

ASSEMBLY BILL

No. 2498

Introduced by Assembly Member Bonta

February 19, 2016

An act to amend Section 6254 of the Government Code, and to amend Sections 293 and 293.5 of the Penal Code, relating to victim confidentiality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2498, as introduced, Bonta. Victim confidentiality: human trafficking.

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. Existing law exempts from disclosure any investigatory or security file compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. Existing law requires, however, that state and local law enforcement agencies make public specific information, including names of victims, relating to the circumstances surrounding all complaints or requests for assistance, among other things, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in the investigation. Existing law allows victims of specified crimes, including human trafficking, to request that their names be withheld from any public records request, and upon that request prohibits law enforcement agencies from disclosing those names except under specified circumstances. Existing law additionally prohibits law

enforcement agencies from disclosing the addresses of victims of specified crimes, including human trafficking.

This bill would exempt the names, addresses, and images of victims of human trafficking and their families from disclosure pursuant to the California Public Records Act. The bill would additionally prohibit law enforcement agencies from disclosing the names, addresses, and images of victims of human trafficking and their families except, under specified circumstances.

This bill would also make other technical, nonsubstantive, and conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect regarding the need to maintain the confidential names of victims of human trafficking and their families.

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. Section 6254 of the Government Code is amended
- 2 to read:
- 3 6254. Except as provided in Sections 6254.7 and 6254.13, this
- 4 chapter does not require the disclosure of any of the following
- 5 records:
- 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) Records contained in or related to any of the following:

1 (1) Applications filed with any state agency responsible for the
2 regulation or supervision of the issuance of securities or of financial
3 institutions, including, but not limited to, banks, savings and loan
4 associations, industrial loan companies, credit unions, and
5 insurance companies.

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

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

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

14 (e) Geological and geophysical data, plant production data, and
15 similar information relating to utility systems development, or
16 market or crop reports, that are obtained in confidence from any
17 person.

18 (f) Records of complaints to, or investigations conducted by,
19 or records of intelligence information or security procedures of,
20 the office of the Attorney General and the Department of Justice,
21 the Office of Emergency Services and any state or local police
22 agency, or any investigatory or security files compiled by any other
23 state or local police agency, or any investigatory or security files
24 compiled by any other state or local agency for correctional, law
25 enforcement, or licensing purposes. However, state and local law
26 enforcement agencies shall disclose the names and addresses of
27 persons involved in, or witnesses other than confidential informants
28 to, the incident, the description of any property involved, the date,
29 time, and location of the incident, all diagrams, statements of the
30 parties involved in the incident, the statements of all witnesses,
31 other than confidential informants, to the victims of an incident,
32 or an authorized representative thereof, an insurance carrier against
33 which a claim has been or might be made, and any person suffering
34 bodily injury or property damage or loss, as the result of the
35 incident caused by arson, burglary, fire, explosion, larceny,
36 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
37 by subdivision (b) of Section 13951, unless the disclosure would
38 endanger the safety of a witness or other person involved in the
39 investigation, or unless disclosure would endanger the successful
40 completion of the investigation or a related investigation. However,

1 this ~~division~~ *subdivision* does not require the disclosure of that
2 portion of those investigative files that reflects the analysis or
3 conclusions of the investigating officer.

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

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

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

22 (2) (A) Subject to the restrictions imposed by Section 841.5
23 of the Penal Code, the time, substance, and location of all
24 complaints or requests for assistance received by the agency and
25 the time and nature of the response thereto, including, to the extent
26 the information regarding crimes alleged or committed or any other
27 incident investigated is recorded, the time, date, and location of
28 occurrence, the time and date of the report, the name and age of
29 the victim, the factual circumstances surrounding the crime or
30 incident, and a general description of any injuries, property, or
31 weapons involved. The name of a victim of any crime defined by
32 Section 220, ~~236.1~~, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
33 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
34 286, 288, 288a, 288.2, ~~288.3~~ (as added by Chapter 337 of the
35 Statutes of 2006), ~~288.3~~ (as added by Section 6 of Proposition 83
36 of the November 7, 2006, statewide general election), 288.3, 288.4,
37 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the
38 Penal Code may be withheld at the victim's request, or at the
39 request of the victim's parent or guardian if the victim is a minor.
40 When a person is the victim of more than one crime, information

1 disclosing that the person is a victim of a crime defined in any of
2 the sections of the Penal Code set forth in this subdivision may be
3 deleted at the request of the victim, or the victim's parent or
4 guardian if the victim is a minor, in making the report of the crime,
5 or of any crime or incident accompanying the crime, available to
6 the public in compliance with the requirements of this paragraph.

7 *(B) Notwithstanding subparagraph (A), names, addresses, and*
8 *images of a victim of human trafficking, as defined in Section 236.1*
9 *of the Penal Code, and of that victim's family, shall be withheld*
10 *and remain confidential.*

11 (3) Subject to the restrictions of Section 841.5 of the Penal Code
12 and this subdivision, the current address of every individual
13 arrested by the agency and the current address of the victim of a
14 crime, if the requester declares under penalty of perjury that the
15 request is made for a scholarly, journalistic, political, or
16 governmental purpose, or that the request is made for investigation
17 purposes by a licensed private investigator as described in Chapter
18 11.3 (commencing with Section 7512) of Division 3 of the Business
19 and Professions Code. However, the address of the victim of any
20 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
21 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
22 273d, 273.5, 285, 286, 288, 288a, 288.2, ~~288.3~~ (as added by
23 ~~Chapter 337 of the Statutes of 2006~~), ~~288.3~~ (as added by Section
24 ~~6 of Proposition 83 of the November 7, 2006, statewide general~~
25 ~~election~~), 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75,
26 646.9, or 647.6 of the Penal Code shall remain confidential.
27 Address information obtained pursuant to this paragraph shall not
28 be used directly or indirectly, or furnished to another, to sell a
29 product or service to any individual or group of individuals, and
30 the requester shall execute a declaration to that effect under penalty
31 of perjury. This paragraph shall not be construed to prohibit or
32 limit a scholarly, journalistic, political, or government use of
33 address information obtained pursuant to this paragraph.

34 (g) Test questions, scoring keys, and other examination data
35 used to administer a licensing examination, examination for
36 employment, or academic examination, except as provided for in
37 Chapter 3 (commencing with Section 99150) of Part 65 of Division
38 14 of Title 3 of the Education Code.

39 (h) The contents of real estate appraisals or engineering or
40 feasibility estimates and evaluations made for or by the state or

1 local agency relative to the acquisition of property, or to
2 prospective public supply and construction contracts, until all of
3 the property has been acquired or all of the contract agreement
4 obtained. However, the law of eminent domain shall not be affected
5 by this provision.

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

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

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

18 (l) Correspondence of and to the Governor or employees of the
19 Governor's office or in the custody of or maintained by the
20 Governor's Legal Affairs Secretary. However, public records shall
21 not be transferred to the custody of the Governor's Legal Affairs
22 Secretary to evade the disclosure provisions of this chapter.

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

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

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

1 (p) Records of state agencies related to activities governed by
2 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
3 (commencing with Section 3525), and Chapter 12 (commencing
4 with Section 3560) of Division 4, that reveal a state agency's
5 deliberative processes, impressions, evaluations, opinions,
6 recommendations, meeting minutes, research, work products,
7 theories, or strategy, or that provide instruction, advice, or training
8 to employees who do not have full collective bargaining and
9 representation rights under these chapters. This subdivision shall
10 not be construed to limit the disclosure duties of a state agency
11 with respect to any other records relating to the activities governed
12 by the employee relations acts referred to in this subdivision.

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

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

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

39 (4) Notwithstanding any other law, the entire contract or
40 amendment shall be open to inspection by the Joint Legislative

1 Audit Committee and the Legislative Analyst’s Office. The
2 committee and that office shall maintain the confidentiality of the
3 contracts and amendments until the time a contract or amendment
4 is fully open to inspection by the public.

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

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

14 (t) Records of a local hospital district, formed pursuant to
15 Division 23 (commencing with Section 32000) of the Health and
16 Safety Code, or the records of a municipal hospital, formed
17 pursuant to Article 7 (commencing with Section 37600) or Article
18 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
19 Division 3 of Title 4 of this code, that relate to any contract with
20 an insurer or nonprofit hospital service plan for inpatient or
21 outpatient services for alternative rates pursuant to Section 10133
22 of the Insurance Code. However, the record shall be open to
23 inspection within one year after the contract is fully executed.

24 (u) (1) Information contained in applications for licenses to
25 carry firearms issued pursuant to Section 26150, 26155, 26170,
26 or 26215 of the Penal Code by the sheriff of a county or the chief
27 or other head of a municipal police department that indicates when
28 or where the applicant is vulnerable to attack or that concerns the
29 applicant’s medical or psychological history or that of members
30 of his or her family.

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

37 (3) The home address and telephone number of prosecutors,
38 public defenders, peace officers, judges, court commissioners, and
39 magistrates that are set forth in licenses to carry firearms issued
40 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal

1 Code by the sheriff of a county or the chief or other head of a
2 municipal police department.

3 (v) (1) Records of the Managed Risk Medical Insurance Board
4 and the State Department of Health Care Services related to
5 activities governed by Part 6.3 (commencing with Section 12695),
6 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing
7 with Section 12739.5), or Part 6.7 (commencing with Section
8 12739.70) of Division 2 of the Insurance Code, or Chapter 2
9 (commencing with Section 15810) or Chapter 4 (commencing with
10 Section 15870) of Part 3.3 of Division 9 of the Welfare and
11 Institutions Code, and that reveal any of the following:

12 (A) The deliberative processes, discussions, communications,
13 or any other portion of the negotiations with entities contracting
14 or seeking to contract with the board or the department, entities
15 with which the board or the department is considering a contract,
16 or entities with which the board or department is considering or
17 enters into any other arrangement under which the board or the
18 department provides, receives, or arranges services or
19 reimbursement.

20 (B) The impressions, opinions, recommendations, meeting
21 minutes, research, work product, theories, or strategy of the board
22 or its staff or the department or its staff, or records that provide
23 instructions, advice, or training to their employees.

24 (2) (A) Except for the portion of a contract that contains the
25 rates of payment, contracts entered into pursuant to Part 6.3
26 (commencing with Section 12695), Part 6.5 (commencing with
27 Section 12700), Part 6.6 (commencing with Section 12739.5), or
28 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
29 Insurance Code, or Chapter 2 (commencing with Section 15810)
30 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
31 Division 9 of the Welfare and Institutions Code, on or after July
32 1, 1991, shall be open to inspection one year after their effective
33 dates.

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

38 (3) Three years after a contract or amendment is open to
39 inspection pursuant to this subdivision, the portion of the contract

1 or amendment containing the rates of payment shall be open to
2 inspection.

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

9 (w) (1) Records of the Managed Risk Medical Insurance Board
10 related to activities governed by Chapter 8 (commencing with
11 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
12 that reveal the deliberative processes, discussions, communications,
13 or any other portion of the negotiations with health plans, or the
14 impressions, opinions, recommendations, meeting minutes,
15 research, work product, theories, or strategy of the board or its
16 staff, or records that provide instructions, advice, or training to
17 employees.

18 (2) Except for the portion of a contract that contains the rates
19 of payment, contracts for health coverage entered into pursuant to
20 Chapter 8 (commencing with Section 10700) of Part 2 of Division
21 2 of the Insurance Code, on or after January 1, 1993, shall be open
22 to inspection one year after they have been fully executed.

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

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

36 (y) (1) Records of the Managed Risk Medical Insurance Board
37 and the State Department of Health Care Services related to
38 activities governed by Part 6.2 (commencing with Section 12693)
39 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
40 the Insurance Code or Sections 14005.26 and 14005.27 of, or

1 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
2 9 of, the Welfare and Institutions Code, if the records reveal any
3 of the following:

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

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

15 (2) (A) Except for the portion of a contract that contains the
16 rates of payment, contracts entered into pursuant to Part 6.2
17 (commencing with Section 12693) or Part 6.4 (commencing with
18 Section 12699.50) of Division 2 of the Insurance Code, on or after
19 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
20 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
21 the Welfare and Institutions Code shall be open to inspection one
22 year after their effective dates.

23 (B) If a contract entered into pursuant to Part 6.2 (commencing
24 with Section 12693) or Part 6.4 (commencing with Section
25 12699.50) of Division 2 of the Insurance Code or Sections
26 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
27 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
28 Code, is amended, the amendment shall be open to inspection one
29 year after the effective date of the amendment.

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

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

1 (5) The exemption from disclosure provided pursuant to this
2 subdivision for the contracts, deliberative processes, discussions,
3 communications, negotiations, impressions, opinions,
4 recommendations, meeting minutes, research, work product,
5 theories, or strategy of the board or its staff, or the department or
6 its staff, shall also apply to the contracts, deliberative processes,
7 discussions, communications, negotiations, impressions, opinions,
8 recommendations, meeting minutes, research, work product,
9 theories, or strategy of applicants pursuant to Part 6.4 (commencing
10 with Section 12699.50) of Division 2 of the Insurance Code or
11 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
12 9 of the Welfare and Institutions Code.

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

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

19 (ab) Critical infrastructure information, as defined in Section
20 131(3) of Title 6 of the United States Code, that is voluntarily
21 submitted to the Office of Emergency Services for use by that
22 office, including the identity of the person who or entity that
23 voluntarily submitted the information. As used in this subdivision,
24 “voluntarily submitted” means submitted in the absence of the
25 office exercising any legal authority to compel access to or
26 submission of critical infrastructure information. This subdivision
27 shall not affect the status of information in the possession of any
28 other state or local governmental agency.

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

34 (ad) The following records of the State Compensation Insurance
35 Fund:

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

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

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

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

20 (5) (A) Records that are trade secrets pursuant to Section
21 6276.44, or Article 11 (commencing with Section 1060) of Chapter
22 4 of Division 8 of the Evidence Code, including without limitation,
23 instructions, advice, or training provided by the State Compensation
24 Insurance Fund to its board members, officers, and employees
25 regarding the fund's special investigation unit, internal audit unit,
26 and informational security, marketing, rating, pricing, underwriting,
27 claims handling, audits, and collections.

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

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

36 (i) Personal papers and correspondence of any person providing
37 assistance to the fund when that person has requested in writing
38 that his or her papers and correspondence be kept private and
39 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,~~
10 *California State Auditor's Office*, Division of Workers'
11 Compensation, and the Department of Insurance to ensure
12 compliance with applicable law.

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

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

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

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

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

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

37 This section does not prevent any agency from opening its
38 records concerning the administration of the agency to public
39 inspection, unless disclosure is otherwise prohibited by law.

1 This section does not prevent any health facility from disclosing
2 to a certified bargaining agent relevant financing information
3 pursuant to Section 8 of the National Labor Relations Act (29
4 U.S.C. Sec. 158).

5 SEC. 2. Section 293 of the Penal Code is amended to read:

6 293. (a) An employee of a law enforcement agency who
7 personally receives a report from a person, alleging that the person
8 making the report has been the victim of a sex offense, ~~or was~~
9 ~~forced to commit an act of prostitution because he or she is the~~
10 ~~victim of human trafficking, as defined in Section 236.1,~~ shall
11 inform that person that his or her name will become a matter of
12 public record unless he or she requests that it not become a matter
13 of public record, pursuant to Section 6254 of the Government
14 Code.

15 (b) A written report of an alleged sex offense shall indicate that
16 the alleged victim has been properly informed pursuant to
17 subdivision (a) and shall memorialize his or her response.

18 (c) A law enforcement agency shall not disclose to a person,
19 except the prosecutor, parole officers of the Department of
20 Corrections and Rehabilitation, hearing officers of the parole
21 authority, probation officers of county probation departments, or
22 other persons or public agencies where authorized or required by
23 law, the address of a person who alleges to be the victim of a sex
24 ~~offense or who was forced to commit an act of prostitution because~~
25 ~~he or she is the victim of human trafficking, as defined in Section~~
26 ~~236.1: offense.~~

27 (d) A law enforcement agency shall not disclose to a person,
28 except the prosecutor, parole officers of the Department of
29 Corrections and Rehabilitation, hearing officers of the parole
30 authority, probation officers of county probation departments, or
31 other persons or public agencies where authorized or required by
32 law, the name of a person who alleges to be the victim of a sex
33 ~~offense or who was forced to commit an act of prostitution because~~
34 ~~he or she is the victim of human trafficking, as defined in Section~~
35 ~~236.1,~~ if that person has elected to exercise his or her right pursuant
36 to this section and Section 6254 of the Government Code.

37 (e) *A law enforcement agency shall not disclose to a person,*
38 *except the prosecutor, parole officers of the Department of*
39 *Corrections and Rehabilitation, hearing officers of the parole*
40 *authority, probation officers of county probation departments, or*

1 *other persons or public agencies where authorized or required by*
2 *law, names, addresses, or images of a person who alleges to be*
3 *the victim of human trafficking, as defined in Section 236.1, or of*
4 *that alleged victim’s family.*

5 (e)

6 (f) For purposes of this section, sex offense means any crime
7 listed in *subparagraph (A) of paragraph (2) of subdivision (f) of*
8 *Section 6254 of the Government Code.*

9 (f)

10 (g) Parole officers of the Department of Corrections and
11 Rehabilitation, hearing officers of the parole authority, and
12 probation officers of county probation departments shall be entitled
13 to receive information pursuant to subdivisions ~~(e) and (d)~~ (c), (d),
14 and (e) only if the person to whom the information pertains alleges
15 that he or she is the victim of a sex offense or ~~was forced to commit~~
16 ~~an act of prostitution because he or she is the victim of human~~
17 ~~trafficking, as defined in Section 236.1, the alleged perpetrator of~~
18 ~~which is a parolee who is alleged to have committed the offense~~
19 ~~while on parole, or in the case of a county probation officer, the~~
20 ~~person who is alleged to have committed the offense is a~~
21 ~~probationer or is under investigation by a county probation~~
22 ~~department.~~

23 SEC. 3. Section 293.5 of the Penal Code is amended to read:

24 293.5. (a) Except as provided in Chapter 10 (commencing
25 with Section 1054) of Part 2 of Title 7, or for cases in which the
26 alleged victim of a sex offense, as specified in subdivision ~~(e)~~ (f)
27 of Section 293, has not elected to exercise his or her right pursuant
28 to Section 6254 of the Government Code, the court, at the request
29 of the alleged victim, may order the identity of the alleged victim
30 in all records and during all proceedings to be either Jane Doe or
31 John Doe, if the court finds that such an order is reasonably
32 necessary to protect the privacy of the person and will not unduly
33 prejudice the prosecution or the defense.

34 (b) If the court orders the alleged victim to be identified as Jane
35 Doe or John Doe pursuant to subdivision (a) and if there is a jury
36 trial, the court shall instruct the jury, at the beginning and at the
37 end of the trial, that the alleged victim is being so identified only
38 for the purpose of protecting his or her privacy pursuant to this
39 section.

1 SEC. 4. The Legislature finds and declares that Section 1 of
2 this act, which amends Section 6254 of the Government Code,
3 imposes a limitation on the public’s right of access to the meetings
4 of public bodies or the writings of public officials and agencies
5 within the meaning of Section 3 of Article I of the California
6 Constitution. Pursuant to that constitutional provision, the
7 Legislature makes the following findings to demonstrate the interest
8 protected by this limitation and the need for protecting that interest:
9 In order to protect the privacy and safety of victims of human
10 trafficking and their families, it is necessary to limit the public’s
11 right of access to the personal information of those victims.

O