

AMENDED IN ASSEMBLY APRIL 17, 2013  
AMENDED IN ASSEMBLY APRIL 10, 2013  
AMENDED IN ASSEMBLY FEBRUARY 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 134**

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

January 16, 2013

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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.

1 (b) Records pertaining to pending litigation to which the public  
2 agency is a party, or to claims made pursuant to Division 3.6  
3 (commencing with Section 810), until the pending litigation or  
4 claim has been finally adjudicated or otherwise settled.

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

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

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

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

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

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

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

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

1 bodily injury or property damage or loss, as the result of the  
2 incident caused by arson, burglary, fire, explosion, larceny,  
3 robbery, carjacking, vandalism, vehicle theft, or a crime as defined  
4 by subdivision (b) of Section 13951, unless the disclosure would  
5 endanger the safety of a witness or other person involved in the  
6 investigation, or unless disclosure would endanger the successful  
7 completion of the investigation or a related investigation. However,  
8 nothing in this division shall require the disclosure of that portion  
9 of those investigative files that reflects the analysis or conclusions  
10 of the investigating officer.

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

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

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

30 (2) Subject to the restrictions imposed by Section 841.5 of the  
31 Penal Code, the time, substance, and location of all complaints or  
32 requests for assistance received by the agency and the time and  
33 nature of the response thereto, including, to the extent the  
34 information regarding crimes alleged or committed or any other  
35 incident investigated is recorded, the time, date, and location of  
36 occurrence, the time and date of the report, the name and age of  
37 the victim, the factual circumstances surrounding the crime or  
38 incident, and a general description of any injuries, property, or  
39 weapons involved. The name of a victim of any crime defined by  
40 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,

1 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,  
2 286, 288, 288a, 288.2, 288.3 (as added by Section 6 of Proposition  
3 83 of the November 7, 2006, statewide general election), 288.4,  
4 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the  
5 Penal Code may be withheld at the victim's request, or at the  
6 request of the victim's parent or guardian if the victim is a minor.  
7 When a person is the victim of more than one crime, information  
8 disclosing that the person is a victim of a crime defined in any of  
9 the sections of the Penal Code set forth in this subdivision may be  
10 deleted at the request of the victim, or the victim's parent or  
11 guardian if the victim is a minor, in making the report of the crime,  
12 or of any crime or incident accompanying the crime, available to  
13 the public in compliance with the requirements of this paragraph.

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

36 (g) Test questions, scoring keys, and other examination data  
37 used to administer a licensing examination, examination for  
38 employment, or academic examination, except as provided for in  
39 Chapter 3 (commencing with Section 99150) of Part 65 of Division  
40 14 of Title 3 of the Education Code.

- 1 (h) The contents of real estate appraisals or engineering or
- 2 feasibility estimates and evaluations made for or by the state or
- 3 local agency relative to the acquisition of property, or to
- 4 prospective public supply and construction contracts, until all of
- 5 the property has been acquired or all of the contract agreement
- 6 obtained. However, the law of eminent domain shall not be affected
- 7 by this provision.
- 8 (i) Information required from any taxpayer in connection with
- 9 the collection of local taxes that is received in confidence and the
- 10 disclosure of the information to other persons would result in unfair
- 11 competitive disadvantage to the person supplying the information.
- 12 (j) Library circulation records kept for the purpose of identifying
- 13 the borrower of items available in libraries, and library and museum
- 14 materials made or acquired and presented solely for reference or
- 15 exhibition purposes. The exemption in this subdivision shall not
- 16 apply to records of fines imposed on the borrowers.
- 17 (k) Records, the disclosure of which is exempted or prohibited
- 18 pursuant to federal or state law, including, but not limited to,
- 19 provisions of the Evidence Code relating to privilege.
- 20 (l) Correspondence of and to the Governor or employees of the
- 21 Governor's office or in the custody of or maintained by the
- 22 Governor's Legal Affairs Secretary. However, public records shall
- 23 not be transferred to the custody of the Governor's Legal Affairs
- 24 Secretary to evade the disclosure provisions of this chapter.
- 25 (m) In the custody of or maintained by the Legislative Counsel,
- 26 except those records in the public database maintained by the
- 27 Legislative Counsel that are described in Section 10248.
- 28 (n) Statements of personal worth or personal financial data
- 29 required by a licensing agency and filed by an applicant with the
- 30 licensing agency to establish his or her personal qualification for
- 31 the license, certificate, or permit applied for.
- 32 (o) Financial data contained in applications for financing under
- 33 Division 27 (commencing with Section 44500) of the Health and
- 34 Safety Code, where an authorized officer of the California Pollution
- 35 Control Financing Authority determines that disclosure of the
- 36 financial data would be competitively injurious to the applicant
- 37 and the data is required in order to obtain guarantees from the
- 38 United States Small Business Administration. The California
- 39 Pollution Control Financing Authority shall adopt rules for review
- 40 of individual requests for confidentiality under this section and for

1 making available to the public those portions of an application that  
2 are subject to disclosure under this chapter.

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

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

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

38 (3) Three years after a contract or amendment is open to  
39 inspection under this subdivision, the portion of the contract or

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

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

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

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

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

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

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

1 (3) The names, home addresses, and telephone numbers of  
2 licensees that are set forth in licenses to carry firearms issued  
3 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal  
4 Code by the sheriff of a county or the chief or other head of a  
5 municipal police department.

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

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

18 (B) The impressions, opinions, recommendations, meeting  
19 minutes, research, work product, theories, or strategy of the board  
20 or its staff, or records that provide instructions, advice, or training  
21 to employees.

22 (2) (A) Except for the portion of a contract that contains the  
23 rates of payment, contracts entered into pursuant to Part 6.3  
24 (commencing with Section 12695), Part 6.5 (commencing with  
25 Section 12700), Part 6.6 (commencing with Section 12739.5), or  
26 Part 6.7 (commencing with Section 12739.70) of Division 2 of the  
27 Insurance Code, on or after July 1, 1991, shall be open to inspection  
28 one year after their effective dates.

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

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

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

1 contracts or amendments to the contracts are open to inspection  
 2 pursuant to paragraph (3).

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

12 (2) Except for the portion of a contract that contains the rates  
 13 of payment, contracts for health coverage entered into pursuant to  
 14 Chapter 8 (commencing with Section 10700) of Part 2 of Division  
 15 2 of the Insurance Code, on or after January 1, 1993, shall be open  
 16 to inspection one year after they have been fully executed.

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

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

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

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

1 (B) The impressions, opinions, recommendations, meeting  
2 minutes, research, work product, theories, or strategy of the board  
3 or its staff, or records that provide instructions, advice, or training  
4 to employees.

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

11 (B) If a contract entered into pursuant to Part 6.2 (commencing  
12 with Section 12693) or Part 6.4 (commencing with Section  
13 12699.50) of Division 2 of the Insurance Code is amended, the  
14 amendment shall be open to inspection one year after the effective  
15 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 shall also apply to the  
31 contracts, deliberative processes, discussions, communications,  
32 negotiations, impressions, opinions, recommendations, meeting  
33 minutes, research, work product, theories, or strategy of applicants  
34 pursuant to Part 6.4 (commencing with Section 12699.50) of  
35 Division 2 of the Insurance Code.

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

38 (aa) A document prepared by or for a state or local agency that  
39 assesses its vulnerability to terrorist attack or other criminal acts

1 intended to disrupt the public agency’s operations and that is for  
2 distribution or consideration in a closed session.

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

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

18 (ad) The following records of the State Compensation Insurance  
19 Fund:

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

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

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

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

1 be obtained by the agent or broker, and information on rates,  
2 pricing, and claims handling received from brokers.

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

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

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

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

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

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

33 (7) (A) Except as provided in subparagraph (C), contracts  
34 entered into pursuant to Chapter 4 (commencing with Section  
35 11770) of Part 3 of Division 2 of the Insurance Code shall be open  
36 to inspection one year after the contract has been fully executed.

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

1 (C) Three years after a contract or amendment is open to  
2 inspection pursuant to this subdivision, the portion of the contract  
3 or amendment containing the rates of payment shall be open to  
4 inspection.

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

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

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

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

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

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

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

34 SEC. 3. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

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