

**ASSEMBLY BILL**

**No. 202**

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

January 29, 2013

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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 introduced, Donnelly. School security: School Marshal Program.

(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 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.
- 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:
- 14 6254. Except as provided in Sections 6254.7 and 6254.13,
- 15 nothing in this chapter shall be construed to require disclosure of
- 16 records that are any of the following:

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

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

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

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

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

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

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

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

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

29 (f) Records of complaints to, or investigations conducted by,  
30 or records of intelligence information or security procedures of,  
31 the office of the Attorney General and the Department of Justice,  
32 ~~the California Office of Emergency Management Agency Services,~~  
33 and any state or local police agency, or any investigatory or security  
34 files compiled by any other state or local police agency, or any  
35 investigatory or security files compiled by any other state or local  
36 agency for correctional, law enforcement, or licensing purposes.  
37 However, state and local law enforcement agencies shall disclose  
38 the names and addresses of persons involved in, or witnesses other  
39 than confidential informants to, the incident, the description of  
40 any property involved, the date, time, and location of the incident,

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

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

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

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

33 (2) Subject to the restrictions imposed by Section 841.5 of the  
34 Penal Code, the time, substance, and location of all complaints or  
35 requests for assistance received by the agency and the time and  
36 nature of the response thereto, including, to the extent the  
37 information regarding crimes alleged or committed or any other  
38 incident investigated is recorded, the time, date, and location of  
39 occurrence, the time and date of the report, the name and age of  
40 the victim, the factual circumstances surrounding the crime or

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

18 (3) Subject to the restrictions of Section 841.5 of the Penal Code  
19 and this subdivision, the current address of every individual  
20 arrested by the agency and the current address of the victim of a  
21 crime, where the requester declares under penalty of perjury that  
22 the request is made for a scholarly, journalistic, political, or  
23 governmental purpose, or that the request is made for investigation  
24 purposes by a licensed private investigator as described in Chapter  
25 11.3 (commencing with Section 7512) of Division 3 of the Business  
26 and Professions Code. However, the address of the victim of any  
27 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,  
28 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,  
29 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by  
30 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section  
31 6 of Proposition 83 of the November 7, 2006, statewide general  
32 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6  
33 of the Penal Code shall remain confidential. Address information  
34 obtained pursuant to this paragraph may not be used directly or  
35 indirectly, or furnished to another, to sell a product or service to  
36 any individual or group of individuals, and the requester shall  
37 execute a declaration to that effect under penalty of perjury.  
38 Nothing in this paragraph shall be construed to prohibit or limit a  
39 scholarly, journalistic, political, or government use of address  
40 information obtained pursuant to this paragraph.

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

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

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

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

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

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

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

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

37 (o) Financial data contained in applications for financing under  
38 Division 27 (commencing with Section 44500) of the Health and  
39 Safety Code, where an authorized officer of the California Pollution  
40 Control Financing Authority determines that disclosure of the

1 financial data would be competitively injurious to the applicant  
2 and the data is required in order to obtain guarantees from the  
3 United States Small Business Administration. The California  
4 Pollution Control Financing Authority shall adopt rules for review  
5 of individual requests for confidentiality under this section and for  
6 making available to the public those portions of an application that  
7 are subject to disclosure under this chapter.

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

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

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

1 other than inpatient hospital services, those contracts shall be open  
2 to inspection one year after they are fully executed.

3 (3) Three years after a contract or amendment is open to  
4 inspection under this subdivision, the portion of the contract or  
5 amendment containing the rates of payment shall be open to  
6 inspection.

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

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

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

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

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

39 (2) The home address and telephone number of prosecutors,  
40 public defenders, peace officers, judges, court commissioners, and



1 magistrates that are set forth in applications for licenses to carry  
2 firearms issued pursuant to Section 26150, 26155, 26170, or 26215  
3 of the Penal Code by the sheriff of a county or the chief or other  
4 head of a municipal police department.

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

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

17 (v) (1) Records of the Managed Risk Medical Insurance Board  
18 related to activities governed by Part 6.3 (commencing with Section  
19 12695), Part 6.5 (commencing with Section 12700), Part 6.6  
20 (commencing with Section 12739.5), and Part 6.7 (commencing  
21 with Section 12739.70) of Division 2 of the Insurance Code, and  
22 that reveal any of the following:

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

29 (B) The impressions, opinions, recommendations, meeting  
30 minutes, research, work product, theories, or strategy of the board  
31 or its staff, or records that provide instructions, advice, or training  
32 to employees.

33 (2) (A) Except for the portion of a contract that contains the  
34 rates of payment, contracts entered into pursuant to Part 6.3  
35 (commencing with Section 12695), Part 6.5 (commencing with  
36 Section 12700), Part 6.6 (commencing with Section 12739.5), or  
37 Part 6.7 (commencing with Section 12739.70) of Division 2 of the  
38 Insurance Code, on or after July 1, 1991, shall be open to inspection  
39 one year after their effective dates.

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

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

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

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

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

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

35 (x) Financial data contained in applications for registration, or  
36 registration renewal, as a service contractor filed with the Director  
37 of Consumer Affairs pursuant to Chapter 20 (commencing with  
38 Section 9800) of Division 3 of the Business and Professions Code,  
39 for the purpose of establishing the service contractor's net worth,

1 or financial data regarding the funded accounts held in escrow for  
2 service contracts held in force in this state by a service contractor.

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

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

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

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

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

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

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

39 (5) The exemption from disclosure provided pursuant to this  
40 subdivision for the contracts, deliberative processes, discussions,

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

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

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

15 (ab) Critical infrastructure information, as defined in Section  
16 131(3) of Title 6 of the United States Code, that is voluntarily  
17 submitted to the ~~California Office of Emergency Management~~  
18 ~~Agency Services~~ for use by that office, including the identity of  
19 the person who or entity that voluntarily submitted the information.  
20 As used in this subdivision, "voluntarily submitted" means  
21 submitted in the absence of the office exercising any legal authority  
22 to compel access to or submission of critical infrastructure  
23 information. This subdivision shall not affect the status of  
24 information in the possession of any other state or local  
25 governmental agency.

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

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

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

37 (2) Records related to the discussions, communications, or any  
38 other portion of the negotiations with entities contracting or seeking  
39 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 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 until the  
 23 contract or amendments to a contract are open to inspection  
 24 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 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 health facility from disclosing  
 35 to a certified bargaining agent relevant financing information  
 36 pursuant to Section 8 of the National Labor Relations Act (29  
 37 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.

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