

County Clerk New Bills for June Meeting

[AB 22](#)

(Bonta D) Secretary of State: storing and recording electronic media.

Current Text: Amended: 6/5/2017 [Text](#)

Introduced: 12/5/2016

Last Amend: 6/5/2017

Status: 6/14/2017-Re-referred to Com. on G.O.

Location: 6/14/2017-S. G.O.

Digest:

Existing law requires the Secretary of State to approve and adopt uniform statewide standards for the purpose of storing and recording permanent and nonpermanent documents in electronic media, as specified, and requires those standards to include a requirement that a trusted system, as defined, be utilized.

This bill would provide that a commercial cloud-based archival storage service that provides integrated controls that prevent stored archive records from being overwritten, deleted, or altered until the required retention period for the record has expired is considered a trusted system and would require a commercial cloud-based archival storage service to be certified by the Federal Risk and Authorization Management Program and to meet federal cloud security requirements related to the records being stored, as specified.

~~Existing law provides that a public employee may be dismissed from employment if he or she advocates or is knowingly a member of the Communist Party or of an organization which, during the time of his or her membership, the employee knows advocates the overthrow of the Government of the United States or of any state by force or violence.~~

~~This bill would delete the reference to the Communist Party in the provision described above.~~

~~Existing law requires a public employee, if subpoenaed or ordered, to appear before the governing body of the agency that he or she is employed by, before a committee or subcommittee of Congress, or before a committee or subcommittee of the Legislature, and to answer, under oath, specified questions, including questions related to knowing membership in the Communist Party.~~

~~This bill would delete references to the Communist Party in this requirement. The bill would also repeal related findings and declarations of the Legislature regarding communism and the Communist Party.~~

[AB 459](#)

(Chau D) Public records: video or audio recordings: crime.

Current Text: Amended: 6/15/2017 [Text](#)

Introduced: 2/13/2017

Last Amend: 6/15/2017

Status: 6/15/2017-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

Location: 6/1/2017-S. JUD.

Calendar: 6/27/2017 1:30 p.m. - Room 112 SENATE JUDICIARY, JACKSON, Chair

Digest:

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would specify that the act does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. The bill would require an agency to justify withholding such a video or audio recording by demonstrating that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording. The bill would require the agency to consider specified factors when balancing the public interests. The bill would authorize a victim who is a subject of such a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, to be permitted to inspect the recording and to obtain a copy of the recording. *By imposing new duties upon local agencies, the bill would impose a state-mandated local program.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of 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 local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

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 no reimbursement is required by this act for a specified reason.

[AB 492](#)

(Grayson D) Advertising and solicitations: government documents.

Current Text: Amended: 6/19/2017 [Text](#)

Introduced: 2/13/2017

Last Amend: 6/19/2017

Status: 6/19/2017-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

Location: 5/18/2017-S. JUD.

Calendar: 6/27/2017 1:30 p.m. - Room 112 SENATE JUDICIARY, JACKSON, Chair

Digest:

Existing law makes it unlawful for a person, firm, corporation, or association that is a nongovernmental entity to use a seal, emblem, insignia, trade or brand name, or any term, symbol, or content that reasonably could be interpreted or construed as implying any federal, state, or local government, military veteran entity, or military or veteran service organization connection, approval, or endorsement of a product or service, unless certain criteria are met. This provision includes financial products, goods, or services, including mailings, electronic messages, Internet Web sites, periodicals, or television commercials disseminated unless the nongovernmental entity has an expressed connection with or approval of that governmental entity.

Existing law, despite that general prohibition, permits a nongovernmental entity, as specified, to advertise or promote an event, presentation, seminar, workshop, or other public gathering using a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content, if that nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government, military veteran entity, or military or veteran service organization. Existing law authorizes a nongovernmental entity to solicit information, solicit the purchase of or payment for a product or service, or solicit the contribution of funds or membership fees, by any means, including, but not limited to, a mailing, electronic message, Internet Web site, periodical, or television commercial disseminated in this state, using a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content, if the person, firm, corporation, or association that is a nongovernmental entity meets certain requirements, including prominently disclosing that the product or service has not been approved or endorsed by any governmental agency.

This bill would permit a person, firm, corporation, or association that is a nongovernmental entity to solicit a fee for providing a copy of a public record if that solicitation meets specified requirements. Those requirements would include a certain disclosure requirement stating that the document is an advertisement, the fee or cost charged by the relevant state or local government agency to obtain a copy of the record that the solicitation is offering to obtain, and information necessary to contact the state or local agency with custody of the record. The bill would define "solicit" for purposes of these provisions. The bill would authorize the Attorney General, a district attorney, or a city attorney to bring an action against a person who violates this provision and would authorize the court to order the person in violation to refund all of the moneys paid to the victim. The bill would require the court to impose a civil penalty in an amount of not more than \$100 for each unlawful solicitation document distributed, and not more than \$200 for each subsequent document distributed in violation of this provision. The bill would include related legislature findings.

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Existing law also requires prompt disclosure of reasonably identifiable records to a person upon payment of fees covering the direct costs of duplication, or a statutory fee if applicable.

This bill would require a business or individual soliciting a fee for providing a copy of a public record to state on the top of the document to be used for solicitation that the solicitation is not from a state or local agency; that no action is legally required by the person being solicited; the fee for, or the cost of, obtaining a copy of the record; and other specified information.

The bill would authorize the Attorney General, a district attorney, or a city attorney to bring an action against a person who violates this provision and would authorize the court to order the person in violation to refund all of the moneys paid to the victim. The bill would require the court to impose a civil penalty in an amount of not more than \$100 for each unlawful solicitation document distributed, and not more than \$200 for each subsequent document distributed in violation of this provision.

AB 1479

(Bonta D) Public records: custodian of records: civil penalties.

Current Text: Amended: 6/19/2017 [Text](#)

Introduced: 2/17/2017

Last Amend: 6/19/2017

Status: 6/19/2017-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

Location: 6/8/2017-S. JUD.

Calendar: 6/27/2017 1:30 p.m. - Room 112 SENATE JUDICIARY, JACKSON, Chair

Digest:

Existing law, the California Public Records Act, requires a public agency, defined to mean any state or local agency, to make its public records available for public inspection and to make copies available upon request and payment of a fee, unless the public records are exempt from disclosure. Existing law requires an agency to justify withholding a record from disclosure by demonstrating either that the record in question is exempt under express provisions of law or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Existing law requires specified state and local agencies to establish written guidelines for accessibility of records. Existing law authorizes a person to institute proceedings for

injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under these provisions.

This bill would require public agencies to designate a person or office to act as the agency's custodian of records who is responsible for responding to any request made pursuant to the California Public Records Act and any inquiry from the public about a decision by the agency to deny a request for records. The bill also would make other conforming changes. Because the bill would require local agencies to perform additional duties, the bill would impose a state-mandated local program.

The bill would also authorize a court that finds that an agency ~~or the custodian failed to respond to a request for records~~, improperly withheld from a member of the public, public records ~~which that~~ were clearly subject to public disclosure, unreasonably delayed providing the contents of a record subject to disclosure in whole or in part, ~~assessed an unreasonable or unauthorized fee upon a requester, improperly assessed a fee upon a requester that exceeded the direct cost of duplication~~, or otherwise did not act in good faith to comply with these provisions, to assess a civil penalty against the agency in an amount not less than \$1,000, nor more than \$5,000.

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 no reimbursement is required by this act for a specified reason.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

AB 1726

(Committee on Health) Vital records: confidentiality.

Current Text: Amended: 6/13/2017 [Text](#)

Introduced: 3/20/2017

Last Amend: 6/13/2017

Status: 6/13/2017-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/13/2017-S. APPR.

Calendar: 6/26/2017 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair

Digest:

Existing law prescribes the duties of the State Registrar of Vital Statistics and local registrars of births and deaths with respect to the registration of certificates of live birth and fetal death. Existing law requires the 2nd section of the certificate of live birth, which contains specified information, including birth weight and race and ethnicity of the mother and father, the electronic file of birth information and the birth mother linkage information listed on the certificate of live birth, and the 2nd section of the certificate of fetal death to be kept confidential. Existing law requires access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information, or the birth mother linkage information collected under the provisions described above to be limited to certain individuals, including State Department of Public Health staff and the county coroner. Existing law requires the State Registrar to maintain an accurate record of all persons who are given access to the confidential portion of *the* certificates, as specified.

This bill would authorize access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information, and the birth mother linkage information to ~~a state government entity that agrees~~ *the State Department of Public Health, the State Department of Health Care Services, and the Department of Finance, if those departments agree* to maintain confidentiality and ~~requests~~ *request* the information for official government business purposes as deemed appropriate by the State Registrar and to the birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of *reviewing and* correcting birth or fetal death ~~records or for quality assurance purposes.~~ *records.*

Total Measures: 5

Total Tracking Forms: 4