

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

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, 293.5, and 1048 of the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2498, as amended, Bonta. 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 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 authorize, at the request of a victim and subject to specified restrictions, the withholding of the names and images of a victim of human trafficking and that victim's immediate family, as defined and as specified, from disclosure pursuant to the California Public Records Act until the investigation or any subsequent prosecution is complete. The bill would additionally prohibit law enforcement agencies from disclosing the names, addresses, and images of victims of human trafficking and their immediate family, except under specified circumstances. *The bill would also require law enforcement agencies to orally inform the person who alleges to be the victim of human trafficking of his or her right to have his or her name, addresses, and images, and the names, addresses, and images of his or her immediate family members withheld and kept confidential. If the victim's native language is not English, the bill would require that the law enforcement agency inform the victim of this right in his or her native language. By imposing new duties on law enforcement agencies, the bill would impose a state-mandated local program.*

Existing law, as amended by the Californians Against Sexual Exploitation Act (CASE Act), an initiative measure enacted by the approval of Proposition 35 at the November 6, 2012, statewide general election 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.

This bill would incorporate additional changes to Section 6254 of the Government Code proposed by AB 2611 to take effect if both bills are chaptered and this bill is chaptered last.

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: ~~no~~-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, 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
20 associations, industrial loan companies, credit unions, and
21 insurance companies.
22 (2) Examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of, any state agency referred to in
24 paragraph (1).
25 (3) Preliminary drafts, notes, or interagency or intra-agency
26 communications prepared by, on behalf of, or for the use of, any
27 state agency referred to in paragraph (1).
28 (4) Information received in confidence by any state agency
29 referred to in paragraph (1).
30 (e) Geological and geophysical data, plant production data, and
31 similar information relating to utility systems development, or
32 market or crop reports, that are obtained in confidence from any
33 person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files 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. However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this subdivision does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

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

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

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the

1 amount of bail set, the time and manner of release or the location
2 where the individual is currently being held, and all charges the
3 individual is being held upon, including any outstanding warrants
4 from other jurisdictions and parole or probation holds.

5 (2) (A) Subject to the restrictions imposed by Section 841.5 of
6 the Penal Code, the time, substance, and location of all complaints
7 or requests for assistance received by the agency and the time and
8 nature of the response thereto, including, to the extent the
9 information regarding crimes alleged or committed or any other
10 incident investigated is recorded, the time, date, and location of
11 occurrence, the time and date of the report, the name and age of
12 the victim, the factual circumstances surrounding the crime or
13 incident, and a general description of any injuries, property, or
14 weapons involved. The name of a victim of any crime defined by
15 Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,
16 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,
17 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
18 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the
19 victim's request, or at the request of the victim's parent or guardian
20 if the victim is a minor. When a person is the victim of more than
21 one crime, information disclosing that the person is a victim of a
22 crime defined in any of the sections of the Penal Code set forth in
23 this subdivision may be deleted at the request of the victim, or the
24 victim's parent or guardian if the victim is a minor, in making the
25 report of the crime, or of any crime or incident accompanying the
26 crime, available to the public in compliance with the requirements
27 of this paragraph.

28 ~~(B) Subject~~

29 (B) Subject to the restrictions imposed by Section 841.5 of the
30 Penal Code, the names and images of a victim of human trafficking,
31 as defined in Section 236.1 of the Penal Code, and of that victim's
32 immediate family, other than a family member who is charged
33 with a criminal offense arising from the same incident, may be
34 withheld at the victim's request until the investigation or any
35 subsequent prosecution is complete. For purposes of this
36 subdivision, "immediate family" shall have the same meaning as
37 that provided in paragraph (3) of subdivision (b) of Section 422.4
38 of the Penal Code.

39 (3) Subject to the restrictions of Section 841.5 of the Penal Code
40 and this subdivision, the current address of every individual

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

20 (g) Test questions, scoring keys, and other examination data
21 used to administer a licensing examination, examination for
22 employment, or academic examination, except as provided for in
23 Chapter 3 (commencing with Section 99150) of Part 65 of Division
24 14 of Title 3 of the Education Code.

25 (h) The contents of real estate appraisals or engineering or
26 feasibility estimates and evaluations made for or by the state or
27 local agency relative to the acquisition of property, or to
28 prospective public supply and construction contracts, until all of
29 the property has been acquired or all of the contract agreement
30 obtained. However, the law of eminent domain shall not be affected
31 by this provision.

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

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

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

4 (l) Correspondence of and to the Governor or employees of the
5 Governor's office or in the custody of or maintained by the
6 Governor's Legal Affairs Secretary. However, public records shall
7 not be transferred to the custody of the Governor's Legal Affairs
8 Secretary to evade the disclosure provisions of this chapter.

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

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

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

27 (p) Records of state agencies related to activities governed by
28 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
29 (commencing with Section 3525), and Chapter 12 (commencing
30 with Section 3560) of Division 4, that reveal a state agency's
31 deliberative processes, impressions, evaluations, opinions,
32 recommendations, meeting minutes, research, work products,
33 theories, or strategy, or that provide instruction, advice, or training
34 to employees who do not have full collective bargaining and
35 representation rights under these chapters. This subdivision shall
36 not be construed to limit the disclosure duties of a state agency
37 with respect to any other records relating to the activities governed
38 by the employee relations acts referred to in this subdivision.

39 (q) (1) Records of state agencies related to activities governed
40 by Article 2.6 (commencing with Section 14081), Article 2.8

(commencing with Section 14087.5), and Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

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

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

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

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

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

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

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

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

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

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

(A) The deliberative processes, discussions, communications, 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 the department is considering a contract,
3 or entities with which the board or department is considering or
4 enters into any other arrangement under which the board or the
5 department provides, receives, or arranges services or
6 reimbursement.

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

11 (2) (A) Except for the portion of a contract that contains the
12 rates of payment, contracts entered into pursuant to Part 6.3
13 (commencing with Section 12695), Part 6.5 (commencing with
14 Section 12700), Part 6.6 (commencing with Section 12739.5), or
15 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
16 Insurance Code, or Chapter 2 (commencing with Section 15810)
17 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
18 Division 9 of the Welfare and Institutions Code, on or after July
19 1, 1991, shall be open to inspection one year after their effective
20 dates.

21 (B) If a contract that is entered into prior to July 1, 1991, is
22 amended on or after July 1, 1991, the amendment, except for any
23 portion containing the rates of payment, shall be open to inspection
24 one 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 contracts or amendments to the contracts are open to inspection
34 pursuant to paragraph (3).

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

1 research, work product, theories, or strategy of the board or its
2 staff, or records that provide instructions, advice, or training to
3 employees.

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

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

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

22 (y) (1) Records of the Managed Risk Medical Insurance Board
23 and the State Department of Health Care Services related to
24 activities governed by Part 6.2 (commencing with Section 12693)
25 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
26 the Insurance Code or Sections 14005.26 and 14005.27 of, or
27 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
28 9 of, the Welfare and Institutions Code, if the records reveal any
29 of the following:

30 (A) The deliberative processes, discussions, communications,
31 or any other portion of the negotiations with entities contracting
32 or seeking to contract with the board or the department, entities
33 with which the board or department is considering a contract, or
34 entities with which the board or department is considering or enters
35 into any other arrangement under which the board or department
36 provides, receives, or arranges services or reimbursement.

37 (B) The impressions, opinions, recommendations, meeting
38 minutes, research, work product, theories, or strategy of the board
39 or its staff, or the department or its staff, or records that provide
40 instructions, advice, or training to employees.

1 (2) (A) Except for the portion of a contract that contains the
2 rates of payment, contracts entered into pursuant to Part 6.2
3 (commencing with Section 12693) or Part 6.4 (commencing with
4 Section 12699.50) of Division 2 of the Insurance Code, on or after
5 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
6 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
7 the Welfare and Institutions Code shall be open to inspection one
8 year after their effective dates.

9 (B) If a contract entered into pursuant to Part 6.2 (commencing
10 with Section 12693) or Part 6.4 (commencing with Section
11 12699.50) of Division 2 of the Insurance Code or Sections
12 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
13 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
14 Code, is amended, the amendment shall be open to inspection one
15 year after the effective date of the amendment.

16 (3) Three years after a contract or amendment is open to
17 inspection pursuant to this subdivision, the portion of the contract
18 or amendment containing the rates of payment shall be open to
19 inspection.

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

26 (5) The exemption from disclosure provided pursuant to this
27 subdivision for the contracts, deliberative processes, discussions,
28 communications, negotiations, impressions, opinions,
29 recommendations, meeting minutes, research, work product,
30 theories, or strategy of the board or its staff, or the department or
31 its staff, shall also apply to the contracts, deliberative processes,
32 discussions, communications, negotiations, impressions, opinions,
33 recommendations, meeting minutes, research, work product,
34 theories, or strategy of applicants pursuant to Part 6.4 (commencing
35 with Section 12699.50) of Division 2 of the Insurance Code or
36 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
37 9 of the Welfare and Institutions Code.

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

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

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

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

20 (ad) The following records of the State Compensation Insurance
21 Fund:

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

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

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

36 (4) Records obtained to provide workers' compensation
37 insurance under Chapter 4 (commencing with Section 11770) of
38 Part 3 of Division 2 of the Insurance Code, including, but not
39 limited to, any medical claims information, policyholder
40 information provided that nothing in this paragraph shall be

1 interpreted to prevent an insurance agent or broker from obtaining
2 proprietary information or other information authorized by law to
3 be obtained by the agent or broker, and information on rates,
4 pricing, and claims handling received from brokers.

5 (5) (A) Records that are trade secrets pursuant to Section
6 6276.44, or Article 11 (commencing with Section 1060) of Chapter
7 4 of Division 8 of the Evidence Code, including without limitation,
8 instructions, advice, or training provided by the State Compensation
9 Insurance Fund to its board members, officers, and employees
10 regarding the fund's special investigation unit, internal audit unit,
11 and informational security, marketing, rating, pricing, underwriting,
12 claims handling, audits, and collections.

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

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

20 (i) Personal papers and correspondence of any person providing
21 assistance to the fund when that person has requested in writing
22 that his or her papers and correspondence be kept private and
23 confidential. Those papers and correspondence shall become public
24 records if the written request is withdrawn, or upon order of the
25 fund.

26 (ii) Papers, correspondence, memoranda, or any substantive
27 information pertaining to any audit not completed or an internal
28 audit that contains proprietary information.

29 (B) Notwithstanding subparagraph (A), the portions of records
30 containing proprietary information, or any information specified
31 in subparagraph (A) shall be available for review by the Joint
32 Legislative Audit Committee, California State Auditor's Office,
33 Division of Workers' Compensation, and the Department of
34 Insurance to ensure compliance with applicable law.

35 (7) (A) Except as provided in subparagraph (C), contracts
36 entered into pursuant to Chapter 4 (commencing with Section
37 11770) of Part 3 of Division 2 of the Insurance Code shall be open
38 to inspection one year after the contract has been fully executed.

39 (B) If a contract entered into pursuant to Chapter 4 (commencing
40 with Section 11770) of Part 3 of Division 2 of the Insurance Code

1 is amended, the amendment shall be open to inspection one year
2 after the amendment has been fully executed.

3 (C) Three years after a contract or amendment is open to
4 inspection pursuant to this subdivision, the portion of the contract
5 or amendment containing the rates of payment shall be open to
6 inspection.

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

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

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

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

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

26 *SEC. 1.5. Section 6254 of the Government Code is amended*
27 *to read:*

28 6254. Except as provided in Sections 6254.7 and 6254.13, this
29 chapter does not require the disclosure of any of the following
30 records:

31 (a) Preliminary drafts, notes, or interagency or intra-agency
32 memoranda that are not retained by the public agency in the
33 ordinary course of business, if the public interest in withholding
34 those records clearly outweighs the public interest in disclosure.

35 (b) Records pertaining to pending litigation to which the public
36 agency is a party, or to claims made pursuant to Division 3.6
37 (commencing with Section 810), until the pending litigation or
38 claim has been finally adjudicated or otherwise settled.

39 (c) Personnel, medical, or similar files, the disclosure of which
40 would constitute an unwarranted invasion of personal privacy.

(d) Records contained in or related to any of the following:

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

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

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

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

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

(f) *(1) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files 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. However, state and local law enforcement agencies shall disclose the this subdivision does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.*

(2) Notwithstanding paragraph (1), state and local law enforcement agencies shall disclose the following:

(A) The names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury

1 or property damage or loss, as the result of the incident caused by
2 arson, burglary, fire, explosion, larceny, robbery, carjacking,
3 vandalism, vehicle theft, or a crime as defined by subdivision (b)
4 of Section 13951, unless the disclosure would endanger the safety
5 of a ~~witness or witness, a victim, or any~~ other person involved in
6 the investigation, or unless disclosure would endanger the
7 successful completion of the investigation or a related investigation.
8 ~~However, this division does not require the disclosure of that~~
9 ~~portion of those investigative files that reflects the analysis or~~
10 ~~conclusions of the investigating officer.~~

11 ~~Customer lists provided to a state or local police agency by an~~
12 ~~alarm or security company at the request of the agency shall be~~
13 ~~construed to be records subject to this subdivision.~~

14 ~~Notwithstanding any other provision of this subdivision, state~~
15 ~~and local law enforcement agencies shall make public the following~~
16 ~~information, except~~

17 (B) *Except* to the extent that disclosure of a particular item of
18 information would endanger the safety of a person involved in an
19 investigation or would endanger the successful completion of the
20 investigation or a related investigation:

21 ~~(1)~~

22 (i) The full name and occupation of every individual arrested
23 by the agency, the individual's physical description including date
24 of birth, color of eyes and hair, sex, height and weight, the time
25 and date of arrest, the time and date of booking, the location of
26 the arrest, the factual circumstances surrounding the arrest, the
27 amount of bail set, the time and manner of release or the location
28 where the individual is currently being held, and all charges the
29 individual is being held upon, including any outstanding warrants
30 from other jurisdictions and parole or probation holds.

31 ~~(2)~~

32 (ii) (I) Subject to the restrictions imposed by Section 841.5 of
33 the Penal Code, the time, substance, and location of all complaints
34 or requests for assistance received by the agency and the time and
35 nature of the response thereto, including, to the extent the
36 information regarding crimes alleged or committed or any other
37 incident investigated is recorded, the time, date, and location of
38 occurrence, the time and date of the report, the name and age of
39 the victim, the factual circumstances surrounding the crime or
40 incident, and a general description of any injuries, property, or

1 weapons involved. The name of a victim of any crime defined by
2 Section 220, ~~236.1~~, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
3 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
4 286, 288, 288a, 288.2, ~~288.3~~ (as added by Chapter 337 of the
5 Statutes of 2006), ~~288.3~~ (as added by Section 6 of Proposition 83
6 of the November 7, 2006, statewide general election), 288.3, 288.4,
7 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the
8 Penal Code may be withheld at the victim's request, or at the
9 request of the victim's parent or guardian if the victim is a minor.
10 When a person is the victim of more than one crime, information
11 disclosing that the person is a victim of a crime defined in any of
12 the sections of the Penal Code set forth in this subdivision may be
13 deleted at the request of the victim, or the victim's parent or
14 guardian if the victim is a minor, in making the report of the crime,
15 or of any crime or incident accompanying the crime, available to
16 the public in compliance with the requirements of this ~~paragraph~~.
17 *clause*.

18 (3)

19 (II) *Subject to the restrictions imposed by Section 841.5 of the*
20 *Penal Code, the names and images of a victim of human trafficking,*
21 *as defined in Section 236.1 of the Penal Code, and of that victim's*
22 *immediate family, other than a family member who is charged with*
23 *a criminal offense arising from the same incident, may be withheld*
24 *at the victim's request until the investigation or any subsequent*
25 *prosecution is complete. For purposes of this subdivision,*
26 *"immediate family" shall have the same meaning as that provided*
27 *in paragraph (3) of subdivision (b) of Section 422.4 of the Penal*
28 *Code.*

29 (iii) Subject to the restrictions of Section 841.5 of the Penal
30 Code and this subdivision, the current address of every individual
31 arrested by the agency and the current address of the victim of a
32 crime, if the requester declares under penalty of perjury that the
33 request is made for a scholarly, journalistic, political, or
34 governmental purpose, or that the request is made for investigation
35 purposes by a licensed private investigator as described in Chapter
36 11.3 (commencing with Section 7512) of Division 3 of the Business
37 and Professions Code. However, the address of the victim of any
38 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
39 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
40 273d, 273.5, 285, 286, 288, 288a, 288.2, ~~288.3~~ (as added by

1 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
2 6 of Proposition 83 of the November 7, 2006, statewide general
3 election), 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75,
4 646.9, or 647.6 of the Penal Code shall remain confidential.
5 Address information obtained pursuant to this paragraph *subclause*
6 shall not be used directly or indirectly, or furnished to another, to
7 sell a product or service to any individual or group of individuals,
8 and the requester shall execute a declaration to that effect under
9 penalty of perjury. This paragraph *subclause* shall not be construed
10 to prohibit or limit a scholarly, journalistic, political, or government
11 use of address information obtained pursuant to this paragraph.
12 *subclause*.

13 (3) *Any visual or audio recording of another that depicts death*
14 *or serious bodily injury in such a morbid and sensational manner*
15 *that the content is highly offensive to a reasonable person and any*
16 *public interest or law enforcement purpose for disclosure is clearly*
17 *outweighed by the public interest in nondisclosure.*

18 (4) *Any visual or audio recording of the death of a peace officer*
19 *being killed in the line of duty, unless authorized to be released*
20 *by the officer's immediate family.*

21 (5) *Notwithstanding any other provision of this subdivision, the*
22 *state and local law enforcement agency shall disclose a copy of a*
23 *visual or audio recording if the portion of the recording that meets*
24 *the criteria of paragraph (3) or (4) can be redacted from the*
25 *recording.*

26 (6) *For purposes of this subdivision, the following definitions*
27 *shall apply:*

28 (A) *"Records" include, but are not limited to, a visual recording*
29 *and a customer list provided to a state or local police agency by*
30 *an alarm or security company at the request of the agency.*

31 (B) *"Visual or audio recording" means any photography, film,*
32 *videotape, audio recording, or other visual or audio reproduction.*

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

38 (h) The contents of real estate appraisals or engineering or
39 feasibility estimates and evaluations made for or by the state or
40 local agency relative to the acquisition of property, or to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Records related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other 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, shall inform
9 that person that his or her name will become a matter of public
10 record unless he or she requests that it not become a matter of
11 public record, pursuant to Section 6254 of the Government Code.

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

15 (c) A law enforcement agency shall not disclose to a person,
16 except the prosecutor, parole officers of the Department of
17 Corrections and Rehabilitation, hearing officers of the parole
18 authority, probation officers of county probation departments, or
19 other persons or public agencies where authorized or required by
20 law, the address of a person who alleges to be the victim of a sex
21 offense.

22 (d) A law enforcement agency shall not disclose to a person,
23 except the prosecutor, parole officers of the Department of
24 Corrections and Rehabilitation, hearing officers of the parole
25 authority, probation officers of county probation departments, or
26 other persons or public agencies where authorized or required by
27 law, the name of a person who alleges to be the victim of a sex
28 offense if that person has elected to exercise his or her right
29 pursuant to this section and Section 6254 of the Government Code.

30 (e) A law enforcement agency shall not disclose to a person,
31 except the prosecutor, parole officers of the Department of
32 Corrections and Rehabilitation, hearing officers of the parole
33 authority, probation officers of county probation departments, or
34 other persons or public agencies ~~where~~ *if* authorized or required
35 by law, names, addresses, or images of a person who alleges to be
36 the victim of human trafficking, as defined in Section 236.1, or of
37 that alleged victim's immediate family, other than a family member
38 who is charged with a criminal offense arising from the same
39 incident, and that information and those images shall be withheld
40 and remain confidential. *The law enforcement agency shall orally*

1 *inform the person who alleges to be the victim of human trafficking*
2 *of his or her right to have his or her name, addresses, and images,*
3 *and the names, addresses, and images of his or her immediate*
4 *family members withheld and kept confidential pursuant to this*
5 *section and Section 6254 of the Government Code. If the victim's*
6 *native language is not English, the law enforcement agency shall*
7 *inform the victim of this right in the victim's native language. For*
8 *purposes of this subdivision, "immediate family" shall have the*
9 *same meaning as that provided in paragraph (3) of subdivision (b)*
10 *of Section 422.4 of the Penal Code.*

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

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

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

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

37 (b) If the court orders the alleged victim to be identified as Jane
38 Doe or John Doe pursuant to subdivision (a) and if there is a jury
39 trial, the court shall instruct the jury, at the beginning and at the
40 end of the trial, that the alleged victim is being so identified only

1 for the purpose of protecting his or her privacy pursuant to this
2 section.

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

4 1048. (a) The issues on the calendar shall be disposed of in
5 the following order, unless for good cause the court directs an
6 action to be tried out of its order:

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

8 (2) Prosecutions for misdemeanor, when the defendant is in
9 custody.

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

11 (4) Prosecutions for misdemeanor, when the defendant is on
12 bail.

13 (b) Notwithstanding subdivision (a), all criminal actions in
14 which (1) a minor is detained as a material witness or is the victim
15 of the alleged offense, (2) a person who was 70 years of age or
16 older at the time of the alleged offense or is a dependent adult, as
17 defined in subdivision (h) of Section 368, was a witness to, or is
18 the victim of, the alleged offense, or (3) a person is a victim of an
19 alleged violation of subdivision (a), (b), or (c) of Section 236.1,
20 Section 261, 262, 264.1, 266i, 266h, 273a, 273d, 285, 286, 288,
21 288a, or 289, committed by the use of force, violence, or the threat
22 of force or violence, shall be given precedence over all other
23 criminal actions in the order of trial. In those actions, continuations
24 shall be granted by the court only after a hearing and determination
25 of the necessity thereof, and in any event, the trial shall be
26 commenced within 30 days after arraignment, unless for good
27 cause the court shall direct the action to be continued, after a
28 hearing and determination of the necessity of the continuance, and
29 states the findings for a determination of good cause on the record.

30 (c) This section shall not be deemed to provide a statutory right
31 to a trial within 30 days.

32 SEC. 5. The Legislature finds and declares that ~~Section 4~~
33 ~~Sections 1 and 1.5~~ of this act, which ~~amends~~ *amend* Section 6254
34 of the Government Code, ~~imposes~~ *impose* a limitation on the
35 public's right of access to the meetings of public bodies or the
36 writings of public officials and agencies within the meaning of
37 Section 3 of Article I of the California Constitution. Pursuant to
38 that constitutional provision, the Legislature makes the following
39 findings to demonstrate the interest protected by this limitation
40 and the need for protecting that interest:

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

4 *SEC. 6. Section 1.5 of this bill incorporates the substantive*
5 *amendments to Section 6254 of the Government Code proposed*
6 *by both this bill and Assembly Bill 2611. It shall only become*
7 *operative if (1) both bills are enacted and become effective on or*
8 *before January 1, 2017, (2) each bill amends Section 6254 of the*
9 *Government Code, and (3) this bill is enacted after Assembly Bill*
10 *2611, in which case Section 1 of this bill shall not become*
11 *operative.*

12 *SEC. 7. 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.*