



California Law Revision Commission Tentative Recommendation California Public Records Act Clean-up (May 2019)

League of California Cities
2019 Annual Conference

Long Beach, California
October 17, 2019

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Introduction

Late 2016 the Legislature directed the California Law Revision Commission ("CLRC") to conduct a

- "Nonsubstantive" clean-up of the California Public Records Act ("CPRA")
- Address the "piecemeal nature" of the many revisions to the CPRA

History of the Clean-up Study

May of 2019 the CLRC proposed its *Tentative recommendation California Public Records Act Clean-up* for public comment

- The League's CPRA Committee provided ongoing comments to the CLRC
- Includes an explanatory "comment" for every section that was added, amended or repealed

History of the Clean-up Study

- CLRC was to “clearly express legislative intent without any change in the substantive provisions”
- Neither expand nor contract the scope of existing CPRA’s general rule that public records are open to the public

CPRA Recodification Act of 2020

Proposed legislation will be known as the *Recodification Act of 2020*

- Proposed new code sections will continue an existing code section “without substantive change”
- These comments are also intended to assist in determining legislative intent
- *See* proposed sections 7920.100 through 7920.120

Structure of the Proposed Legislation

CLRC proposes to repeal the existing CPRA and recodify it as a New Division 10 in the Government Code

- This makes it possible to divide the new Division 10 into parts, chapters, articles and subcategories
- Intended to create a “user friendly” organizational scheme

Numbering System

CLRC proposes a three-digit decimal system

- Commencing with **7920.000** (former 6251)
- New numbering approach is intended to
 - prevent confusion regarding proper sequencing
 - promote logical, “user-friendly” organization
 - to divide lengthy sections into shorter and simpler provisions

Numbering System

Existing 6254(f)(1)-(4)

Proposed 7923.600-7923.625

See Tables attached to the paper



Comments and Cross-References

The existing CPRA contains numerous internal cross-references

CLRC updated each cross-reference to reflect the new numbering scheme in the recodification

Comments and Cross-References

The Tentative Recommendation includes two tables:

- One table contains the disposition of each existing code section
- The other table contains the derivation of each proposed code section

Pending, Future Legislation and Delayed Operative Date

If there are any pending bills to revise the CPRA and those bills are enacted they will be incorporated

The CLRC recommends that the proposed legislation will be given a delayed operative date of **January 1, 2022**

CPRA Committee Comments

CPRA Committee voiced its overall concern that :

- The revisions might not be entirely nonsubstantive in nature
- How the Clean-up Study might affect the application of existing judicial and Attorney General's opinions
- How the Clean-Up Study would affect and/or conflict with Proposition 59, the "Sunshine Amendment" to the Constitution of California

Next Steps

- CLRC staff to provide a final recommendation at their November meeting
- CPRA Committee will continue to monitor and comment
- On completion the CLRC will present its recommendation to the Legislature and the Governor



THANK YOU !