

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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~~ 293, 293.5, and 1048 of the Penal Code, relating to ~~victim confidentiality~~ *human trafficking*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2498, as amended, Bonta. ~~Victim confidentiality; human~~ *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~~ specified 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.

Existing law, as amended by the Californians Against Sexual Exploitation Act, an initiative measure enacted by the approval of Proposition 35 at the November 6, 2012, statewide general election (CASE Act), proscribes the crime of human trafficking. A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or to effect or maintain a violation of various felony or misdemeanor offenses, including offenses relating to prostitution, child pornography, as specified, or extortion, as defined, is guilty of human trafficking. A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of various felony or misdemeanor offenses, is also guilty of human trafficking.

Existing law proscribes various sex offenses, including pimping and pandering. Existing law makes a person who procures another person for the purposes of prostitution, or who by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute guilty of pandering. Existing law makes a person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper, manager, or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person guilty of pimping.

Existing law generally requires that the issues on the court calendar be disposed of in a specified order, unless for good cause the court directs an action to be tried out of its order. Existing law requires that certain criminal actions, however, take precedence over all other criminal actions in the order of trial, including criminal actions in which a person is a victim of an alleged violation of a specified sex

offense, including rape, incest, or sodomy, committed by the use of force, violence, or the threat of force or violence.

This bill would expand the list of criminal actions that take precedence over all other criminal actions in the order of trial to include human trafficking, as defined by the CASE Act, pimping, and pandering. The bill would also make technical and clarifying changes.

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:
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

1 associations, industrial loan companies, credit unions, and
2 insurance companies.

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

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

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

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

15 (f) Records of complaints to, or investigations conducted by,
16 or records of intelligence information or security procedures of,
17 the office of the Attorney General and the Department of Justice,
18 the Office of Emergency Services and any state or local police
19 agency, or any investigatory or security files compiled by any other
20 state or local police agency, or any investigatory or security files
21 compiled by any other state or local agency for correctional, law
22 enforcement, or licensing purposes. However, state and local law
23 enforcement agencies shall disclose the names and addresses of
24 persons involved in, or witnesses other than confidential informants
25 to, the incident, the description of any property involved, the date,
26 time, and location of the incident, all diagrams, statements of the
27 parties involved in the incident, the statements of all witnesses,
28 other than confidential informants, to the victims of an incident,
29 or an authorized representative thereof, an insurance carrier against
30 which a claim has been or might be made, and any person suffering
31 bodily injury or property damage or loss, as the result of the
32 incident caused by arson, burglary, fire, explosion, larceny,
33 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
34 by subdivision (b) of Section 13951, unless the disclosure would
35 endanger the safety of a witness or other person involved in the
36 investigation, or unless disclosure would endanger the successful
37 completion of the investigation or a related investigation. However,
38 this subdivision does not require the disclosure of that portion of
39 those investigative files that reflects the analysis or conclusions
40 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) (A) Subject to the restrictions imposed by Section 841.5 of
20 the Penal Code, the time, substance, and location of all complaints
21 or 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, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,
30 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,
31 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
32 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the
33 victim's request, or at the request of the victim's parent or guardian
34 if the victim is a minor. When a person is the victim of more than
35 one crime, information disclosing that the person is a victim of a
36 crime defined in any of the sections of the Penal Code set forth in
37 this subdivision may be deleted at the request of the victim, or the
38 victim's parent or guardian if the victim is a minor, in making the
39 report of the crime, or of any crime or incident accompanying the

1 crime, available to the public in compliance with the requirements
2 of this paragraph.

3 (B) Notwithstanding subparagraph (A), names, addresses, and
4 images of a victim of human trafficking, as defined in Section
5 236.1 of the Penal Code, and of that victim's family, shall be
6 withheld and remain confidential.

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

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

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

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

34 (4) Notwithstanding any other law, the entire contract or
35 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.

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

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

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

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

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

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

39 (v) (1) Records of the Managed Risk Medical Insurance Board
40 and the State Department of Health Care Services related to

1 activities governed by Part 6.3 (commencing with Section 12695),
2 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing
3 with Section 12739.5), or Part 6.7 (commencing with Section
4 12739.70) of Division 2 of the Insurance Code, or Chapter 2
5 (commencing with Section 15810) or Chapter 4 (commencing with
6 Section 15870) of Part 3.3 of Division 9 of the Welfare and
7 Institutions Code, and that reveal any of the following:

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

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

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

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

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

38 (4) Notwithstanding any other law, the entire contract or
39 amendments to a contract shall be open to inspection by the Joint
40 Legislative Audit Committee. The committee shall maintain the

1 confidentiality of the contracts and amendments thereto, until the
2 contracts or amendments to the contracts are open to inspection
3 pursuant to paragraph (3).

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

13 (2) Except for the portion of a contract that contains the rates
14 of payment, contracts for health coverage entered into pursuant to
15 Chapter 8 (commencing with Section 10700) of Part 2 of Division
16 2 of the Insurance Code, on or after January 1, 1993, shall be open
17 to inspection one year after they have been fully executed.

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

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

31 (y) (1) Records of the Managed Risk Medical Insurance Board
32 and the State Department of Health Care Services related to
33 activities governed by Part 6.2 (commencing with Section 12693)
34 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
35 the Insurance Code or Sections 14005.26 and 14005.27 of, or
36 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
37 9 of, the Welfare and Institutions Code, if the records reveal any
38 of the following:

39 (A) The deliberative processes, discussions, communications,
40 or any other portion of the negotiations with entities contracting

1 or seeking to contract with the board or the department, entities
2 with which the board or department is considering a contract, or
3 entities with which the board or department is considering or enters
4 into any other arrangement under which the board or department
5 provides, receives, or arranges services or reimbursement.

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

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

18 (B) If a contract entered into pursuant to Part 6.2 (commencing
19 with Section 12693) or Part 6.4 (commencing with Section
20 12699.50) of Division 2 of the Insurance Code or Sections
21 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
22 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
23 Code, is amended, the amendment shall be open to inspection one
24 year after the effective date of the amendment.

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

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

35 (5) The exemption from disclosure provided pursuant to this
36 subdivision for the contracts, deliberative processes, discussions,
37 communications, negotiations, impressions, opinions,
38 recommendations, meeting minutes, research, work product,
39 theories, or strategy of the board or its staff, or the department or
40 its staff, shall also apply to the contracts, deliberative processes,

1 discussions, communications, negotiations, impressions, opinions,
2 recommendations, meeting minutes, research, work product,
3 theories, or strategy of applicants pursuant to Part 6.4 (commencing
4 with Section 12699.50) of Division 2 of the Insurance Code or
5 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
6 9 of the Welfare and Institutions Code.

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

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

13 (ab) Critical infrastructure information, as defined in Section
14 131(3) of Title 6 of the United States Code, that is voluntarily
15 submitted to the Office of Emergency Services for use by that
16 office, including the identity of the person who or entity that
17 voluntarily submitted the information. As used in this subdivision,
18 "voluntarily submitted" means submitted in the absence of the
19 office exercising any legal authority to compel access to or
20 submission of critical infrastructure information. This subdivision
21 shall not affect the status of information in the possession of any
22 other state or local governmental agency.

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

28 (ad) The following records of the State Compensation Insurance
29 Fund:

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

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

37 (3) Records related to the impressions, opinions,
38 recommendations, meeting minutes of meetings or sessions that
39 are lawfully closed to the public, research, work product, theories,
40 or strategy of the fund or its staff, on the development of rates,

1 contracting strategy, underwriting, or competitive strategy pursuant
2 to the powers granted to the fund in Chapter 4 (commencing with
3 Section 11770) of Part 3 of Division 2 of the Insurance Code.

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

13 (5) (A) Records that are trade secrets pursuant to Section
14 6276.44, or Article 11 (commencing with Section 1060) of Chapter
15 4 of Division 8 of the Evidence Code, including without limitation,
16 instructions, advice, or training provided by the State Compensation
17 Insurance Fund to its board members, officers, and employees
18 regarding the fund's special investigation unit, internal audit unit,
19 and informational security, marketing, rating, pricing, underwriting,
20 claims handling, audits, and collections.

21 (B) Notwithstanding subparagraph (A), the portions of records
22 containing trade secrets shall be available for review by the Joint
23 Legislative Audit Committee, California State Auditor's Office,
24 Division of Workers' Compensation, and the Department of
25 Insurance to ensure compliance with applicable law.

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

28 (i) Personal papers and correspondence of any person providing
29 assistance to the fund when that person has requested in writing
30 that his or her papers and correspondence be kept private and
31 confidential. Those papers and correspondence shall become public
32 records if the written request is withdrawn, or upon order of the
33 fund.

34 (ii) Papers, correspondence, memoranda, or any substantive
35 information pertaining to any audit not completed or an internal
36 audit that contains proprietary information.

37 (B) Notwithstanding subparagraph (A), the portions of records
38 containing proprietary information, or any information specified
39 in subparagraph (A) shall be available for review by the Joint
40 Legislative Audit Committee, California State Auditor's Office,

1 Division of Workers' Compensation, and the Department of
2 Insurance to ensure compliance with applicable law.

3 (7) (A) Except as provided in subparagraph (C), contracts
4 entered into pursuant to Chapter 4 (commencing with Section
5 11770) of Part 3 of Division 2 of the Insurance Code shall be open
6 to inspection one year after the contract has been fully executed.

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

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

15 (D) Notwithstanding any other law, the entire contract or
16 amendments to a contract shall be open to inspection by the Joint
17 Legislative Audit Committee. The committee shall maintain the
18 confidentiality of the contracts and amendments thereto until the
19 contract or amendments to a contract are open to inspection
20 pursuant to this paragraph.

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

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

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

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

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

35 293. (a) An employee of a law enforcement agency who
36 personally receives a report from a person, alleging that the person
37 making the report has been the victim of a sex offense, shall inform
38 that person that his or her name will become a matter of public
39 record unless he or she requests that it not become a matter of
40 public record, pursuant to Section 6254 of the Government Code.

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

4 (c) A law enforcement agency shall not disclose to a person,
5 except the prosecutor, parole officers of the Department of
6 Corrections and Rehabilitation, hearing officers of the parole
7 authority, probation officers of county probation departments, or
8 other persons or public agencies where authorized or required by
9 law, the address of a person who alleges to be the victim of a sex
10 offense.

11 (d) A law enforcement agency shall not disclose to a person,
12 except the prosecutor, parole officers of the Department of
13 Corrections and Rehabilitation, hearing officers of the parole
14 authority, probation officers of county probation departments, or
15 other persons or public agencies where authorized or required by
16 law, the name of a person who alleges to be the victim of a sex
17 offense if that person has elected to exercise his or her right
18 pursuant to this section and Section 6254 of the Government Code.

19 (e) A law enforcement agency shall not disclose to a person,
20 except the prosecutor, parole officers of the Department of
21 Corrections and Rehabilitation, hearing officers of the parole
22 authority, probation officers of county probation departments, or
23 other persons or public agencies where authorized or required by
24 law, names, addresses, or images of a person who alleges to be
25 the victim of human trafficking, as defined in Section 236.1, or of
26 that alleged victim's family.

27 (f) For purposes of this section, sex offense means any crime
28 listed in subparagraph (A) of paragraph (2) of subdivision (f) of
29 Section 6254 of the Government Code.

30 (g) Parole officers of the Department of Corrections and
31 Rehabilitation, hearing officers of the parole authority, and
32 probation officers of county probation departments shall be entitled
33 to receive information pursuant to subdivisions (c), (d), and (e)
34 only if the person to whom the information pertains alleges that
35 he or she is the victim of a sex offense or is the victim of human
36 trafficking, as defined in Section 236.1, the alleged perpetrator of
37 which is a parolee who is alleged to have committed the offense
38 while on parole, or in the case of a county probation officer, the
39 person who is alleged to have committed the offense is a

1 probationer or is under investigation by a county probation
2 department.

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

4 293.5. (a) Except as provided in Chapter 10 (commencing
5 with Section 1054) of Part 2 of Title 7, or for cases in which the
6 alleged victim of a sex offense, as specified in subdivision (f) of
7 Section 293, has not elected to exercise his or her right pursuant
8 to Section 6254 of the Government Code, the court, at the request
9 of the alleged victim, may order the identity of the alleged victim
10 in all records and during all proceedings to be either Jane Doe or
11 John Doe, if the court finds that such an order is reasonably
12 necessary to protect the privacy of the person and will not unduly
13 prejudice the prosecution or the defense.

14 (b) If the court orders the alleged victim to be identified as Jane
15 Doe or John Doe pursuant to subdivision (a) and if there is a jury
16 trial, the court shall instruct the jury, at the beginning and at the
17 end of the trial, that the alleged victim is being so identified only
18 for the purpose of protecting his or her privacy pursuant to this
19 section.

20 SEC. 4. Section 1048 of the Penal Code is amended to read:

21 1048. (a) The issues on the calendar shall be disposed of in
22 the following order, unless for good cause the court directs an
23 action to be tried out of its order:

24 (1) Prosecutions for felony, when the defendant is in custody.

25 (2) Prosecutions for misdemeanor, when the defendant is in
26 custody.

27 (3) Prosecutions for felony, when the defendant is on bail.

28 (4) Prosecutions for misdemeanor, when the defendant is on
29 bail.

30 (b) Notwithstanding subdivision (a), all criminal actions in
31 which (1) a minor is detained as a material witness or is the victim
32 of the alleged offense, (2) a person who was 70 years of age or
33 older at the time of the alleged offense or is a dependent adult, as
34 defined in subdivision (h) of Section 368, was a witness to, or is
35 the victim of, the alleged ~~offense~~ offense, or (3) ~~any~~ a person is a
36 victim of an alleged violation of *subdivision (a), (b) or (c) of*
37 *Section 236.1, Section 261, 262, 264.1, 266i, 266h, 273a, 273d,*
38 *285, 286, 288, 288a, or 289, committed by the use of force,*
39 *violence, or the threat thereof, of force or violence,* shall be given
40 precedence over all other criminal actions in the order of trial. In

1 those actions, continuations shall be granted by the court only after
2 a hearing and determination of the necessity thereof, and in any
3 event, the trial shall be commenced within 30 days after
4 arraignment, unless for good cause the court shall direct the action
5 to be continued, after a hearing and determination of the necessity
6 of the continuance, and states the findings for a determination of
7 good cause on the record.

8 (c) ~~Nothing in this section shall~~ *This section shall not* be deemed
9 to provide a statutory right to a trial within 30 days.

10 ~~SEC. 4.~~

11 *SEC. 5.* The Legislature finds and declares that Section 1 of
12 this act, which amends Section 6254 of the Government Code,
13 imposes a limitation on the public's right of access to the meetings
14 of public bodies or the writings of public officials and agencies
15 within the meaning of Section 3 of Article I of the California
16 Constitution. Pursuant to that constitutional provision, the
17 Legislature makes the following findings to demonstrate the interest
18 protected by this limitation and the need for protecting that interest:

19 In order to protect the privacy and safety of victims of human
20 trafficking and their families, it is necessary to limit the public's
21 right of access to the personal information of those victims.