

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2611

Introduced by Assembly Member Low

February 19, 2016

An act to ~~amend Section 6254 of~~ *add Section 6254.36 to the Government Code, relating to public records.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2611, as amended, Low. The California Public Records Act: ~~exemptions: visual or audio recording of peace officer's death: conditional exemption from disclosure.~~

~~Existing law, the~~

(1) The California Public Records Act, Act requires a public agency, defined as any state and or local agencies agency, to make their its public records available for public inspection, inspection or to provide copies of its public records upon payment of specified fees, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Existing law also requires every public agency to comply with the California Public Records Act and with any subsequent statutory enactment amending the act, or enacting or amending any successor act.

~~Existing law~~

Among other exemptions, the act exempts from disclosure any investigatory or security file compiled by any other records of complaints to, or investigations conducted by, any 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: *agency*.

Existing law requires state and local law enforcement agencies to disclose the names and addresses of persons involved in complaints or investigations and various other information related to an incident to a victim or any person who suffers bodily injury or property damage or loss as the result of specified incidents or crimes unless the disclosure would endanger the safety of a witness or other person involved in the investigation.

This bill would specify that the disclosure exception applies to disclosures about a victim.

~~The~~

~~This bill would exempt from disclosure any audio or video would prohibit a public agency from disclosing a visual or audio recording depicting of the death of a peace officer killed in the line of duty, unless the disclosure is authorized to be released by the peace officer's immediate family, and specified visual or audio recordings that depict death or serious bodily injury in such a morbid and sensational manner that the content is highly offensive to a reasonable person and any public interest or law enforcement purpose for disclosure is clearly outweighed by the public interest in nondisclosure, except as specified. The bill would also define terms for these purposes: in which case, the bill would require the public agency to disclose the visual or audio recording.~~

~~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.~~

~~The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.~~

~~This bill would make legislative findings to that effect.~~

~~The bill would also make other technical, nonsubstantive changes.~~

~~(2) 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.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

~~The~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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~~

1 institutions, including, but not limited to, banks, savings and loan
2 associations, industrial loan companies, credit unions, and
3 insurance companies.

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

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

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

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

16 (f) (1) Records of complaints to, or investigations conducted
17 by, or records of intelligence information or security procedures
18 of, the office of the Attorney General and the Department of
19 Justice, the Office of Emergency Services and any state or local
20 police agency, or any investigatory or security files compiled by
21 any other state or local police agency, or any investigatory or
22 security files compiled by any other state or local agency for
23 correctional, law enforcement, or licensing purposes. However,
24 this subdivision does not require the disclosure of that portion of
25 those investigative files that reflect the analysis or conclusions of
26 the investigating officer.

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

29 (A) The names and addresses of persons involved in, or
30 witnesses other than confidential informants to, the incident, the
31 description of any property involved, the date, time, and location
32 of the incident, all diagrams, statements of the parties involved in
33 the incident, the statements of all witnesses, other than confidential
34 informants, to the victims of an incident, or an authorized
35 representative thereof, an insurance carrier against which a claim
36 has been or might be made, and any person suffering bodily injury
37 or property damage or loss, as the result of the incident caused by
38 arson, burglary, fire, explosion, larceny, robbery, carjacking,
39 vandalism, vehicle theft, or a crime as defined by subdivision (b)
40 of Section 13951, unless the disclosure would endanger the safety

1 of a witness, a victim, or any other person involved in the
2 investigation, or unless disclosure would endanger the successful
3 completion of the investigation or a related investigation.

4 (B) Except to the extent that disclosure of a particular item of
5 information would endanger the safety of a person involved in an
6 investigation or would endanger the successful completion of the
7 investigation or a related investigation:

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

17 (ii) Subject to the restrictions imposed by Section 841.5 of the
18 Penal Code, the time, substance, and location of all complaints or
19 requests for assistance received by the agency and the time and
20 nature of the response thereto, including, to the extent the
21 information regarding crimes alleged or committed or any other
22 incident investigated is recorded, the time, date, and location of
23 occurrence, the time and date of the report, the name and age of
24 the victim, the factual circumstances surrounding the crime or
25 incident, and a general description of any injuries, property, or
26 weapons involved. The name of a victim of any crime defined by
27 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
28 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
29 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6,
30 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld
31 at the victim's request, or at the request of the victim's parent or
32 guardian if the victim is a minor. When a person is the victim of
33 more than one crime, information disclosing that the person is a
34 victim of a crime defined in any of the sections of the Penal Code
35 set forth in this subdivision may be deleted at the request of the
36 victim, or the victim's parent or guardian if the victim is a minor,
37 in making the report of the crime, or of any crime or incident
38 accompanying the crime, available to the public in compliance
39 with the requirements of this clause.

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

21 (3) ~~Any visual or audio recording of another that depicts death~~
22 ~~or serious bodily injury in such a morbid and sensational manner~~
23 ~~that the content is highly offensive to a reasonable person and any~~
24 ~~public interest or law enforcement purpose for disclosure is clearly~~
25 ~~outweighed by the public interest in nondisclosure.~~

26 (4) ~~Any visual or audio recording of the death of a peace officer~~
27 ~~being killed in the line of duty, unless authorized to be released~~
28 ~~by the officer's immediate family.~~

29 (5) ~~Notwithstanding any other provision of this subdivision, the~~
30 ~~state and local law enforcement agency shall disclose a copy of a~~
31 ~~visual or audio recording if the portion of the recording that meets~~
32 ~~the criteria of paragraph (3) or (4) can be redacted from the~~
33 ~~recording.~~

34 (6) ~~For purposes of this subdivision, the following definitions~~
35 ~~shall apply:~~

36 (A) ~~“Records” include, but are not limited to, a visual recording~~
37 ~~and a customer list provided to a state or local police agency by~~
38 ~~an alarm or security company at the request of the agency.~~

39 (B) ~~“Visual or audio recording” means any photography, film,~~
40 ~~videotape, audio recording, or other visual or audio reproduction.~~

1 ~~(g) Test questions, scoring keys, and other examination data~~
2 ~~used to administer a licensing examination, examination for~~
3 ~~employment, or academic examination, except as provided for in~~
4 ~~Chapter 3 (commencing with Section 99150) of Part 65 of Division~~
5 ~~14 of Title 3 of the Education Code.~~

6 ~~(h) The contents of real estate appraisals or engineering or~~
7 ~~feasibility estimates and evaluations made for or by the state or~~
8 ~~local agency relative to the acquisition of property, or to~~
9 ~~prospective public supply and construction contracts, until all of~~
10 ~~the property has been acquired or all of the contract agreement~~
11 ~~obtained. However, the law of eminent domain shall not be affected~~
12 ~~by this provision.~~

13 ~~(i) Information required from any taxpayer in connection with~~
14 ~~the collection of local taxes that is received in confidence and the~~
15 ~~disclosure of the information to other persons would result in unfair~~
16 ~~competitive disadvantage to the person supplying the information.~~

17 ~~(j) Library circulation records kept for the purpose of identifying~~
18 ~~the borrower of items available in libraries, and library and museum~~
19 ~~materials made or acquired and presented solely for reference or~~
20 ~~exhibition purposes. The exemption in this subdivision shall not~~
21 ~~apply to records of fines imposed on the borrowers.~~

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

25 ~~(l) Correspondence of and to the Governor or employees of the~~
26 ~~Governor's office or in the custody of or maintained by the~~
27 ~~Governor's Legal Affairs Secretary. However, public records shall~~
28 ~~not be transferred to the custody of the Governor's Legal Affairs~~
29 ~~Secretary to evade the disclosure provisions of this chapter.~~

30 ~~(m) In the custody of or maintained by the Legislative Counsel,~~
31 ~~except those records in the public database maintained by the~~
32 ~~Legislative Counsel that are described in Section 10248.~~

33 ~~(n) Statements of personal worth or personal financial data~~
34 ~~required by a licensing agency and filed by an applicant with the~~
35 ~~licensing agency to establish his or her personal qualification for~~
36 ~~the license, certificate, or permit applied for.~~

37 ~~(o) Financial data contained in applications for financing under~~
38 ~~Division 27 (commencing with Section 44500) of the Health and~~
39 ~~Safety Code, if an authorized officer of the California Pollution~~
40 ~~Control Financing Authority determines that disclosure of the~~

1 financial data would be competitively injurious to the applicant
2 and the data is required in order to obtain guarantees from the
3 United States Small Business Administration. The California
4 Pollution Control Financing Authority shall adopt rules for review
5 of individual requests for confidentiality under this section and for
6 making available to the public those portions of an application that
7 are subject to disclosure under this chapter.

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

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

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

1 other than inpatient hospital services, those contracts shall be open
2 to inspection one year after they are fully executed.

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

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

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

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

22 ~~(t) Records of a local hospital district, formed pursuant to~~
23 ~~Division 23 (commencing with Section 32000) of the Health and~~
24 ~~Safety Code, or the records of a municipal hospital, formed~~
25 ~~pursuant to Article 7 (commencing with Section 37600) or Article~~
26 ~~8 (commencing with Section 37650) of Chapter 5 of Part 2 of~~
27 ~~Division 3 of Title 4 of this code, that relate to any contract with~~
28 ~~an insurer or nonprofit hospital service plan for inpatient or~~
29 ~~outpatient services for alternative rates pursuant to Section 10133~~
30 ~~of the Insurance Code. However, the record shall be open to~~
31 ~~inspection within one year after the contract is fully executed.~~

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

39 ~~(2) The home address and telephone number of prosecutors,~~
40 ~~public defenders, peace officers, judges, court commissioners, and~~

1 magistrates that are set forth in applications for licenses to carry
2 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
3 of the Penal Code by the sheriff of a county or the chief or other
4 head of a municipal police department.

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

11 ~~(v) (1) Records of the Managed Risk Medical Insurance Board~~
12 ~~and the State Department of Health Care Services related to~~
13 ~~activities governed by Part 6.6 (commencing with Section~~
14 ~~12739.5), or Part 6.7 (commencing with Section 12739.70) of~~
15 ~~Division 2 of the Insurance Code, or Chapter 2 (commencing with~~
16 ~~Section 15810) or Chapter 4 (commencing with Section 15870)~~
17 ~~of Part 3.3 of Division 9 of the Welfare and Institutions Code, and~~
18 ~~that reveal any of the following:~~

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

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

31 ~~(2) (A) Except for the portion of a contract that contains the~~
32 ~~rates of payment, contracts entered into pursuant to Part 6.6~~
33 ~~(commencing with Section 12739.5), or Part 6.7 (commencing~~
34 ~~with Section 12739.70) of Division 2 of the Insurance Code, or~~
35 ~~Chapter 2 (commencing with Section 15810) or Chapter 4~~
36 ~~(commencing with Section 15870) of Part 3.3 of Division 9 of the~~
37 ~~Welfare and Institutions Code, on or after July 1, 1991, shall be~~
38 ~~open to inspection one year after their effective dates.~~

39 ~~(B) If a contract that is entered into prior to July 1, 1991, is~~
40 ~~amended on or after July 1, 1991, the amendment, except for any~~

1 portion containing the rates of payment, shall be open to inspection
2 one year after the effective date of the amendment.

3 ~~(3) 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 ~~(4) 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 ~~contracts or amendments to the contracts are open to inspection~~
12 ~~pursuant to paragraph (3).~~

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

22 ~~(2) Except for the portion of a contract that contains the rates~~
23 ~~of payment, contracts for health coverage entered into pursuant to~~
24 ~~Chapter 8 (commencing with Section 10700) of Part 2 of Division~~
25 ~~2 of the Insurance Code, on or after January 1, 1993, shall be open~~
26 ~~to inspection one year after they have been fully executed.~~

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

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

1 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~
2 ~~and the State Department of Health Care Services related to~~
3 ~~activities governed by Part 6.2 (commencing with Section 12693)~~
4 ~~of Division 2 of the Insurance Code or Sections 14005.26 and~~
5 ~~14005.27 of, or Chapter 3 (commencing with Section 15850) of~~
6 ~~Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the~~
7 ~~records reveal any of the following:~~

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

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

19 ~~(2) (A) Except for the portion of a contract that contains the~~
20 ~~rates of payment, contracts entered into pursuant to Part 6.2~~
21 ~~(commencing with Section 12693) of Division 2 of the Insurance~~
22 ~~Code, on or after January 1, 1998, or Sections 14005.26 and~~
23 ~~14005.27 of, or Chapter 3 (commencing with Section 15850) of~~
24 ~~Part 3.3 of Division 9 of, the Welfare and Institutions Code shall~~
25 ~~be open to inspection one year after their effective dates.~~

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

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

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

1 contract or amendments to a contract are open to inspection
2 pursuant to paragraph (2) or (3):

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

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

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

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

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

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

37 ~~(1) Records related to claims pursuant to Chapter 1
38 (commencing with Section 3200) of Division 4 of the Labor Code,
39 to the extent that confidential medical information or other
40 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, Division~~
31 ~~of Workers' Compensation, and the Department of Insurance to~~
32 ~~ensure compliance with applicable law.~~

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

35 ~~(i) Personal papers and correspondence of any person providing~~
36 ~~assistance to the fund when that person has requested in writing~~
37 ~~that his or her papers and correspondence be kept private and~~
38 ~~confidential. Those papers and correspondence shall become public~~
39 ~~records if the written request is withdrawn, or upon order of the~~
40 ~~fund.~~

1 ~~(ii) Papers, correspondence, memoranda, or any substantive~~
2 ~~information pertaining to any audit not completed or an internal~~
3 ~~audit that contains proprietary information.~~

4 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
5 ~~containing proprietary information, or any information specified~~
6 ~~in subparagraph (A) shall be available for review by the Joint~~
7 ~~Legislative Audit Committee, the Bureau of State Audits, Division~~
8 ~~of Workers' Compensation, and the Department of Insurance to~~
9 ~~ensure compliance with applicable law.~~

10 ~~(7) (A) Except as provided in subparagraph (C), contracts~~
11 ~~entered into pursuant to Chapter 4 (commencing with Section~~
12 ~~11770) of Part 3 of Division 2 of the Insurance Code shall be open~~
13 ~~to inspection one year after the contract has been fully executed.~~

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

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

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

28 ~~(E) This paragraph is not intended to apply to documents related~~
29 ~~to contracts with public entities that are not otherwise expressly~~
30 ~~confidential as to that public entity.~~

31 ~~(F) For purposes of this paragraph, "fully executed" means the~~
32 ~~point in time when all of the necessary parties to the contract have~~
33 ~~signed the contract.~~

34 ~~This section does not prevent any agency from opening its~~
35 ~~records concerning the administration of the agency to public~~
36 ~~inspection, unless disclosure is otherwise prohibited by law.~~

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

1 SECTION 1. *Section 6254.36 is added to the Government Code,*
2 *to read:*

3 6254.36. *A public agency shall not disclose a visual or audio*
4 *recording of the death of a peace officer killed in the line of duty,*
5 *unless the disclosure is authorized by the peace officer's immediate*
6 *family. If a peace officer's immediate family authorizes the*
7 *disclosure of a visual or audio recording of the death of the peace*
8 *officer killed in the line of duty, the public agency shall disclose*
9 *the visual or audio recording.*

10 SEC. 2. The Legislature finds and declares that Section 1 of
11 this act, which ~~amends Section 6254 of~~ *adds Section 6254.36 to*
12 the Government Code, imposes a limitation on the public's right
13 of access to the meetings of public bodies or the writings of public
14 officials and agencies within the meaning of Section 3 of Article
15 I of the California Constitution. Pursuant to that constitutional
16 provision, the Legislature makes the following findings to
17 demonstrate the interest protected by this limitation and the need
18 for protecting that interest:

19 ~~In order to ensure the privacy of victims, witnesses, and other~~
20 ~~persons involved in law enforcement complaints and investigations,~~
21 ~~related audio or video recordings should not be disclosed.~~
22 Furthermore, to protect the public from graphic sounds and images
23 that may be contained in an audio or video recording depicting the
24 death or serious bodily injury of a peace officer, such a recording
25 should not be disclosed, thus it is necessary that this act take effect.

26 ~~Prohibiting the disclosure of a visual or audio recording of the~~
27 ~~death of a peace officer killed in the line of duty, without the~~
28 ~~consent of the peace officer's immediate family, ensures the privacy~~
29 ~~of persons who serve in law enforcement and their immediate~~
30 ~~families, protects those families from additional emotional trauma~~
31 ~~from public displays of those images, and further protects the~~
32 ~~public from the graphic sounds and morbid images that would be~~
33 ~~contained in a visual or audio recording of the death of a peace~~
34 ~~officer in the line of duty. By providing for a limited, conditional~~
35 ~~disclosure of these recordings, when other public records relating~~
36 ~~to the death may be available for public inspection, this act~~
37 ~~properly balances the public's right to access public records with~~
38 ~~proper privacy interests.~~

39 SEC. 3. The Legislature finds and declares that Section 1 of
40 this act, which ~~amends Section 6254 of~~ *adds Section 6254.36 to*

1 the Government Code, furthers, within the meaning of paragraph
2 (7) of subdivision (b) of Section 3 of Article I of the California
3 Constitution, the purposes of that constitutional section as it relates
4 to the right of public access to the meetings of local public bodies
5 or the writings of local public officials and local agencies. Pursuant
6 to paragraph (7) of subdivision (b) of Section 3 of Article I of the
7 California Constitution, the Legislature makes the following
8 findings:

9 ~~Because the California Public Records Act balances access to~~
10 ~~information with the legitimate need of law enforcement to~~
11 ~~maintain confidential investigatory or security files, the act furthers~~
12 ~~the purpose of Section 3 of Article I of the California Constitution.~~

13 *This act ensures that a local government peace officer is*
14 *protected from public disclosure of a visual or audio recording of*
15 *his or her death in the line of duty without authorization by the*
16 *local peace officer's immediate family. Moreover, the limited,*
17 *conditional disclosure of local agency public records properly*
18 *balances the right of privacy of a local government peace officer*
19 *and his or her immediate family with the ability of the public to*
20 *access other information regarding the local peace officer's death,*
21 *and therefore furthers the purposes of paragraph (7) of subdivision*
22 *(b) of Section 3 of Article I of the California Constitution.*

23 SEC. 4. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district under this act would result from a legislative mandate that
27 is within the scope of paragraph (7) of subdivision (b) of Section
28 3 of Article I of the California Constitution.