

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2221

Introduced by Assembly Member Block

February 24, 2012

An act to amend Sections 6254 and 6275 of, and to add Section 6276.01 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2221, as amended, Block. Public records.

(1) The California Public Records Act requires state and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. The act excludes from disclosure certain information contained in applications for licenses to carry firearms submitted by peace officers, judges, court commissioners, and magistrates to county sheriffs and the chiefs or other heads of municipal police departments. The act also exempts from disclosure public records that are exempted or prohibited from disclosure by federal or state law and lists some of those other laws.

This bill would add prosecutors and public defenders to the types of professionals whose firearm license applications are not fully required to be disclosed as public records. By increasing the duties on county sheriffs and the chiefs or other heads of municipal police departments that issue firearm license applications, this bill would impose a state-mandated program. This bill would also add a constitutional provision to the list of laws that may operate to exempt public records from the disclosure requirements of the act.

This bill would also make technical changes to these provisions.

This bill would state that changes made by this bill to a specified code section are not intended to supersede changes made to that code section in the Governor's Reorganization Plan No. 2 of 2012 that changed the name of the California Emergency Management Agency to the Office of Emergency Services.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

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

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

39 (i) Information required from any taxpayer in connection with
40 the collection of local taxes that is received in confidence and the

1 disclosure of the information to other persons would result in unfair
2 competitive disadvantage to the person supplying the information.

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

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

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

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

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

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

34 (p) Records of state agencies related to activities governed by
35 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
36 (commencing with Section 3525), and Chapter 12 (commencing
37 with Section 3560) of Division 4, that reveal a state agency's
38 deliberative processes, impressions, evaluations, opinions,
39 recommendations, meeting minutes, research, work products,
40 theories, or strategy, or that provide instruction, advice, or training

1 to employees who do not have full collective bargaining and
2 representation rights under these chapters. Nothing in this
3 subdivision shall be construed to limit the disclosure duties of a
4 state agency with respect to any other records relating to the
5 activities governed by the employee relations acts referred to in
6 this subdivision.

7 (q) (1) Records of state agencies related to activities governed
8 by Article 2.6 (commencing with Section 14081), Article 2.8
9 (commencing with Section 14087.5), and Article 2.91
10 (commencing with Section 14089) of Chapter 7 of Part 3 of
11 Division 9 of the Welfare and Institutions Code, that reveal the
12 special negotiator's deliberative processes, discussions,
13 communications, or any other portion of the negotiations with
14 providers of health care services, impressions, opinions,
15 recommendations, meeting minutes, research, work product,
16 theories, or strategy, or that provide instruction, advice, or training
17 to employees.

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

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

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

39 (r) Records of Native American graves, cemeteries, and sacred
40 places and records of Native American places, features, and objects

1 described in Sections 5097.9 and 5097.993 of the Public Resources
2 Code maintained by, or in the possession of, the Native American
3 Heritage Commission, another state agency, or a local agency.

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

8 (t) Records of a local hospital district, formed pursuant to
9 Division 23 (commencing with Section 32000) of the Health and
10 Safety Code, or the records of a municipal hospital, formed
11 pursuant to Article 7 (commencing with Section 37600) or Article
12 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
13 Division 3 of Title 4 of this code, that relate to any contract with
14 an insurer or nonprofit hospital service plan for inpatient or
15 outpatient services for alternative rates pursuant to Section 10133
16 of the Insurance Code. However, the record shall be open to
17 inspection within one year after the contract is fully executed.

18 (u) (1) Information contained in applications for licenses to
19 carry firearms issued pursuant to Section 26150, 26155, 26170,
20 or 26215 of the Penal Code by the sheriff of a county or the chief
21 or other head of a municipal police department that indicates when
22 or where the applicant is vulnerable to attack or that concerns the
23 applicant's medical or psychological history or that of members
24 of his or her family.

25 (2) The home address and telephone number of prosecutors,
26 public defenders, peace officers, judges, court commissioners, and
27 magistrates that are set forth in applications for licenses to carry
28 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
29 of the Penal Code by the sheriff of a county or the chief or other
30 head of a municipal police department.

31 (3) The home address and telephone number of prosecutors,
32 public defenders, peace officers, judges, court commissioners, and
33 magistrates that are set forth in licenses to carry firearms issued
34 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
35 Code by the sheriff of a county or the chief or other head of a
36 municipal police department.

37 (v) (1) Records of the Managed Risk Medical Insurance Board
38 related to activities governed by Part 6.3 (commencing with Section
39 12695), Part 6.5 (commencing with Section 12700), Part 6.6
40 (commencing with Section 12739.5), and Part 6.7 (commencing

1 with Section 12739.70) of Division 2 of the Insurance Code, and
2 that reveal any of the following:

3 (A) The deliberative processes, discussions, communications,
4 or any other portion of the negotiations with entities contracting
5 or seeking to contract with the board, entities with which the board
6 is considering a contract, or entities with which the board is
7 considering or enters into any other arrangement under which the
8 board provides, receives, or arranges services or reimbursement.

9 (B) The impressions, opinions, recommendations, meeting
10 minutes, research, work product, theories, or strategy of the board
11 or its staff, or records that provide instructions, advice, or training
12 to employees.

13 (2) (A) Except for the portion of a contract that contains the
14 rates of payment, contracts entered into pursuant to Part 6.3
15 (commencing with Section 12695), Part 6.5 (commencing with
16 Section 12700), Part 6.6 (commencing with Section 12739.5), or
17 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
18 Insurance Code, on or after July 1, 1991, shall be open to inspection
19 one year after their effective dates.

20 (B) If a contract that is entered into prior to July 1, 1991, is
21 amended on or after July 1, 1991, the amendment, except for any
22 portion containing the rates of payment, shall be open to inspection
23 one year after the effective date of the amendment.

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

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

34 (w) (1) Records of the Managed Risk Medical Insurance Board
35 related to activities governed by Chapter 8 (commencing with
36 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
37 that reveal the deliberative processes, discussions, communications,
38 or any other portion of the negotiations with health plans, or the
39 impressions, opinions, recommendations, meeting minutes,
40 research, work product, theories, or strategy of the board or its

1 staff, or records that provide instructions, advice, or training to
2 employees.

3 (2) Except for the portion of a contract that contains the rates
4 of payment, contracts for health coverage entered into pursuant to
5 Chapter 8 (commencing with Section 10700) of Part 2 of Division
6 2 of the Insurance Code, on or after January 1, 1993, shall be open
7 to inspection one year after they have been fully executed.

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

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

21 (y) (1) Records of the Managed Risk Medical Insurance Board
22 related to activities governed by Part 6.2 (commencing with Section
23 12693) or Part 6.4 (commencing with Section 12699.50) of
24 Division 2 of the Insurance Code, and that reveal any of the
25 following:

26 (A) The deliberative processes, discussions, communications,
27 or any other portion of the negotiations with entities contracting
28 or seeking to contract with the board, entities with which the board
29 is considering a contract, or entities with which the board is
30 considering or enters into any other arrangement under which the
31 board provides, receives, or arranges services or reimbursement.

32 (B) The impressions, opinions, recommendations, meeting
33 minutes, research, work product, theories, or strategy of the board
34 or its staff, or records that provide instructions, advice, or training
35 to employees.

36 (2) (A) Except for the portion of a contract that contains the
37 rates of payment, contracts entered into pursuant to Part 6.2
38 (commencing with Section 12693) or Part 6.4 (commencing with
39 Section 12699.50) of Division 2 of the Insurance Code, on or after

1 January 1, 1998, shall be open to inspection one year after their
2 effective dates.

3 (B) If a contract entered into pursuant to Part 6.2 (commencing
4 with Section 12693) or Part 6.4 (commencing with Section
5 12699.50) of Division 2 of the Insurance Code is amended, the
6 amendment shall be open to inspection one year after the effective
7 date of the amendment.

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

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

18 (5) The exemption from disclosure provided pursuant to this
19 subdivision for the contracts, deliberative processes, discussions,
20 communications, negotiations, impressions, opinions,
21 recommendations, meeting minutes, research, work product,
22 theories, or strategy of the board or its staff shall also apply to the
23 contracts, deliberative processes, discussions, communications,
24 negotiations, impressions, opinions, recommendations, meeting
25 minutes, research, work product, theories, or strategy of applicants
26 pursuant to Part 6.4 (commencing with Section 12699.50) of
27 Division 2 of the Insurance Code.

28 (z) Records obtained pursuant to paragraph (2) of subdivision
29 (f) of Section 2891.1 of the Public Utilities Code.

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

34 (ab) Critical infrastructure information, as defined in Section
35 131(3) of Title 6 of the United States Code, that is voluntarily
36 submitted to the California Emergency Management Agency for
37 use by that office, including the identity of the person who or entity
38 that voluntarily submitted the information. As used in this
39 subdivision, "voluntarily submitted" means submitted in the
40 absence of the office exercising any legal authority to compel

1 access to or submission of critical infrastructure information. This
2 subdivision shall not affect the status of information in the
3 possession of any other state or local governmental agency.

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

9 (ad) The following records of the State Compensation Insurance
10 Fund:

11 (1) Records related to claims pursuant to Chapter 1
12 (commencing with Section 3200) of Division 4 of the Labor Code,
13 to the extent that confidential medical information or other
14 individually identifiable information would be disclosed.

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

18 (3) Records related to the impressions, opinions,
19 recommendations, meeting minutes of meetings or sessions that
20 are lawfully closed to the public, research, work product, theories,
21 or strategy of the fund or its staff, on the development of rates,
22 contracting strategy, underwriting, or competitive strategy pursuant
23 to the powers granted to the fund in Chapter 4 (commencing with
24 Section 11770) of Part 3 of Division 2 of the Insurance Code.

25 (4) Records obtained to provide workers' compensation
26 insurance under Chapter 4 (commencing with Section 11770) of
27 Part 3 of Division 2 of the Insurance Code, including, but not
28 limited to, any medical claims information, policyholder
29 information provided that nothing in this paragraph shall be
30 interpreted to prevent an insurance agent or broker from obtaining
31 proprietary information or other information authorized by law to
32 be obtained by the agent or broker, and information on rates,
33 pricing, and claims handling received from brokers.

34 (5) (A) Records that are trade secrets pursuant to Section
35 6276.44, or Article 11 (commencing with Section 1060) of Chapter
36 4 of Division 8 of the Evidence Code, including without limitation,
37 instructions, advice, or training provided by the State Compensation
38 Insurance Fund to its board members, officers, and employees
39 regarding the fund's special investigation unit, internal audit unit,

1 and informational security, marketing, rating, pricing, underwriting,
2 claims handling, audits, and collections.

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

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

10 (i) Personal papers and correspondence of any person providing
11 assistance to the fund when that person has requested in writing
12 that his or her papers and correspondence be kept private and
13 confidential. Those papers and correspondence shall become public
14 records if the written request is withdrawn, or upon order of the
15 fund.

16 (ii) Papers, correspondence, memoranda, or any substantive
17 information pertaining to any audit not completed or an internal
18 audit that contains proprietary information.

19 (B) Notwithstanding subparagraph (A), the portions of records
20 containing proprietary information, or any information specified
21 in subparagraph (A) shall be available for review by the Joint
22 Legislative Audit Committee, the Bureau of State Audits, Division
23 of Workers' Compensation, and the Department of Insurance to
24 ensure compliance with applicable law.

25 (7) (A) Except as provided in subparagraph (C), contracts
26 entered into pursuant to Chapter 4 (commencing with Section
27 11770) of Part 3 of Division 2 of the Insurance Code shall be open
28 to inspection one year after the contract has been fully executed.

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

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

37 (D) Notwithstanding any other law, the entire contract or
38 amendments to a contract shall be open to inspection by the Joint
39 Legislative Audit Committee. The committee shall maintain the
40 confidentiality of the contracts and amendments thereto until the

1 contract or amendments to a contract are open to inspection
2 pursuant to this paragraph.

3 (E) This paragraph is not intended to apply to documents related
4 to contracts with public entities that are not otherwise expressly
5 confidential as to that public entity.

6 (F) For purposes of this paragraph, “fully executed” means the
7 point in time when all of the necessary parties to the contract have
8 signed the contract.

9 This section shall not prevent any agency from opening its
10 records concerning the administration of the agency to public
11 inspection, unless disclosure is otherwise prohibited by law.

12 This section shall not prevent any health facility from disclosing
13 to a certified bargaining agent relevant financing information
14 pursuant to Section 8 of the National Labor Relations Act (29
15 U.S.C. Sec. 158).

16 SEC. 2. Section 6275 of the Government Code is amended to
17 read:

18 6275. It is the intent of the Legislature to assist members of
19 the public and state and local agencies in identifying exemptions
20 to the California Public Records Act. It is the intent of the
21 Legislature that, after January 1, 1999, each addition or amendment
22 to a statute that exempts any information contained in a public
23 record from disclosure pursuant to subdivision (k) of Section 6254
24 shall be listed and described in this article pursuant to a bill
25 authorized by a standing committee of the Legislature to be
26 introduced during the first year of each session of the Legislature.
27 The statutes and constitutional provisions listed in this article may
28 operate to exempt certain records, or portions thereof, from
29 disclosure. The statutes and constitutional provisions listed and
30 described may not be inclusive of all exemptions. The listing of a
31 statute or constitutional provision in this article does not itself
32 create an exemption. Requesters of public records and public
33 agencies are cautioned to review the applicable statute or
34 constitutional provision to determine the extent to which it, in light
35 of the circumstances surrounding the request, exempts public
36 records from disclosure.

37 SEC. 3. Section 6276.01 is added to the Government Code, to
38 read:

1 6276.01. Crime victims, confidential information or records,
2 The Victims' Bill of Rights Act of 2008: Marsy's Law, Section
3 28 of Article I of the California Constitution.

4 *SEC. 4. The amendments to Section 6254 of the Government*
5 *Code made by Section 1 of this act are not intended to supersede*
6 *the amendments made to that code section by Section 85 of the*
7 *Governor's Reorganization Plan No. 2 of 2012 that changed the*
8 *name of the California Emergency Management Agency to the*
9 *Office of Emergency Services, which took effect on July 3, 2012,*
10 *and will become fully operative on July 1, 2013.*

11 ~~SEC. 4.~~

12 *SEC. 5.* If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.