

Introduced by Senator WieckowskiFebruary 10, 2015

An act to add Section 6254.50 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 201, as introduced, Wieckowski. California Public Records Act. The California Public Records Act requires state and local agencies to make public records available for inspection, subject to certain exceptions. Under existing law, a person may seek injunctive or declaratory relief or a writ of mandate to enforce his or her right to inspect or receive a copy of a public record, as specified. Under existing case law, an agency's decision to release confidential records pursuant to the California Public Records Act is reviewable by a petition for a writ of mandate.

This bill would require a court, in an action by a third party to enjoin disclosure of a public record or declaratory relief concerning a request to inspect a public record, to apply the provisions of the California Public Records Act as if the action had been initiated by a person requesting disclosure of a public record. The bill would also require the third party seeking an injunction or declaratory relief to provide notice to the person whose request prompted the action at the same time the defendant public agency in the action is served.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254.50 is added to the Government
2 Code, to read:

3 6254.50. (a) In an action brought by a third party seeking to
4 enjoin disclosure of a public record or declaratory relief concerning
5 a request to inspect a public record, the court shall apply the
6 provisions of this chapter as if the action had been initiated by a
7 person requesting disclosure of a public record.

8 (b) In an action described in subdivision (a), the third party
9 seeking an injunction or declaratory relief shall provide notice of
10 the action to the person whose request prompted the action at the
11 same time the defendant public agency in the action is served. The
12 court shall permit the person whose request prompted the action
13 to intervene at the person's request.

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