

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1682

Introduced by Assembly Member Torres

January 26, 2010

An act to amend Section 6254 of the Government Code, relating to ~~public records~~ and to add Section 964.1 to the Penal Code, relating to police reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 1682, as amended, Torres. ~~California Public Records Act. Police reports: confidential personal information.~~

(1) Existing law prohibits any law enforcement officer or employee of a law enforcement agency from disclosing to any arrested person, or to any person who may be a defendant in a criminal action, the address or telephone number of any person who is a victim or witness of the alleged offense.

This bill would authorize a board of supervisors or a city council to authorize the sheriff, in the case of a county, or the chief of police, in the case of a city, to establish a procedure to protect confidential personal information contained in a police report, arrest report, or investigative report regarding a victim where access to that information would reveal the identity of a victim or alleged victim of a crime, and where that victim, alleged victim, or the parent or guardian of a victim or alleged victim who is a minor has requested the information to be kept confidential, subject to specified exceptions.

The

(2) The California Public Records Act requires public records to be open to inspection by the public except as specifically exempted from

disclosure. The act requires, subject to certain exceptions, state and local law enforcement agencies to provide the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation by a private investigator as specified.

~~This bill would instead require state and local law enforcement agencies to provide the current city of residence of every person arrested by the agency and the current city of residence of the victim of a crime, as specified~~ *provide that these provisions are subject to any procedures adopted by a sheriff or chief of police to keep confidential information contained in certain reports relating to a victim or alleged victim of a crime.*

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 6254 of the Government Code is amended
- 2 to read:
- 3 6254. Except as provided in Sections 6254.7 and 6254.13,
- 4 nothing in this chapter shall be construed to require disclosure of
- 5 records that are any of the following:
- 6 (a) Preliminary drafts, notes, or interagency or intra-agency
- 7 memoranda that are not retained by the public agency in the
- 8 ordinary course of business, if the public interest in withholding
- 9 those records clearly outweighs the public interest in disclosure.
- 10 (b) Records pertaining to pending litigation to which the public
- 11 agency is a party, or to claims made pursuant to Division 3.6
- 12 (commencing with Section 810), until the pending litigation or
- 13 claim has been finally adjudicated or otherwise settled.
- 14 (c) Personnel, medical, or similar files, the disclosure of which
- 15 would constitute an unwarranted invasion of personal privacy.
- 16 (d) Contained in or related to any of the following:
- 17 (1) Applications filed with any state agency responsible for the
- 18 regulation or supervision of the issuance of securities or of financial
- 19 institutions, including, but not limited to, banks, savings and loan
- 20 associations, industrial loan companies, credit unions, and
- 21 insurance companies.

1 (2) Examination, operating, or condition reports prepared by,
2 on behalf of, or for the use of, any state agency referred to in
3 paragraph (1).

4 (3) Preliminary drafts, notes, or interagency or intra-agency
5 communications prepared by, on behalf of, or for the use of, any
6 state agency referred to in paragraph (1).

7 (4) Information received in confidence by any state agency
8 referred to in paragraph (1).

9 (e) Geological and geophysical data, plant production data, and
10 similar information relating to utility systems development, or
11 market or crop reports, that are obtained in confidence from any
12 person.

13 (f) Records of complaints to, or investigations conducted by,
14 or records of intelligence information or security procedures of,
15 the office of the Attorney General and the Department of Justice,
16 the California Emergency Management Agency, and any state or
17 local police agency, or any investigatory or security files compiled
18 by any other state or local police agency, or any investigatory or
19 security files compiled by any other state or local agency for
20 correctional, law enforcement, or licensing purposes. However,
21 state and local law enforcement agencies shall disclose the names
22 and addresses of persons involved in, or witnesses other than
23 confidential informants to, the incident, the description of any
24 property involved, the date, time, and location of the incident, all
25 diagrams, statements of the parties involved in the incident, the
26 statements of all witnesses, other than confidential informants, to
27 the victims of an incident, or an authorized representative thereof,
28 an insurance carrier against which a claim has been or might be
29 made, and any person suffering bodily injury or property damage
30 or loss, as the result of the incident caused by arson, burglary, fire,
31 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,
32 or a crime as defined by subdivision (b) of Section 13951, unless
33 the disclosure would endanger the safety of a witness or other
34 person involved in the investigation, or unless disclosure would
35 endanger the successful completion of the investigation or a related
36 investigation. However, nothing in this division shall require the
37 disclosure of that portion of those investigative files that reflects
38 the analysis or conclusions of the investigating officer.

1 Customer lists provided to a state or local police agency by an
2 alarm or security company at the request of the agency shall be
3 construed to be records subject to this subdivision.

4 Notwithstanding any other provision of this subdivision, state
5 and local law enforcement agencies shall make public the following
6 information, except to the extent that disclosure of a particular
7 item of information would endanger the safety of a person involved
8 in an investigation or would endanger the successful completion
9 of the investigation or a related investigation:

10 (1) The full name and occupation of every individual arrested
11 by the agency, the individual's physical description including date
12 of birth, color of eyes and hair, sex, height and weight, the time
13 and date of arrest, the time and date of booking, the location of
14 the arrest, the factual circumstances surrounding the arrest, the
15 amount of bail set, the time and manner of release or the location
16 where the individual is currently being held, and all charges the
17 individual is being held upon, including any outstanding warrants
18 from other jurisdictions and parole or probation holds.

19 (2) Subject to the restrictions imposed by Section 841.5 of the
20 Penal Code, the time, substance, and location of all complaints or
21 requests for assistance received by the agency and the time and
22 nature of the response thereto, including, to the extent the
23 information regarding crimes alleged or committed or any other
24 incident investigated is recorded, the time, date, and location of
25 occurrence, the time and date of the report, the name and age of
26 the victim, the factual circumstances surrounding the crime or
27 incident, and a general description of any injuries, property, or
28 weapons involved. The name of a victim of any crime defined by
29 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
30 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
31 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the
32 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
33 of the November 7, 2006, statewide general election), 288.5, 288.7,
34 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
35 be withheld at the victim's request, or at the request of the victim's
36 parent or guardian if the victim is a minor. When a person is the
37 victim of more than one crime, information disclosing that the
38 person is a victim of a crime defined in any of the sections of the
39 Penal Code set forth in this subdivision may be deleted at the
40 request of the victim, or the victim's parent or guardian if the

1 victim is a minor, in making the report of the crime, or of any
2 crime or incident accompanying the crime, available to the public
3 in compliance with the requirements of this paragraph.

4 (3) Subject to the restrictions of ~~Section 841.5~~ *Sections 841.5*
5 *and 964.1* of the Penal Code and this subdivision, the current ~~city~~
6 ~~of residence~~ *address* of every individual arrested by the agency
7 and the current ~~city of residence~~ *address* of the victim of a crime,
8 where the requester declares under penalty of perjury that the
9 request is made for a scholarly, journalistic, political, or
10 governmental purpose, or that the request is made for investigation
11 purposes by a licensed private investigator as described in Chapter
12 11.3 (commencing with Section 7512) of Division 3 of the Business
13 and Professions Code. However, the address of the victim of any
14 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
15 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
16 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
17 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
18 6 of Proposition 83 of the November 7, 2006, statewide general
19 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
20 of the Penal Code shall remain confidential. Address information
21 obtained pursuant to this paragraph may not be used directly or
22 indirectly, or furnished to another, to sell a product or service to
23 any individual or group of individuals, and the requester shall
24 execute a declaration to that effect under penalty of perjury.
25 Nothing in this paragraph shall be construed to prohibit or limit a
26 scholarly, journalistic, political, or government use of address
27 information obtained pursuant to this paragraph.

28 (g) Test questions, scoring keys, and other examination data
29 used to administer a licensing examination, examination for
30 employment, or academic examination, except as provided for in
31 Chapter 3 (commencing with Section 99150) of Part 65 of Division
32 14 of Title 3 of the Education Code.

33 (h) The contents of real estate appraisals or engineering or
34 feasibility estimates and evaluations made for or by the state or
35 local agency relative to the acquisition of property, or to
36 prospective public supply and construction contracts, until all of
37 the property has been acquired or all of the contract agreement
38 obtained. However, the law of eminent domain shall not be affected
39 by this provision.

1 (i) Information required from any taxpayer in connection with
2 the collection of local taxes that is received in confidence and the
3 disclosure of the information to other persons would result in unfair
4 competitive disadvantage to the person supplying the information.

5 (j) Library circulation records kept for the purpose of identifying
6 the borrower of items available in libraries, and library and museum
7 materials made or acquired and presented solely for reference or
8 exhibition purposes. The exemption in this subdivision shall not
9 apply to records of fines imposed on the borrowers.

10 (k) Records, the disclosure of which is exempted or prohibited
11 pursuant to federal or state law, including, but not limited to,
12 provisions of the Evidence Code relating to privilege.

13 (l) Correspondence of and to the Governor or employees of the
14 Governor's office or in the custody of or maintained by the
15 Governor's Legal Affairs Secretary. However, public records shall
16 not be transferred to the custody of the Governor's Legal Affairs
17 Secretary to evade the disclosure provisions of this chapter.

18 (m) In the custody of or maintained by the Legislative Counsel,
19 except those records in the public database maintained by the
20 Legislative Counsel that are described in Section 10248.

21 (n) Statements of personal worth or personal financial data
22 required by a licensing agency and filed by an applicant with the
23 licensing agency to establish his or her personal qualification for
24 the license, certificate, or permit applied for.

25 (o) Financial data contained in applications for financing under
26 Division 27 (commencing with Section 44500) of the Health and
27 Safety Code, where an authorized officer of the California Pollution
28 Control Financing Authority determines that disclosure of the
29 financial data would be competitively injurious to the applicant
30 and the data is required in order to obtain guarantees from the
31 United States Small Business Administration. The California
32 Pollution Control Financing Authority shall adopt rules for review
33 of individual requests for confidentiality under this section and for
34 making available to the public those portions of an application that
35 are subject to disclosure under this chapter.

36 (p) Records of state agencies related to activities governed by
37 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
38 (commencing with Section 3525), and Chapter 12 (commencing
39 with Section 3560) of Division 4, that reveal a state agency's
40 deliberative processes, impressions, evaluations, opinions,

1 recommendations, meeting minutes, research, work products,
2 theories, or strategy, or that provide instruction, advice, or training
3 to employees who do not have full collective bargaining and
4 representation rights under these chapters. Nothing in this
5 subdivision shall be construed to limit the disclosure duties of a
6 state agency with respect to any other records relating to the
7 activities governed by the employee relations acts referred to in
8 this subdivision.

9 (q) Records of state agencies related to activities governed by
10 Article 2.6 (commencing with Section 14081), Article 2.8
11 (commencing with Section 14087.5), and Article 2.91
12 (commencing with Section 14089) of Chapter 7 of Part 3 of
13 Division 9 of the Welfare and Institutions Code, that reveal the
14 special negotiator's deliberative processes, discussions,
15 communications, or any other portion of the negotiations with
16 providers of health care services, impressions, opinions,
17 recommendations, meeting minutes, research, work product,
18 theories, or strategy, or that provide instruction, advice, or training
19 to employees.

20 Except for the portion of a contract containing the rates of
21 payment, contracts for inpatient services entered into pursuant to
22 these articles, on or after April 1, 1984, shall be open to inspection
23 one year after they are fully executed. If a contract for inpatient
24 services that is entered into prior to April 1, 1984, is amended on
25 or after April 1, 1984, the amendment, except for any portion
26 containing the rates of payment, shall be open to inspection one
27 year after it is fully executed. If the California Medical Assistance
28 Commission enters into contracts with health care providers for
29 other than inpatient hospital services, those contracts shall be open
30 to inspection one year after they are fully executed.

31 Three years after a contract or amendment is open to inspection
32 under this subdivision, the portion of the contract or amendment
33 containing the rates of payment shall be open to inspection.

34 Notwithstanding any other provision of law, the entire contract
35 or amendment shall be open to inspection by the Joint Legislative
36 Audit Committee and the Legislative Analyst's Office. The
37 committee and that office shall maintain the confidentiality of the
38 contracts and amendments until the time a contract or amendment
39 is fully open to inspection by the public.

(r) Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

(s) A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health Care Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

(t) Records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or the records of a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Part 2 of Division 3 of Title 4 of this code, that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.

(u) (1) Information contained in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family.

(2) The home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(3) The home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(v) (1) Records of the Managed Risk Medical Insurance Board related to activities governed by Part 6.3 (commencing with Section 12695) and Part 6.5 (commencing with Section 12700) of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the

1 negotiations with entities contracting or seeking to contract with
2 the board, or the impressions, opinions, recommendations, meeting
3 minutes, research, work product, theories, or strategy of the board
4 or its staff, or records that provide instructions, advice, or training
5 to employees.

6 (2) (A) Except for the portion of a contract that contains the
7 rates of payment, contracts for health coverage entered into
8 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5
9 (commencing with Section 12700) of Division 2 of the Insurance
10 Code, on or after July 1, 1991, shall be open to inspection one year
11 after their effective dates.

12 (B) If a contract that is entered into prior to July 1, 1991, is
13 amended on or after July 1, 1991, the amendment, except for any
14 portion containing the rates of payment, shall be open to inspection
15 one year after the amendment has been fully executed.

16 (3) Three years after a contract or amendment is open to
17 inspection pursuant to this subdivision, the portion of the contract
18 or amendment containing the rates of payment shall be open to
19 inspection.

20 (4) Notwithstanding any other provision of law, the entire
21 contract or amendments to a contract shall be open to inspection
22 by the Joint Legislative Audit Committee. The committee shall
23 maintain the confidentiality of the contracts and amendments
24 thereto, until the contracts or amendments to the contracts are open
25 to inspection pursuant to paragraph (3).

26 (w) (1) Records of the Managed Risk Medical Insurance Board
27 related to activities governed by Chapter 8 (commencing with
28 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
29 that reveal the deliberative processes, discussions, communications,
30 or any other portion of the negotiations with health plans, or the
31 impressions, opinions, recommendations, meeting minutes,
32 research, work product, theories, or strategy of the board or its
33 staff, or records that provide instructions, advice, or training to
34 employees.

35 (2) Except for the portion of a contract that contains the rates
36 of payment, contracts for health coverage entered into pursuant to
37 Chapter 8 (commencing with Section 10700) of Part 2 of Division
38 2 of the Insurance Code, on or after January 1, 1993, shall be open
39 to inspection one year after they have been fully executed.

(3) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto, until the contracts or amendments to the contracts are open to inspection pursuant to paragraph (2).

(x) Financial data contained in applications for registration, or registration renewal, as a service contractor filed with the Director of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the Business and Professions Code, for the purpose of establishing the service contractor's net worth, or financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

(y) (1) Records of the Managed Risk Medical Insurance Board related to activities governed by Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or after January 1, 1998, shall be open to inspection one year after their effective dates.

(B) If a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection

1 by the Joint Legislative Audit Committee. The committee shall
2 maintain the confidentiality of the contracts and amendments
3 thereto until the contract or amendments to a contract are open to
4 inspection pursuant to paragraph (2) or (3).

5 (5) The exemption from disclosure provided pursuant to this
6 subdivision for the contracts, deliberative processes, discussions,
7 communications, negotiations, impressions, opinions,
8 recommendations, meeting minutes, research, work product,
9 theories, or strategy of the board or its staff shall also apply to the
10 contracts, deliberative processes, discussions, communications,
11 negotiations, impressions, opinions, recommendations, meeting
12 minutes, research, work product, theories, or strategy of applicants
13 pursuant to Part 6.4 (commencing with Section 12699.50) of
14 Division 2 of the Insurance Code.

15 (z) Records obtained pursuant to paragraph (2) of subdivision
16 (c) of Section 2891.1 of the Public Utilities Code.

17 (aa) A document prepared by or for a state or local agency that
18 assesses its vulnerability to terrorist attack or other criminal acts
19 intended to disrupt the public agency's operations and that is for
20 distribution or consideration in a closed session.

21 (ab) Critical infrastructure information, as defined in Section
22 131(3) of Title 6 of the United States Code, that is voluntarily
23 submitted to the California Emergency Management Agency for
24 use by that office, including the identity of the person who or entity
25 that voluntarily submitted the information. As used in this
26 subdivision, "voluntarily submitted" means submitted in the
27 absence of the office exercising any legal authority to compel
28 access to or submission of critical infrastructure information. This
29 subdivision shall not affect the status of information in the
30 possession of any other state or local governmental agency.

31 (ac) All information provided to the Secretary of State by a
32 person for the purpose of registration in the Advance Health Care
33 Directive Registry, except that those records shall be released at
34 the request of a health care provider, a public guardian, or the
35 registrant's legal representative.

36 (ad) The following records of the State Compensation Insurance
37 Fund:

38 (1) Records related to claims pursuant to Chapter 1
39 (commencing with Section 3200) of Division 4 of the Labor Code,

1 to the extent that confidential medical information or other
2 individually identifiable information would be disclosed.

3 (2) Records related to the discussions, communications, or any
4 other portion of the negotiations with entities contracting or seeking
5 to contract with the fund, and any related deliberations.

6 (3) Records related to the impressions, opinions,
7 recommendations, meeting minutes of meetings or sessions that
8 are lawfully closed to the public, research, work product, theories,
9 or strategy of the fund or its staff, on the development of rates,
10 contracting strategy, underwriting, or competitive strategy pursuant
11 to the powers granted to the fund in Chapter 4 (commencing with
12 Section 11770) of Part 3 of Division 2 of the Insurance Code.

13 (4) Records obtained to provide workers' compensation
14 insurance under Chapter 4 (commencing with Section 11770) of
15 Part 3 of Division 2 of the Insurance Code, including, but not
16 limited to, any medical claims information, policyholder
17 information provided that nothing in this paragraph shall be
18 interpreted to prevent an insurance agent or broker from obtaining
19 proprietary information or other information authorized by law to
20 be obtained by the agent or broker, and information on rates,
21 pricing, and claims handling received from brokers.

22 (5) (A) Records that are trade secrets pursuant to Section
23 6276.44, or Article 11 (commencing with Section 1060) of Chapter
24 4 of Division 8 of the Evidence Code, including without limitation,
25 instructions, advice, or training provided by the State Compensation
26 Insurance Fund to its board members, officers, and employees
27 regarding the fund's special investigation unit, internal audit unit,
28 and informational security, marketing, rating, pricing, underwriting,
29 claims handling, audits, and collections.

30 (B) Notwithstanding subparagraph (A), the portions of records
31 containing trade secrets shall be available for review by the Joint
32 Legislative Audit Committee, the Bureau of State Audits, Division
33 of Workers' Compensation, and the Department of Insurance to
34 ensure compliance with applicable law.

35 (6) (A) Internal audits containing proprietary information and
36 the following records that are related to an internal audit:

37 (i) Personal papers and correspondence of any person providing
38 assistance to the fund when that person has requested in writing
39 that his or her papers and correspondence be kept private and
40 confidential. Those papers and correspondence shall become public

1 records if the written request is withdrawn, or upon order of the
2 fund.

3 (ii) Papers, correspondence, memoranda, or any substantive
4 information pertaining to any audit not completed or an internal
5 audit that contains proprietary information.

6 (B) Notwithstanding subparagraph (A), the portions of records
7 containing proprietary information, or any information specified
8 in subparagraph (A) shall be available for review by the Joint
9 Legislative Audit Committee, the Bureau of State Audits, Division
10 of Workers' Compensation, and the Department of Insurance to
11 ensure compliance with applicable law.

12 (7) (A) Except as provided in subparagraph (C), contracts
13 entered into pursuant to Chapter 4 (commencing with Section
14 11770) of Part 3 of Division 2 of the Insurance Code shall be open
15 to inspection one year after the contract has been fully executed.

16 (B) If a contract entered into pursuant to Chapter 4 (commencing
17 with Section 11770) of Part 3 of Division 2 of the Insurance Code
18 is amended, the amendment shall be open to inspection one year
19 after the amendment has been fully executed.

20 (C) Three years after a contract or amendment is open to
21 inspection pursuant to this subdivision, the portion of the contract
22 or amendment containing the rates of payment shall be open to
23 inspection.

24 (D) Notwithstanding any other provision of law, the entire
25 contract or amendments to a contract shall be open to inspection
26 by the Joint Legislative Audit Committee. The committee shall
27 maintain the confidentiality of the contracts and amendments
28 thereto until the contract or amendments to a contract are open to
29 inspection pursuant to this paragraph.

30 (E) Nothing in this paragraph is intended to apply to documents
31 related to contracts with public entities that are not otherwise
32 expressly confidential as to that public entity.

33 (F) For purposes of this paragraph, "fully executed" means the
34 point in time when all of the necessary parties to the contract have
35 signed the contract.

36 Nothing in this section prevents any agency from opening its
37 records concerning the administration of the agency to public
38 inspection, unless disclosure is otherwise prohibited by law.

39 Nothing in this section prevents any health facility from
40 disclosing to a certified bargaining agent relevant financing

1 information pursuant to Section 8 of the National Labor Relations
2 Act (29 U.S.C. Sec. 158).

3 *SEC. 2. Section 964.1 is added to the Penal Code, to read:*

4 *964.1. (a) The board of supervisors of a county or the city*
5 *council of a city may, by resolution, authorize the sheriff, in the*
6 *case of a county, or the chief of police, in the case of a city, to*
7 *establish a procedure to protect confidential personal information*
8 *contained in a police report, arrest report, or investigative report*
9 *regarding a victim where access to that information would reveal*
10 *the identity of a victim or alleged victim of a crime, and where that*
11 *victim, alleged victim, or the parent or guardian of a victim or*
12 *alleged victim who is a minor has requested the information to be*
13 *kept confidential.*

14 *(b) For purposes of this section, “confidential personal*
15 *information” includes, but is not limited to, the address, telephone*
16 *number, driver’s license or California identification card number,*
17 *social security number, date of birth, place of employment,*
18 *employee identification number, mother’s maiden name, demand*
19 *deposit account number, checking or savings account number, or*
20 *credit card number.*

21 *(c) (1) This section shall not be construed to impair or affect*
22 *the provisions of Chapter 10 (commencing with Section 1054) of*
23 *Title 6 of Part 2.*

24 *(2) This section shall not be construed to impair or affect*
25 *procedures regarding information disclosure pursuant to Sections*
26 *1040, 1041, and 1042 of the Evidence Code, or as altering*
27 *procedures regarding sealed search warrant affidavits as provided*
28 *by People v. Hobbs (1994) 7 Cal.4th 948.*

29 *(3) This section shall not be construed to impair or affect a*
30 *criminal defense counsel’s access to unredacted reports otherwise*
31 *authorized by law, or the submission of documents in support of*
32 *a civil complaint.*

33 *(4) This section shall apply as an exception to paragraph (2)*
34 *of subdivision (a) of Rule 2.550 of the California Rules of Court.*

35 *SEC. 3. The Legislature finds and declares that Sections 1 and*
36 *2 of this act, which amend Section 6254 of the Government Code*
37 *and Section 964.1 of the Penal Code, impose a limitation on the*
38 *public’s right of access to the meetings of public bodies or the*
39 *writings of public officials and agencies within the meaning of*
40 *Section 3 of Article I of the California Constitution. Pursuant to*

1 *that constitutional provision, the Legislature makes the following*
2 *findings to demonstrate the interest protected by this limitation*
3 *and the need for protecting that interest:*

4 *In order to protect the victim of a crime from further suffering*
5 *that results when that person's identity becomes public and*
6 *retaliation, intimidation, and harassment may be inflicted by the*
7 *very perpetrators who committed the crime, it is necessary to*
8 *empower local government to protect confidential personal*
9 *information contained in a police report, arrest report, or*
10 *investigative report.*

O