any person not employed by the bureau, in any manner not expressly permitted by law, any particulars of any record, document, or information, the disclosure of which is restricted by law from release to the public. Existing law provides that any officer, employee, or person who violates this prohibition is guilty of a misdemeanor.

This bill would state that the officers and employees described above include the officers and employees of any state or local governmental agency or publicly created entity that is the subject of an ongoing audit or have received information pertaining to an ongoing audit, and clarify that the documents that may not be released include the findings or

other content of any audit or investigative audit. The bill would also state that its provisions are declarative of existing law.

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

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

1 SECTION 1. Section 8545.1 of the Government Code is
2 amended to read:

3 8545.1. (a) The State Auditor, and any employee or former
4 employee of the bureau, may not divulge or make known to any
5 person not employed by the bureau in any manner not expressly
6 permitted by law any particulars of any record, document, or
7 information the disclosure of which is restricted by law from
8 release to the public. This prohibition includes, but is not limited
9 to, the restrictions on the release of records, documents, or
10 information set forth in Section 8545.

11 (b) Subdivision (a) also applies to:

12 (1) Any person or business entity that is contracting with or has
13 contracted with the bureau and to the employees and former
14 employees of that person or business entity.

15 (2) The officers and employees of, and any person or business
16 entity that is contracting with or has contracted with, any state or
17 local governmental agency or publicly created entity that has
18 assisted the bureau in the course of any audit or investigative audit
19 or that has received a draft copy of any report or other draft
20 document from the bureau for comment or review.

21 (c) (1) *The officers and employees described in paragraph (2)*
22 *of subdivision (b) include the officers and employees of any state*
23 *or local governmental agency or publicly created entity that is the*
24 *subject of an ongoing audit or has received information pertaining*
25 *to an ongoing audit.*

26 (2) *The documentation or substantive information, release of*
27 *which is prohibited in Section 8545, includes the findings or other*
28 *content of any audit or investigative report of the bureau.*

29 (e)

30 (d) Any officer, employee, or person who discloses the
31 particulars of any record, document, or other information in
32 violation of this section is guilty of a misdemeanor.

1 SEC. 2. The amendment enacted by Section 1 of this act is
2 declarative of existing law.

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