

**Introduced by Senator Yee**February 14, 2011

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An act to add Chapter 1.45 (commencing with Section 68180) to Title 8 of the Government Code, relating to courts.

## LEGISLATIVE COUNSEL'S DIGEST

SB 326, as introduced, Yee. Court records: public access.

Existing law requires the Judicial Council to adopt rules of court to establish the standards and guidelines for the creation, maintenance, reproduction, and preservation of court records, and requires that these standards and guidelines reflect industry standards for each medium used, ensure the accuracy and preserve the integrity of the records, and ensure that the public can access and reproduce the records. Specifically, unless access is otherwise restricted by law, court records created, maintained, preserved, or reproduced under specified provisions are required to be made reasonably accessible to all members of the public for viewing and duplication, and electronic court records must be viewable at the court, whether or not they are accessible remotely. Additionally, rules of court require courts to provide public access to electronic records, as specified.

This bill would require the Judicial Council to adopt a rule of court to require courts to provide public access to court records, as defined. The bill would require the rule to provide for newly filed or lodged court records to be made available for public inspection at the courthouse no later than the end of the day on which those records are received by the court.

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. The Legislature finds and declares all of the  
2 following:

3 (a) Timely public access to court records and documents as  
4 public documents is an important right and necessity for an  
5 informed citizenry.

6 (b) The use of new electronic technologies for filing court  
7 actions and modernizing access to court records can, while intended  
8 to streamline and improve court functions and public access to  
9 court records, actually result in delays in access to court documents.

10 (c) Delays in public access to court documents and filings should  
11 be minimized, therefore ensuring free flow of public information  
12 in a timely and cost-effective manner.

13 (d) It is the intent of the Legislature to ensure, as California's  
14 courts move forward to implement various electronic filing and  
15 other technologies, that court filings and documents continue to  
16 be available to the public on a timely basis.

17 SEC. 2. Chapter 1.45 (commencing with Section 68180) is  
18 added to Title 8 of the Government Code, to read:

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20 CHAPTER 1.45. ACCESS TO TRIAL COURT RECORDS

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22 68180. The following definitions apply to this chapter:

23 (a) (1) "Court record" means all of the following:

24 (A) Any document, paper, or exhibit filed or lodged by the  
25 parties to an action or proceeding.

26 (B) Any order or judgment of the court.

27 (C) Any item listed in subdivision (a) of Section 68151,  
28 excluding any reporter's transcript for which the reporter is entitled  
29 to receive a fee for any copy.

30 (2) "Court record" includes both electronic and nonelectronic  
31 records.

32 (3) "Court record" does not include the personal notes or  
33 preliminary memoranda of a judge or other judicial branch  
34 personnel.

35 (b) "Public" means an individual, a group, or an entity,  
36 including, but not limited to, the print or electronic media, or the  
37 representative of an individual, group, or entity.

1     68181. The Judicial Council shall adopt a rule or rules of court  
2 to require courts to provide public access to court records. The  
3 rule shall provide for both of the following:

4     (a) Newly filed or lodged court records shall be made available  
5 for public inspection at the courthouse no later than the end of the  
6 day on which those records are received by the court.

7     (b) Court records may be made available for inspection at the  
8 courthouse in either paper or electronic form.

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