

ASSEMBLY BILL

No. 134

Introduced by Assembly Members Logue 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 introduced, 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 home address and telephone number 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
- 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) 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) Records of complaints to, or investigations conducted by,
17 or records of intelligence information or security procedures of,
18 the office of the Attorney General and the Department of Justice,
19 the California Emergency Management Agency, and any state or
20 local police agency, or any investigatory or security files compiled
21 by 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 state and local law enforcement agencies shall disclose the names
25 and addresses of persons involved in, or witnesses other than
26 confidential informants to, the incident, the description of any
27 property involved, the date, time, and location of the incident, all
28 diagrams, statements of the parties involved in the incident, the
29 statements of all witnesses, other than confidential informants, to
30 the victims of an incident, or an authorized representative thereof,
31 an insurance carrier against which a claim has been or might be
32 made, and any person suffering bodily injury or property damage
33 or loss, as the result of the incident caused by arson, burglary, fire,
34 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,
35 or a crime as defined by subdivision (b) of Section 13951, unless
36 the disclosure would endanger the safety of a witness or other
37 person involved in the investigation, or unless disclosure would
38 endanger the successful completion of the investigation or a related
39 investigation. However, nothing in this division shall require the

1 disclosure of that portion of those investigative files that reflects
2 the analysis or conclusions of the investigating officer.

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

6 Notwithstanding any other provision of this subdivision, state
7 and local law enforcement agencies shall make public the following
8 information, except to the extent that disclosure of a particular
9 item of information would endanger the safety of a person involved
10 in an investigation or would endanger the successful completion
11 of the investigation or a related investigation:

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

21 (2) Subject to the restrictions imposed by Section 841.5 of the
22 Penal Code, the time, substance, and location of all complaints or
23 requests for assistance received by the agency and the time and
24 nature of the response thereto, including, to the extent the
25 information regarding crimes alleged or committed or any other
26 incident investigated is recorded, the time, date, and location of
27 occurrence, the time and date of the report, the name and age of
28 the victim, the factual circumstances surrounding the crime or
29 incident, and a general description of any injuries, property, or
30 weapons involved. The name of a victim of any crime defined by
31 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
32 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
33 286, 288, 288a, 288.2, ~~288.3 (as added by Chapter 337 of the~~
34 ~~Statutes of 2006)~~; 288.3 (as added by Section 6 of Proposition 83
35 of the November 7, 2006, statewide general election), 288.4, 288.5,
36 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code
37 may be withheld at the victim's request, or at the request of the
38 victim's parent or guardian if the victim is a minor. When a person
39 is the victim of more than one crime, information disclosing that
40 the person is a victim of a crime defined in any of the sections of

1 the Penal Code set forth in this subdivision may be deleted at the
2 request of the victim, or the victim’s parent or guardian if the
3 victim is a minor, in making the report of the crime, or of any
4 crime or incident accompanying the crime, available to the public
5 in compliance with the requirements of this paragraph.

6 (3) Subject to the restrictions of Section 841.5 of the Penal Code
7 and this subdivision, the current address of every individual
8 arrested by the agency and the current address of the victim of a
9 crime, where the requester declares under penalty of perjury that
10 the request is made for a scholarly, journalistic, political, or
11 governmental purpose, or that the request is made for investigation
12 purposes by a licensed private investigator as described in Chapter
13 11.3 (commencing with Section 7512) of Division 3 of the Business
14 and Professions Code. However, the address of the victim of any
15 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
16 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
17 273d, 273.5, 285, 286, 288, 288a, 288.2, ~~288.3 (as added by~~
18 ~~Chapter 337 of the Statutes of 2006)~~, 288.3 (as added by Section
19 6 of Proposition 83 of the November 7, 2006, statewide general
20 election), 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9,
21 or 647.6 of the Penal Code shall remain confidential. Address
22 information obtained pursuant to this paragraph may not be used
23 directly or indirectly, or furnished to another, to sell a product or
24 service to any individual or group of individuals, and the requester
25 shall execute a declaration to that effect under penalty of perjury.
26 Nothing in this paragraph shall be construed to prohibit or limit a
27 scholarly, journalistic, political, or government use of address
28 information obtained pursuant to this paragraph.

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

34 (h) The contents of real estate appraisals or engineering or
35 feasibility estimates and evaluations made for or by the state or
36 local agency relative to the acquisition of property, or to
37 prospective public supply and construction contracts, until all of
38 the property has been acquired or all of the contract agreement
39 obtained. However, the law of eminent domain shall not be affected
40 by this provision.

- 1 (i) Information required from any taxpayer in connection with
2 the collection of local taxes that is received in confidence and the
3 disclosure of the information to other persons would result in unfair
4 competitive disadvantage to the person supplying the information.
- 5 (j) Library circulation records kept for the purpose of identifying
6 the borrower of items available in libraries, and library and museum
7 materials made or acquired and presented solely for reference or
8 exhibition purposes. The exemption in this subdivision shall not
9 apply to records of fines imposed on the borrowers.
- 10 (k) Records, the disclosure of which is exempted or prohibited
11 pursuant to federal or state law, including, but not limited to,
12 provisions of the Evidence Code relating to privilege.
- 13 (l) Correspondence of and to the Governor or employees of the
14 Governor's office or in the custody of or maintained by the
15 Governor's Legal Affairs Secretary. However, public records shall
16 not be transferred to the custody of the Governor's Legal Affairs
17 Secretary to evade the disclosure provisions of this chapter.
- 18 (m) In the custody of or maintained by the Legislative Counsel,
19 except those records in the public database maintained by the
20 Legislative Counsel that are described in Section 10248.
- 21 (n) Statements of personal worth or personal financial data
22 required by a licensing agency and filed by an applicant with the
23 licensing agency to establish his or her personal qualification for
24 the license, certificate, or permit applied for.
- 25 (o) Financial data contained in applications for financing under
26 Division 27 (commencing with Section 44500) of the Health and
27 Safety Code, where an authorized officer of the California Pollution
28 Control Financing Authority determines that disclosure of the
29 financial data would be competitively injurious to the applicant
30 and the data is required in order to obtain guarantees from the
31 United States Small Business Administration. The California
32 Pollution Control Financing Authority shall adopt rules for review
33 of individual requests for confidentiality under this section and for
34 making available to the public those portions of an application that
35 are subject to disclosure under this chapter.
- 36 (p) Records of state agencies related to activities governed by
37 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
38 (commencing with Section 3525), and Chapter 12 (commencing
39 with Section 3560) of Division 4, that reveal a state agency's
40 deliberative processes, impressions, evaluations, opinions,

1 recommendations, meeting minutes, research, work products,
2 theories, or strategy, or that provide instruction, advice, or training
3 to employees who do not have full collective bargaining and
4 representation rights under these chapters. Nothing in this
5 subdivision shall be construed to limit the disclosure duties of a
6 state agency with respect to any other records relating to the
7 activities governed by the employee relations acts referred to in
8 this subdivision.

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

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

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

35 (4) Notwithstanding any other provision of law, the entire
36 contract or amendment shall be open to inspection by the Joint
37 Legislative Audit Committee and the Legislative Analyst's Office.
38 The committee and that office shall maintain the confidentiality
39 of the contracts and amendments until the time a contract or
40 amendment is fully open to inspection by the public.

- 1 (r) Records of Native American graves, cemeteries, and sacred
2 places and records of Native American places, features, and objects
3 described in Sections 5097.9 and 5097.993 of the Public Resources
4 Code maintained by, or in the possession of, the Native American
5 Heritage Commission, another state agency, or a local agency.
- 6 (s) A final accreditation report of the Joint Commission on
7 Accreditation of Hospitals that has been transmitted to the State
8 Department of Health Care Services pursuant to subdivision (b)
9 of Section 1282 of the Health and Safety Code.
- 10 (t) Records of a local hospital district, formed pursuant to
11 Division 23 (commencing with Section 32000) of the Health and
12 Safety Code, or the records of a municipal hospital, formed
13 pursuant to Article 7 (commencing with Section 37600) or Article
14 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
15 Division 3 of Title 4 of this code, that relate to any contract with
16 an insurer or nonprofit hospital service plan for inpatient or
17 outpatient services for alternative rates pursuant to Section 10133
18 of the Insurance Code. However, the record shall be open to
19 inspection within one year after the contract is fully executed.
- 20 (u) (1) Information contained in applications for licenses to
21 carry firearms issued pursuant to Section 26150, 26155, 26170,
22 or 26215 of the Penal Code by the sheriff of a county or the chief
23 or other head of a municipal police department that indicates when
24 or where the applicant is vulnerable to attack or that concerns the
25 applicant's medical or psychological history or that of members
26 of his or her family.
- 27 (2) The home address and telephone number of ~~prosecutors,~~
28 ~~public defenders, peace officers, judges, court commissioners, and~~
29 ~~magistrates~~ *applicants* that are set forth in applications for licenses
30 to carry firearms issued pursuant to Section 26150, 26155, 26170,
31 or 26215 of the Penal Code by the sheriff of a county or the chief
32 or other head of a municipal police department.
- 33 (3) The home address and telephone number of ~~prosecutors,~~
34 ~~public defenders, peace officers, judges, court commissioners, and~~
35 ~~magistrates~~ *licensees* that are set forth in licenses to carry firearms
36 issued pursuant to Section 26150, 26155, 26170, or 26215 of the
37 Penal Code by the sheriff of a county or the chief or other head of
38 a municipal police department.
- 39 (v) (1) Records of the Managed Risk Medical Insurance Board
40 related to activities governed by Part 6.3 (commencing with Section

1 12695), Part 6.5 (commencing with Section 12700), Part 6.6
2 (commencing with Section 12739.5), and Part 6.7 (commencing
3 with Section 12739.70) of Division 2 of the Insurance Code, and
4 that reveal any of the following:

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

11 (B) The impressions, opinions, recommendations, meeting
12 minutes, research, work product, theories, or strategy of the board
13 or its staff, or records that provide instructions, advice, or training
14 to employees.

15 (2) (A) Except for the portion of a contract that contains the
16 rates of payment, contracts entered into pursuant to Part 6.3
17 (commencing with Section 12695), Part 6.5 (commencing with
18 Section 12700), Part 6.6 (commencing with Section 12739.5), or
19 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
20 Insurance Code, on or after July 1, 1991, shall be open to inspection
21 one year after their effective dates.

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

26 (3) Three years after a contract or amendment is open to
27 inspection pursuant to this subdivision, the portion of the contract
28 or amendment containing the rates of payment shall be open to
29 inspection.

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

36 (w) (1) Records of the Managed Risk Medical Insurance Board
37 related to activities governed by Chapter 8 (commencing with
38 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
39 that reveal the deliberative processes, discussions, communications,
40 or any other portion of the negotiations with health plans, or the

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

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

10 (3) Notwithstanding any other law, the entire contract or
11 amendments to a contract shall be open to inspection by the Joint
12 Legislative Audit Committee. The committee shall maintain the
13 confidentiality of the contracts and amendments thereto, until the
14 contracts or amendments to the contracts are open to inspection
15 pursuant to paragraph (2).

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

23 (y) (1) Records of the Managed Risk Medical Insurance Board
24 related to activities governed by Part 6.2 (commencing with Section
25 12693) or Part 6.4 (commencing with Section 12699.50) of
26 Division 2 of the Insurance Code, and that reveal any of the
27 following:

28 (A) The deliberative processes, discussions, communications,
29 or any other portion of the negotiations with entities contracting
30 or seeking to contract with the board, entities with which the board
31 is considering a contract, or entities with which the board is
32 considering or enters into any other arrangement under which the
33 board provides, receives, or arranges services or reimbursement.

34 (B) The impressions, opinions, recommendations, meeting
35 minutes, research, work product, theories, or strategy of the board
36 or its staff, or records that provide instructions, advice, or training
37 to employees.

38 (2) (A) Except for the portion of a contract that contains the
39 rates of payment, contracts entered into pursuant to Part 6.2
40 (commencing with Section 12693) or Part 6.4 (commencing with

1 Section 12699.50) of Division 2 of the Insurance Code, on or after
2 January 1, 1998, shall be open to inspection one year after their
3 effective dates.

4 (B) If a contract entered into pursuant to Part 6.2 (commencing
5 with Section 12693) or Part 6.4 (commencing with Section
6 12699.50) of Division 2 of the Insurance Code is amended, the
7 amendment shall be open to inspection one year after the effective
8 date of the amendment.

9 (3) Three years after a contract or amendment is open to
10 inspection pursuant to this subdivision, the portion of the contract
11 or amendment containing the rates of payment shall be open to
12 inspection.

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

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

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

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

35 (ab) Critical infrastructure information, as defined in Section
36 131(3) of Title 6 of the United States Code, that is voluntarily
37 submitted to the California Emergency Management Agency for
38 use by that office, including the identity of the person who or entity
39 that voluntarily submitted the information. As used in this
40 subdivision, "voluntarily submitted" means submitted in the

1 absence of the office exercising any legal authority to compel
2 access to or submission of critical infrastructure information. This
3 subdivision shall not affect the status of information in the
4 possession of any other state or local governmental agency.

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

10 (ad) The following records of the State Compensation Insurance
11 Fund:

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

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

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

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

35 (5) (A) Records that are trade secrets pursuant to Section
36 6276.44, or Article 11 (commencing with Section 1060) of Chapter
37 4 of Division 8 of the Evidence Code, including without limitation,
38 instructions, advice, or training provided by the State Compensation
39 Insurance Fund to its board members, officers, and employees
40 regarding the fund’s special investigation unit, internal audit unit,

1 and informational security, marketing, rating, pricing, underwriting,
2 claims handling, audits, and collections.

3 (B) Notwithstanding subparagraph (A), the portions of records
4 containing trade secrets shall be available for review by the Joint
5 Legislative Audit Committee, the Bureau of State Audits, Division
6 of Workers' Compensation, and the Department of Insurance to
7 ensure compliance with applicable law.

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

10 (i) Personal papers and correspondence of any person providing
11 assistance to the fund when that person has requested in writing
12 that his or her papers and correspondence be kept private and
13 confidential. Those papers and correspondence shall become public
14 records if the written request is withdrawn, or upon order of the
15 fund.

16 (ii) Papers, correspondence, memoranda, or any substantive
17 information pertaining to any audit not completed or an internal
18 audit that contains proprietary information.

19 (B) Notwithstanding subparagraph (A), the portions of records
20 containing proprietary information, or any information specified
21 in subparagraph (A) shall be available for review by the Joint
22 Legislative Audit Committee, the Bureau of State Audits, Division
23 of Workers' Compensation, and the Department of Insurance to
24 ensure compliance with applicable law.

25 (7) (A) Except as provided in subparagraph (C), contracts
26 entered into pursuant to Chapter 4 (commencing with Section
27 11770) of Part 3 of Division 2 of the Insurance Code shall be open
28 to inspection one year after the contract has been fully executed.

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

33 (C) 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 (D) 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 contract or amendments to a contract are open to inspection
2 pursuant to this paragraph.

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

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

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

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

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

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

26 SEC. 3. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.