

AMENDED IN ASSEMBLY MARCH 5, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 202

Introduced by Assembly Member Donnelly
(Coauthors: Assembly Members Grove, Hagman, Harkey, Jones,
and Wagner)
(Coauthor: Senator Knight)

January 29, 2013

An act to add Section 38010 to the Education Code, and to amend Section 6254 of the Government Code, relating to school security.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, as amended, Donnelly. School security: School Marshal ~~Program Plan~~.

(1) Existing law authorizes the governing board of a school district to establish a security department or a school police department and authorizes specified moneys transferred into the general fund of any school district to be used for the training of persons employed and compensated as members of a police department of a school district, as specified.

This bill would establish the School Marshal ~~Program Plan~~ and would authorize school districts, county offices of education, and charter schools to use general purpose funds to provide training to a school marshal. The bill would define a school marshal as a school employee who, in accordance with the Gun-Free School Zone Act of 1995 and pursuant to locally adopted policies, is authorized to possess a firearm at a schoolsite or designated school activities.

(2) Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection,

subject to specified criteria, and with certain exceptions. Existing law excludes from disclosure certain information contained in applications for licenses to, and licenses to, carry firearms submitted by prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates, to county sheriffs and the chiefs or other heads of municipal police departments.

This bill would exclude from disclosure the personally identifiable information set forth in applications for a license to, and the license to, carry firearms submitted by a school marshal to the sheriff of a county or the chief or other head of a municipal police department. By increasing duties on county sheriffs and the chiefs or other heads of municipal police departments, the bill would impose a state-mandated local program.

(3) 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 38010 is added to the Education Code,
- 2 to read:
- 3 38010. (a) This section shall be known, and may be cited, as
- 4 the School Marshal-Program Plan.
- 5 (b) School districts, county offices of education, and charter
- 6 schools may use general purpose funds to provide training for
- 7 school marshals.
- 8 (c) As used in this section, “school marshal” means a school
- 9 employee who, in accordance with Section 626.9 of the Penal Code
- 10 and pursuant to locally adopted policies, is authorized to possess
- 11 a firearm at a schoolsite or designated school activities.
- 12 SEC. 2. Section 6254 of the Government Code is amended to
- 13 read:

1 6254. Except as provided in Sections 6254.7 and 6254.13,
2 nothing in this chapter shall be construed to require disclosure of
3 records that are any of the following:

4 (a) Preliminary drafts, notes, or interagency or intra-agency
5 memoranda that are not retained by the public agency in the
6 ordinary course of business, if the public interest in withholding
7 those records clearly outweighs the public interest in disclosure.

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

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

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

15 (1) Applications filed with ~~any~~ a state agency responsible for
16 the regulation or supervision of the issuance of securities or of
17 financial institutions, including, but not limited to, banks, savings
18 and loan associations, industrial loan companies, credit unions,
19 and insurance companies.

20 (2) Examination, operating, or condition reports prepared by,
21 on behalf of, or for the use of, ~~any~~ a state agency referred to in
22 paragraph (1).

23 (3) Preliminary drafts, notes, or interagency or intra-agency
24 communications prepared by, on behalf of, or for the use of, ~~any~~
25 a state agency referred to in paragraph (1).

26 (4) Information received in confidence by ~~any~~ a state agency
27 referred to in paragraph (1).

28 (e) Geological and geophysical data, plant production data, and
29 similar information relating to utility systems development, or
30 market or crop reports, that are obtained in confidence from any
31 person.

32 (f) Records of complaints to, or investigations conducted by,
33 or records of intelligence information or security procedures of,
34 the office of the Attorney General and the Department of Justice,
35 the Office of Emergency Services, and any state or local police
36 agency, or any investigatory or security files compiled by any other
37 state or local police agency, or any investigatory or security files
38 compiled by any other state or local agency for correctional, law
39 enforcement, or licensing purposes. However, state and local law
40 enforcement agencies shall disclose the names and addresses of

1 persons involved in, or witnesses other than confidential informants
2 to, the incident, the description of any property involved, the date,
3 time, and location of the incident, all diagrams, statements of the
4 parties involved in the incident, the statements of all witnesses,
5 other than confidential informants, to the victims of an incident,
6 or an authorized representative thereof, an insurance carrier against
7 which a claim has been or might be made, and any person suffering
8 bodily injury or property damage or loss, as the result of the
9 incident caused by arson, burglary, fire, explosion, larceny,
10 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
11 by subdivision (b) of Section 13951, unless the disclosure would
12 endanger the safety of a witness or other person involved in the
13 investigation, or unless disclosure would endanger the successful
14 completion of the investigation or a related investigation. However,
15 nothing in this division shall require the disclosure of that portion
16 of those investigative files that reflects the analysis or conclusions
17 of the investigating officer.

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

21 Notwithstanding any other provision of this subdivision, state
22 and local law enforcement agencies shall make public the following
23 information, except to the extent that disclosure of a particular
24 item of information would endanger the safety of a person involved
25 in an investigation or would endanger the successful completion
26 of the investigation or a related investigation:

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

36 (2) Subject to the restrictions imposed by Section 841.5 of the
37 Penal Code, the time, substance, and location of all complaints or
38 requests for assistance received by the agency and the time and
39 nature of the response thereto, including, to the extent the
40 information regarding crimes alleged or committed or any other

1 incident investigated is recorded, the time, date, and location of
2 occurrence, the time and date of the report, the name and age of
3 the victim, the factual circumstances surrounding the crime or
4 incident, and a general description of any injuries, property, or
5 weapons involved. The name of a victim of any crime defined by
6 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
7 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
8 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the
9 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
10 of the November 7, 2006, statewide general election), 288.5, 288.7,
11 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
12 be withheld at the victim's request, or at the request of the victim's
13 parent or guardian if the victim is a minor. When a person is the
14 victim of more than one crime, information disclosing that the
15 person is a victim of a crime defined in any of the sections of the
16 Penal Code set forth in this subdivision may be deleted at the
17 request of the victim, or the victim's parent or guardian if the
18 victim is a minor, in making the report of the crime, or of any
19 crime or incident accompanying the crime, available to the public
20 in compliance with the requirements of this paragraph.

21 (3) Subject to the restrictions of Section 841.5 of the Penal Code
22 and this subdivision, the current address of every individual
23 arrested by the agency and the current address of the victim of a
24 crime, where the requester declares under penalty of perjury that
25 the request is made for a scholarly, journalistic, political, or
26 governmental purpose, or that the request is made for investigation
27 purposes by a licensed private investigator as described in Chapter
28 11.3 (commencing with Section 7512) of Division 3 of the Business
29 and Professions Code. However, the address of the victim of any
30 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
31 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
32 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
33 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
34 6 of Proposition 83 of the November 7, 2006, statewide general
35 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
36 of the Penal Code shall remain confidential. Address information
37 obtained pursuant to this paragraph may not be used directly or
38 indirectly, or furnished to another, to sell a product or service to
39 any individual or group of individuals, and the requester shall
40 execute a declaration to that effect under penalty of perjury.

1 Nothing in this paragraph shall be construed to prohibit or limit a
2 scholarly, journalistic, political, or ~~government~~ *governmental* use
3 of address information obtained pursuant to this paragraph.

4 (g) Test questions, scoring keys, and other examination data
5 used to administer a licensing examination, examination for
6 employment, or academic examination, except as provided for in
7 Chapter 3 (commencing with Section 99150) of Part 65 of Division
8 14 of Title 3 of the Education Code.

9 (h) The contents of real estate appraisals or engineering or
10 feasibility estimates and evaluations made for or by the state or
11 local agency relative to the acquisition of property, or to
12 prospective public supply and construction contracts, until all of
13 the property has been acquired or all of the contract agreement
14 obtained. However, the law of eminent domain shall not be affected
15 by this provision.

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

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

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

28 (l) Correspondence of and to the Governor or employees of the
29 Governor's office or in the custody of or maintained by the
30 Governor's Legal Affairs Secretary. However, public records shall
31 not be transferred to the custody of the Governor's Legal Affairs
32 Secretary to evade the disclosure provisions of this chapter.

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

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

1 (o) Financial data contained in applications for financing under
2 Division 27 (commencing with Section 44500) of the Health and
3 Safety Code, where an authorized officer of the California Pollution
4 Control Financing Authority determines that disclosure of the
5 financial data would be competitively injurious to the applicant
6 and the data is required in order to obtain guarantees from the
7 United States Small Business Administration. The California
8 Pollution Control Financing Authority shall adopt rules for review
9 of individual requests for confidentiality under this section and for
10 making available to the public those portions of an application that
11 are subject to disclosure under this chapter.

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

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

36 (2) Except for the portion of a contract containing the rates of
37 payment, contracts for inpatient services entered into pursuant to
38 these articles, on or after April 1, 1984, shall be open to inspection
39 one year after they are fully executed. If a contract for inpatient
40 services that is entered into ~~prior to~~ *before* April 1, 1984, is

1 amended on or after April 1, 1984, the amendment, except for any
2 portion containing the rates of payment, shall be open to inspection
3 one year after it is fully executed. If the California Medical
4 Assistance Commission enters into contracts with health care
5 providers for other than inpatient hospital services, those contracts
6 shall be open to inspection one year after they are fully executed.

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

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

17 (r) Records of Native American graves, cemeteries, and sacred
18 places and records of Native American places, features, and objects
19 described in Sections 5097.9 and 5097.993 of the Public Resources
20 Code maintained by, or in the possession of, the Native American
21 Heritage Commission, another state agency, or a local agency.

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

26 (t) Records of a local hospital district, formed pursuant to
27 Division 23 (commencing with Section 32000) of the Health and
28 Safety Code, or the records of a municipal hospital, formed
29 pursuant to Article 7 (commencing with Section 37600) or Article
30 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
31 Division 3 of Title 4 of this code, that relate to ~~any~~ a contract with
32 an insurer or nonprofit hospital service plan for inpatient or
33 outpatient services for alternative rates pursuant to Section 10133
34 of the Insurance Code. However, the record shall be open to
35 inspection within one year after the contract is fully executed.

36 (u) (1) Information contained in applications for licenses to
37 carry firearms issued pursuant to Section 26150, 26155, 26170,
38 or 26215 of the Penal Code by the sheriff of a county or the chief
39 or other head of a municipal police department that indicates when
40 or where the applicant is vulnerable to attack or that concerns the

1 applicant’s medical or psychological history or that of members
2 of his or her family.

3 (2) The home address and telephone number of prosecutors,
4 public defenders, peace officers, judges, court commissioners, and
5 magistrates that are set forth in applications for licenses to carry
6 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
7 of the Penal Code by the sheriff of a county or the chief or other
8 head of a municipal police department.

9 (3) The home address and telephone number of prosecutors,
10 public defenders, peace officers, judges, court commissioners, and
11 magistrates that are set forth in licenses to carry firearms issued
12 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
13 Code by the sheriff of a county or the chief or other head of a
14 municipal police department.

15 (4) The personally identifiable information of a school marshal,
16 as defined in Section 38010 of the Education Code, that is set forth
17 in an application for a license to carry a firearm, or in a license to
18 carry a firearm, issued pursuant to Section 26150, 26155, 26170,
19 or 26215 of the Penal Code by the sheriff of a county or the chief
20 or other head of a municipal police department.

21 (v) (1) Records of the Managed Risk Medical Insurance Board
22 related to activities governed by Part 6.3 (commencing with Section
23 12695), Part 6.5 (commencing with Section 12700), Part 6.6
24 (commencing with Section 12739.5), and Part 6.7 (commencing
25 with Section 12739.70) of Division 2 of the Insurance Code, and
26 that reveal any of the following:

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

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

37 (2) (A) Except for the portion of a contract that contains the
38 rates of payment, contracts entered into pursuant to Part 6.3
39 (commencing with Section 12695), Part 6.5 (commencing with
40 Section 12700), Part 6.6 (commencing with Section 12739.5), or

1 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
2 Insurance Code, on or after July 1, 1991, shall be open to inspection
3 one year after their effective dates.

4 (B) If a contract that is entered into ~~prior to~~ *before* July 1, 1991,
5 is amended on or after July 1, 1991, the amendment, except for
6 any portion containing the rates of payment, shall be open to
7 inspection one year after the effective date of the amendment.

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

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

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

27 (2) Except for the portion of a contract that contains the rates
28 of payment, contracts for health coverage entered into pursuant to
29 Chapter 8 (commencing with Section 10700) of Part 2 of Division
30 2 of the Insurance Code, on or after January 1, 1993, shall be open
31 to inspection one year after they have been fully executed.

32 (3) Notwithstanding any other law, the entire contract or
33 amendments to a contract shall be open to inspection by the Joint
34 Legislative Audit Committee. The committee shall maintain the
35 confidentiality of the contracts and amendments ~~thereto~~, *to the*
36 *contracts* until the contracts or amendments to the contracts are
37 open to inspection pursuant to paragraph (2).

38 (x) Financial data contained in applications for registration, or
39 registration renewal, as a service contractor filed with the Director
40 of Consumer Affairs pursuant to Chapter 20 (commencing with

1 Section 9800) of Division 3 of the Business and Professions Code,
2 for the purpose of establishing the service contractor's net worth,
3 or financial data regarding the funded accounts held in escrow for
4 service contracts held in force in this state by a service contractor.

5 (y) (1) Records of the Managed Risk Medical Insurance Board
6 related to activities governed by Part 6.2 (commencing with Section
7 12693) or Part 6.4 (commencing with Section 12699.50) of
8 Division 2 of the Insurance Code, and that reveal any of the
9 following:

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

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

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

26 (B) If a contract entered into pursuant to Part 6.2 (commencing
27 with Section 12693) or Part 6.4 (commencing with Section
28 12699.50) of Division 2 of the Insurance Code is amended, the
29 amendment shall be open to inspection one year after the effective
30 date of the amendment.

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

35 (4) Notwithstanding any other law, the entire contract or
36 amendments to a contract shall be open to inspection by the Joint
37 Legislative Audit Committee. The committee shall maintain the
38 confidentiality of the contracts and amendments ~~thereto~~ *to the*
39 *contracts* until the contract or amendments to a contract are open
40 to inspection pursuant to paragraph (2) or (3).

1 (5) The exemption from disclosure provided pursuant to this
2 subdivision for the contracts, deliberative processes, discussions,
3 communications, negotiations, impressions, opinions,
4 recommendations, meeting minutes, research, work product,
5 theories, or strategy of the board or its staff shall also apply to the
6 contracts, deliberative processes, discussions, communications,
7 negotiations, impressions, opinions, recommendations, meeting
8 minutes, research, work product, theories, or strategy of applicants
9 pursuant to Part 6.4 (commencing with Section 12699.50) of
10 Division 2 of the Insurance Code.

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

13 (aa) A document prepared by or for a state or local agency that
14 assesses its vulnerability to terrorist attack or other criminal acts
15 intended to disrupt the public agency’s operations and that is for
16 distribution or consideration in a closed session.

17 (ab) Critical infrastructure information, as defined in Section
18 131(3) of Title 6 of the United States Code, that is voluntarily
19 submitted to the Office of Emergency Services for use by that
20 office, including the identity of the person who or entity that
21 voluntarily submitted the information. As used in this subdivision,
22 “voluntarily submitted” means submitted in the absence of the
23 office exercising any legal authority to compel access to or
24 submission of critical infrastructure information. This subdivision
25 shall not affect the status of information in the possession of any
26 other state or local governmental agency.

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

32 (ad) The following records of the State Compensation Insurance
33 Fund:

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

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

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

8 (4) Records obtained to provide workers' compensation
9 insurance under Chapter 4 (commencing with Section 11770) of
10 Part 3 of Division 2 of the Insurance Code, including, but not
11 limited to, any medical claims information, policyholder
12 information provided that nothing in this paragraph shall be
13 interpreted to prevent an insurance agent or broker from obtaining
14 proprietary information or other information authorized by law to
15 be obtained by the agent or broker, and information on rates,
16 pricing, and claims handling received from brokers.

17 (5) (A) Records that are trade secrets pursuant to Section
18 6276.44, or Article 11 (commencing with Section 1060) of Chapter
19 4 of Division 8 of the Evidence Code, including, without limitation,
20 instructions, advice, or training provided by the State Compensation
21 Insurance Fund to its board members, officers, and employees
22 regarding the fund's special investigation unit, internal audit unit,
23 and informational security, marketing, rating, pricing, underwriting,
24 claims handling, audits, and collections.

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

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

32 (i) Personal papers and correspondence of any person providing
33 assistance to the fund when that person has requested in writing
34 that his or her papers and correspondence be kept private and
35 confidential. Those papers and correspondence shall become public
36 records if the written request is withdrawn, or upon order of the
37 fund.

38 (ii) Papers, correspondence, memoranda, or any substantive
39 information pertaining to ~~any~~ an audit not completed or an internal
40 audit that contains proprietary information.

1 (B) Notwithstanding subparagraph (A), the portions of records
2 containing proprietary information, or any information specified
3 in subparagraph (A) shall be available for review by the Joint
4 Legislative Audit Committee, the Bureau of State Audits, Division
5 of Workers' Compensation, and the Department of Insurance to
6 ensure compliance with applicable law.

7 (7) (A) Except as provided in subparagraph (C), contracts
8 entered into pursuant to Chapter 4 (commencing with Section
9 11770) of Part 3 of Division 2 of the Insurance Code shall be open
10 to inspection one year after the contract has been fully executed.

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

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

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

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

28 (F) For purposes of this paragraph, "fully executed" means the
29 point in time when all of the necessary parties to the contract have
30 signed the contract.

31 This section shall not prevent ~~any~~ *an* agency from opening its
32 records concerning the administration of the agency to public
33 inspection, unless disclosure is otherwise prohibited by law.

34 This section shall not prevent ~~any~~ *a* health facility from
35 disclosing to a certified bargaining agent relevant financing
36 information pursuant to Section 8 of the National Labor Relations
37 Act (29 U.S.C. Sec. 158).

38 SEC. 3. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O