

AMENDED IN SENATE AUGUST 15, 2016  
AMENDED IN SENATE JUNE 30, 2016  
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**

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**Introduced by Assembly Member Bonta**

February 19, 2016

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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.

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: 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.

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

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

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

36 (1) The full name and occupation of every individual arrested  
37 by the agency, the individual's physical description including date  
38 of birth, color of eyes and hair, sex, height and weight, the time  
39 and date of arrest, the time and date of booking, the location of  
40 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 to the restrictions imposed by Section 841.5 of the  
29 Penal Code, the names and images of a victim of human trafficking,  
30 as defined in Section 236.1 of the Penal Code, and of that victim's  
31 immediate family, other than a family member who is charged  
32 with a criminal offense arising from the same incident, may be  
33 withheld at the victim's request until the investigation or any  
34 subsequent prosecution is complete. For purposes of this  
35 subdivision, "immediate family" shall have the same meaning as  
36 that provided in paragraph (3) of subdivision (b) of Section 422.4  
37 of the Penal Code.

38 (3) Subject to the restrictions of Section 841.5 of the Penal Code  
39 and this subdivision, the current address of every individual  
40 arrested by the agency and the current address of the victim of a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (v) (1) Records of the Managed Risk Medical Insurance Board  
31 and the State Department of Health Care Services related to  
32 activities governed by Part 6.3 (commencing with Section 12695),  
33 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing  
34 with Section 12739.5), or Part 6.7 (commencing with Section  
35 12739.70) of Division 2 of the Insurance Code, or Chapter 2  
36 (commencing with Section 15810) or Chapter 4 (commencing with  
37 Section 15870) of Part 3.3 of Division 9 of the Welfare and  
38 Institutions Code, and that reveal any 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 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. 2. Section 293 of the Penal Code is amended to read:

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

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

36 (c) A law enforcement agency shall not disclose to a person,  
37 except the prosecutor, parole officers of the Department of  
38 Corrections and Rehabilitation, hearing officers of the parole  
39 authority, probation officers of county probation departments, or  
40 other persons or public agencies where authorized or required by

1 law, the address of a person who alleges to be the victim of a sex  
2 offense.

3 (d) A law enforcement agency shall not disclose to a person,  
4 except the prosecutor, parole officers of the Department of  
5 Corrections and Rehabilitation, hearing officers of the parole  
6 authority, probation officers of county probation departments, or  
7 other persons or public agencies where authorized or required by  
8 law, the name of a person who alleges to be the victim of a sex  
9 offense if that person has elected to exercise his or her right  
10 pursuant to this section and Section 6254 of the Government Code.

11 (e) 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 if authorized or required by law,  
16 names, addresses, or images of a person who alleges to be the  
17 victim of human trafficking, as defined in Section 236.1, or of that  
18 alleged victim's immediate family, other than a family member  
19 who is charged with a criminal offense arising from the same  
20 incident, and that information and those images shall be withheld  
21 and remain confidential. The law enforcement agency shall orally  
22 inform the person who alleges to be the victim of human trafficking  
23 of his or her right to have his or her name, addresses, and images,  
24 and the names, addresses, and images of his or her immediate  
25 family members withheld and kept confidential pursuant to this  
26 section and Section 6254 of the Government Code. ~~If the victim's~~  
27 ~~native language is not English, the law enforcement agency shall~~  
28 ~~inform the victim of this right in the victim's native language.~~ For  
29 purposes of this subdivision, "immediate family" shall have the  
30 same meaning as that provided in paragraph (3) of subdivision (b)  
31 of Section 422.4 of the Penal Code.

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

35 (g) Parole officers of the Department of Corrections and  
36 Rehabilitation, hearing officers of the parole authority, and  
37 probation officers of county probation departments shall be entitled  
38 to receive information pursuant to subdivisions (c), (d), and (e)  
39 only if the person to whom the information pertains alleges that  
40 he or she is the victim of a sex offense or is the victim of human

1 trafficking, as defined in Section 236.1, the alleged perpetrator of  
2 which is a parolee who is alleged to have committed the offense  
3 while on parole, or in the case of a county probation officer, the  
4 person who is alleged to have committed the offense is a  
5 probationer or is under investigation by a county probation  
6 department.

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

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

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

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

25 1048. (a) The issues on the calendar shall be disposed of in  
26 the following order, unless for good cause the court directs an  
27 action to be tried out of its order:

- 28 (1) Prosecutions for felony, when the defendant is in custody.
- 29 (2) Prosecutions for misdemeanor, when the defendant is in  
30 custody.
- 31 (3) Prosecutions for felony, when the defendant is on bail.
- 32 (4) Prosecutions for misdemeanor, when the defendant is on  
33 bail.

34 (b) Notwithstanding subdivision (a), all criminal actions in  
35 which (1) a minor is detained as a material witness or is the victim  
36 of the alleged offense, (2) a person who was 70 years of age or  
37 older at the time of the alleged offense or is a dependent adult, as  
38 defined in subdivision (h) of Section 368, was a witness to, or is  
39 the victim of, the alleged offense, or (3) a person is a victim of an  
40 alleged violation of subdivision (a), (b), or (c) of Section 236.1,

1 Section 261, 262, 264.1, 266i, 266h, 273a, 273d, 285, 286, 288,  
2 288a, or 289, committed by the use of force, violence, or the threat  
3 of force or violence, shall be given precedence over all other  
4 criminal actions in the order of trial. In those actions, continuations  
5 shall be granted by the court only after a hearing and determination  
6 of the necessity thereof, and in any event, the trial shall be  
7 commenced within 30 days after arraignment, unless for good  
8 cause the court shall direct the action to be continued, after a  
9 hearing and determination of the necessity of the continuance, and  
10 states the findings for a determination of good cause on the record.

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

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

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

24 SEC. 6. If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.