

AMENDED IN SENATE JUNE 11, 1998

AMENDED IN SENATE JUNE 3, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1980

Introduced by Assembly Member Brewer

February 17, 1998

An act to amend ~~Sections 26202 and 34090.7~~ of *Section 34090.7 of*, and to add *Section 26202.3* to, the Government Code, relating to local government record retention.

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, as amended, Brewer. Local government record retention.

Under existing law, the county board of supervisors may authorize the destruction and disposition of certain records, papers, or documents that are more than 2 years old. Existing law also authorizes the head of a department of a city, county, or city and county, a public safety communications center, or a special district to destroy recordings of telephone and radio communications after 100 days.

This bill would provide that the board of supervisors, the governing board of any special district whose membership is the same as the membership of the board of supervisors, or the head of any county public safety communications center may authorize the destruction of recordings of routine video monitoring after one year and may authorize the destruction

of recordings of telephone and radio communications after 100 days.

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 26202 of the Government Code~~
2 SECTION 1. Section 26202.3 is added to the
3 Government Code, to read:
4 26202.3. Notwithstanding Section 26202, the board,
5 the governing board of any special district whose
6 membership is the same as the membership of the board
7 of supervisors, or the head of any county public safety
8 communications center may authorize the destruction of
9 recordings of routine video monitoring after one year and
10 may authorize the destruction of recordings of telephone
11 and radio communications maintained by the
12 department or special district after 100 days. The
13 destruction shall be approved by the legislative body and
14 the written consent of the county agency in the manner
15 prescribed in Sections 34090, 34090.5, 34090.6, and 34090.7.
16 is amended to read:
17 ~~26202. (a) The board may authorize the destruction~~
18 ~~or disposition of any record, paper, or document which is~~
19 ~~more than two years old and which was prepared or~~
20 ~~received in any manner other than pursuant to a state~~
21 ~~statute or county charter. The board may authorize the~~
22 ~~destruction or disposition of any record, paper, or~~
23 ~~document which is more than two years old, which was~~
24 ~~prepared or received pursuant to state statute or county~~
25 ~~charter, and which is not expressly required by law to be~~
26 ~~filed and preserved if the board determines by four fifths~~
27 ~~(⁴/₅) vote that the retention of any such record, paper, or~~
28 ~~document is no longer necessary or required for county~~
29 ~~purposes. These records, papers, or documents need not~~
30 ~~be photographed, reproduced, or microfilmed prior to~~
31 ~~destruction and no copy thereof need be retained.~~
32 (b) Notwithstanding subdivision (a), the board, the
33 governing board of any special district whose



1 membership is the same as the membership of the board
2 of supervisors, or the head of any county public safety
3 communications center may authorize the destruction of
4 recordings of routine video monitoring after one year and
5 may authorize the destruction of recordings of telephone
6 and radio communications maintained by the
7 department or special district after 100 days. The
8 destruction shall be approved by the legislative body and
9 the written consent of the county agency in the manner
10 prescribed in Sections 34090, 34090.5, 34090.6, and 34090.7.

11
12 SEC. 2. Section 34090.7 of the Government Code is
13 amended to read:

14 34090.7. Notwithstanding the provisions of Section
15 34090, the legislative body of a city or county may
16 prescribe a procedure whereby duplicates of city or
17 county records less than two years old may be destroyed
18 if they are no longer required.

19 For purposes of this section, video recording media,
20 such as videotapes and films, and including recordings of
21 “routine video monitoring” pursuant to Section 34090.6,
22 shall be considered duplicate records if the city or county
23 keeps another record, such as written minutes or an
24 audiotape recording, of the event that is recorded in the
25 video medium. However, a video recording medium shall
26 not be destroyed or erased pursuant to this section for a
27 period of at least 90 days after occurrence of the event
28 recorded thereon.

