

AMENDED IN ASSEMBLY APRIL 10, 2013
AMENDED IN ASSEMBLY FEBRUARY 20, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 134

**Introduced by Assembly Members ~~Logue and Mansoor~~ Member
Logue
(Principal coauthor: Senator Fuller)
(Coauthors: Assembly Members Gray and Mansoor)**

January 16, 2013

An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as amended, Logue. The California Public Records Act: applications for licenses and licenses to carry firearms.

Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and every person has a right to inspect any public record, except as provided. However, existing law provides that nothing in the act shall be construed to require disclosure of information contained in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family. Existing law also provides that the provisions shall not be construed to require disclosure of the home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates

that are set forth in applications for licenses or in licenses to carry firearms, as specified.

This bill would instead provide that the California Public Records Act shall not be construed to require the disclosure of the names, home addresses, and telephone numbers of applicants that are set forth in applications to carry firearms or of licensees that are set forth in licenses to carry firearms, as specified. Because this bill would increase the duties of county sheriffs and the chiefs or other heads of police departments that issue firearms license applications, this bill would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes to these provisions.

Existing constitutional provisions require that a statute that limits the right of access to 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 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,
- 4 nothing in this chapter shall be construed to require disclosure of
- 5 records that are any of the following:
- 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

1 (commencing with Section 810), until the pending litigation or
2 claim has been finally adjudicated or otherwise settled.

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

5 (d) Contained in or related to any of the following:

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

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

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

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

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

23 (f) Records of complaints to, or investigations conducted by,
24 or records of intelligence information or security procedures of,
25 the office of the Attorney General and the Department of Justice,
26 the Office of Emergency Services, and any state or local police
27 agency, or any investigatory or security files compiled by any other
28 state or local police agency, or any investigatory or security files
29 compiled by any other state or local agency for correctional, law
30 enforcement, or licensing purposes. However, state and local law
31 enforcement agencies shall disclose the names and addresses of
32 persons involved in, or witnesses other than confidential informants
33 to, the incident, the description of any property involved, the date,
34 time, and location of the incident, all diagrams, statements of the
35 parties involved in the incident, the statements of all witnesses,
36 other than confidential informants, to the victims of an incident,
37 or an authorized representative thereof, an insurance carrier against
38 which a claim has been or might be made, and any person suffering
39 bodily injury or property damage or loss, as the result of the
40 incident caused by arson, burglary, fire, explosion, larceny,

1 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
 2 by subdivision (b) of Section 13951, unless the disclosure would
 3 endanger the safety of a witness or other person involved in the
 4 investigation, or unless disclosure would endanger the successful
 5 completion of the investigation or a related investigation. However,
 6 nothing in this division shall require the disclosure of that portion
 7 of those investigative files that reflects the analysis or conclusions
 8 of the investigating officer.

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

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

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

27 (2) Subject to the restrictions imposed by Section 841.5 of the
 28 Penal Code, the time, substance, and location of all complaints or
 29 requests for assistance received by the agency and the time and
 30 nature of the response thereto, including, to the extent the
 31 information regarding crimes alleged or committed or any other
 32 incident investigated is recorded, the time, date, and location of
 33 occurrence, the time and date of the report, the name and age of
 34 the victim, the factual circumstances surrounding the crime or
 35 incident, and a general description of any injuries, property, or
 36 weapons involved. The name of a victim of any crime defined by
 37 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
 38 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
 39 286, 288, 288a, 288.2, 288.3 (as added by Section 6 of Proposition
 40 83 of the November 7, 2006, statewide general election), 288.4,

1 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the
2 Penal Code may be withheld at the victim's request, or at the
3 request of the victim's parent or guardian if the victim is a minor.
4 When a person is the victim of more than one crime, information
5 disclosing that the person is a victim of a crime defined in any of
6 the sections of the Penal Code set forth in this subdivision may be
7 deleted at the request of the victim, or the victim's parent or
8 guardian if the victim is a minor, in making the report of the crime,
9 or of any crime or incident accompanying the crime, available to
10 the public in compliance with the requirements of this paragraph.

11 (3) Subject to the restrictions of Section 841.5 of the Penal Code
12 and this subdivision, the current address of every individual
13 arrested by the agency and the current address of the victim of a
14 crime, where the requester declares under penalty of perjury that
15 the request is made for a scholarly, journalistic, political, or
16 governmental purpose, or that the request is made for investigation
17 purposes by a licensed private investigator as described in Chapter
18 11.3 (commencing with Section 7512) of Division 3 of the Business
19 and Professions Code. However, the address of the victim of any
20 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
21 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
22 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Section
23 6 of Proposition 83 of the November 7, 2006, statewide general
24 election), 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9,
25 or 647.6 of the Penal Code shall remain confidential. Address
26 information obtained pursuant to this paragraph may not be used
27 directly or indirectly, or furnished to another, to sell a product or
28 service to any individual or group of individuals, and the requester
29 shall execute a declaration to that effect under penalty of perjury.
30 Nothing in this paragraph shall be construed to prohibit or limit a
31 scholarly, journalistic, political, or government use of address
32 information obtained pursuant to this paragraph.

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

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

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

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

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

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

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

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

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

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

1 (p) Records of state agencies related to activities governed by
2 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
3 (commencing with Section 3525), and Chapter 12 (commencing
4 with Section 3560) of Division 4, that reveal a state agency's
5 deliberative processes, impressions, evaluations, opinions,
6 recommendations, meeting minutes, research, work products,
7 theories, or strategy, or that provide instruction, advice, or training
8 to employees who do not have full collective bargaining and
9 representation rights under these chapters. Nothing in this
10 subdivision shall be construed to limit the disclosure duties of a
11 state agency with respect to any other records relating to the
12 activities governed by the employee relations acts referred to in
13 this subdivision.

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

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

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

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

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

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

16 (t) Records of a local hospital district, formed pursuant to
17 Division 23 (commencing with Section 32000) of the Health and
18 Safety Code, or the records of a municipal hospital, formed
19 pursuant to Article 7 (commencing with Section 37600) or Article
20 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
21 Division 3 of Title 4 of this code, that relate to any contract with
22 an insurer or nonprofit hospital service plan for inpatient or
23 outpatient services for alternative rates pursuant to Section 10133
24 of the Insurance Code. However, the record shall be open to
25 inspection within one year after the contract is fully executed.

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

33 (2) The names, home addresses, and telephone numbers of
34 applicants that are set forth in applications for licenses to carry
35 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
36 of the Penal Code by the sheriff of a county or the chief or other
37 head of a municipal police department.

38 (3) The names, home addresses, and telephone numbers of
39 licensees that are set forth in licenses to carry firearms issued
40 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal

1 Code by the sheriff of a county or the chief or other head of a
2 municipal police department.

3 (v) (1) Records of the Managed Risk Medical Insurance Board
4 related to activities governed by Part 6.3 (commencing with Section
5 12695), Part 6.5 (commencing with Section 12700), Part 6.6
6 (commencing with Section 12739.5), and Part 6.7 (commencing
7 with Section 12739.70) of Division 2 of the Insurance Code, and
8 that reveal any of the following:

9 (A) The deliberative processes, discussions, communications,
10 or any other portion of the negotiations with entities contracting
11 or seeking to contract with the board, entities with which the board
12 is considering a contract, or entities with which the board is
13 considering or enters into any other arrangement under which the
14 board 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 records that provide instructions, advice, or training
18 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 6.3
21 (commencing with Section 12695), Part 6.5 (commencing with
22 Section 12700), Part 6.6 (commencing with Section 12739.5), or
23 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
24 Insurance Code, on or after July 1, 1991, shall be open to inspection
25 one year after their effective dates.

26 (B) If a contract that is entered into prior to July 1, 1991, is
27 amended on or after July 1, 1991, the amendment, except for any
28 portion containing the rates of payment, shall be open to inspection
29 one year after the effective date of the amendment.

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

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

1 (w) (1) Records of the Managed Risk Medical Insurance Board
2 related to activities governed by Chapter 8 (commencing with
3 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
4 that reveal the deliberative processes, discussions, communications,
5 or any other portion of the negotiations with health plans, or the
6 impressions, opinions, recommendations, meeting minutes,
7 research, work product, theories, or strategy of the board or its
8 staff, or records that provide instructions, advice, or training to
9 employees.

10 (2) Except for the portion of a contract that contains the rates
11 of payment, contracts for health coverage entered into pursuant to
12 Chapter 8 (commencing with Section 10700) of Part 2 of Division
13 2 of the Insurance Code, on or after January 1, 1993, shall be open
14 to inspection one year after they have been fully executed.

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

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

28 (y) (1) Records of the Managed Risk Medical Insurance Board
29 related to activities governed by Part 6.2 (commencing with Section
30 12693) or Part 6.4 (commencing with Section 12699.50) of
31 Division 2 of the Insurance Code, and that reveal any of the
32 following:

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

39 (B) The impressions, opinions, recommendations, meeting
40 minutes, research, work product, theories, or strategy of the board

1 or its staff, or records that provide instructions, advice, or training
2 to employees.

3 (2) (A) Except for the portion of a contract that contains the
4 rates of payment, contracts entered into pursuant to Part 6.2
5 (commencing with Section 12693) or Part 6.4 (commencing with
6 Section 12699.50) of Division 2 of the Insurance Code, on or after
7 January 1, 1998, shall be open to inspection one year after their
8 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 is amended, the
12 amendment shall be open to inspection one year after the effective
13 date of the amendment.

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

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

24 (5) The exemption from disclosure provided pursuant to this
25 subdivision for the contracts, deliberative processes, discussions,
26 communications, negotiations, impressions, opinions,
27 recommendations, meeting minutes, research, work product,
28 theories, or strategy of the board or its staff shall also apply to the
29 contracts, deliberative processes, discussions, communications,
30 negotiations, impressions, opinions, recommendations, meeting
31 minutes, research, work product, theories, or strategy of applicants
32 pursuant to Part 6.4 (commencing with Section 12699.50) of
33 Division 2 of the Insurance Code.

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

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

1 (ab) Critical infrastructure information, as defined in Section
2 131(3) of Title 6 of the United States Code, that is voluntarily
3 submitted to the Office of Emergency Services for use by that
4 office, including the identity of the person who or entity that
5 voluntarily submitted the information. As used in this subdivision,
6 “voluntarily submitted” means submitted in the absence of the
7 office exercising any legal authority to compel access to or
8 submission of critical infrastructure information. This subdivision
9 shall not affect the status of information in the possession of any
10 other state or local governmental agency.

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

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

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

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

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

32 (4) Records obtained to provide workers’ compensation
33 insurance under Chapter 4 (commencing with Section 11770) of
34 Part 3 of Division 2 of the Insurance Code, including, but not
35 limited to, any medical claims information, policyholder
36 information, provided that nothing in this paragraph shall be
37 interpreted to prevent an insurance agent or broker from obtaining
38 proprietary information or other information authorized by law to
39 be obtained by the agent or broker, and information on rates,
40 pricing, and claims handling received from brokers.

1 (5) (A) Records that are trade secrets pursuant to Section
2 6276.44, or Article 11 (commencing with Section 1060) of Chapter
3 4 of Division 8 of the Evidence Code, including, without limitation,
4 instructions, advice, or training provided by the State Compensation
5 Insurance Fund to its board members, officers, and employees
6 regarding the fund's special investigation unit, internal audit unit,
7 and informational security, marketing, rating, pricing, underwriting,
8 claims handling, audits, and collections.

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

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

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

22 (ii) Papers, correspondence, memoranda, or any substantive
23 information pertaining to any audit not completed or an internal
24 audit that contains proprietary information.

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

31 (7) (A) Except as provided in subparagraph (C), contracts
32 entered into pursuant to Chapter 4 (commencing with Section
33 11770) of Part 3 of Division 2 of the Insurance Code shall be open
34 to inspection one year after the contract has been fully executed.

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

39 (C) Three years after a contract or amendment is open to
40 inspection pursuant to this subdivision, the portion of the contract

1 or amendment containing the rates of payment shall be open to
2 inspection.

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

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

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

15 This section shall not prevent any agency from opening its
16 records concerning the administration of the agency to public
17 inspection, unless disclosure is otherwise prohibited by law.

18 This section shall not prevent any health facility from disclosing
19 to a certified bargaining agent relevant financing information
20 pursuant to Section 8 of the National Labor Relations Act (29
21 U.S.C. Sec. 158).

22 SEC. 2. The Legislature finds and declares that this act imposes
23 a limitation on the public’s right of access to the meetings of public
24 bodies or the writings of public officials and agencies within the
25 meaning of Section 3 of Article I of the California Constitution.
26 Pursuant to that constitutional provision, the Legislature makes
27 the following finding to demonstrate the interest protected by this
28 limitation and the need for protecting the interest:

29 In order to prevent crimes against applicants for licenses to carry
30 firearms and persons who are licensed to carry firearms, it is
31 necessary that this act take effect.

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

O