

ASSEMBLY BILL

No. 1648

Introduced by Assembly Member Wilk

January 12, 2016

An act to amend Section 6270 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1648, as introduced, Wilk. Public records.

(1) The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. The act prohibits a state or local agency from selling, exchanging, furnishing, or otherwise providing a public record subject to disclosure to a private entity in a manner that prevents a state or local agency from providing the public record directly.

This bill would additionally prohibit a state or local agency from selling, exchanging, furnishing, or otherwise providing a public record subject to disclosure to a private entity in a manner that prevents a member of the public from sharing, distributing, or publishing the public record subject to disclosure.

(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 no reimbursement is required by this act for a specified reason.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory

enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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 6270 of the Government Code is amended
2 to read:

3 6270. (a) Notwithstanding any other ~~provision of~~ law, no state
4 or local agency shall sell, exchange, furnish, or otherwise provide
5 a public record subject to disclosure pursuant to this chapter to a
6 private entity in a manner that ~~prevents~~ *either*:

7 (1) *Prevents* a state or local agency from providing the record
8 directly pursuant to this chapter. ~~Nothing~~

9 (2) *Prevents a member of the public from sharing, distributing,*
10 *or publishing a record provided pursuant to this chapter.*

11 (b) *Nothing* in this section requires a state or local agency to
12 use the State Printer to print public records. Nothing in this section
13 prevents the destruction of records pursuant to law.

14 ~~(b)~~

15 (c) This section shall not apply to contracts entered into prior
16 to January 1, 1996, between the County of Santa Clara and a private
17 entity for the provision of public records subject to disclosure
18 under this chapter.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district under this act would result from a legislative mandate that
23 is within the scope of paragraph (7) of subdivision (b) of Section
24 3 of Article I of the California Constitution.

25 SEC. 3. The Legislature finds and declares that Section 1 of
26 this act, which amends Section 6270 of the Government Code,
27 furthers, within the meaning of paragraph (7) of subdivision (b)
28 of Section 3 of Article I of the California Constitution, the purposes
29 of that constitutional section as it relates to the right of public
30 access to the meetings of local public bodies or the writings of
31 local public officials and local agencies. Pursuant to paragraph (7)

1 of subdivision (b) of Section 3 of Article I of the California
2 Constitution, the Legislature makes the following findings:
3 It is in the public interest to ensure that members of the public
4 can share, distribute, or publish a public record subject to disclosure
5 by the California Public Records Act.

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