

Memorandum 2020-68

**California Public Records Act Clean-Up: Conforming Revisions
(Update of Proposed Legislation)**

As discussed in Memorandum 2020-67, the Commission approved a proposed recodification of the California Public Records Act (“CPRA”) last November.¹ At the same time, the Commission also approved a companion recommendation, which proposes conforming revisions of over 400 provisions throughout the codes that cross-refer to one or more sections in the CPRA.² All of those cross-references require adjustment to reflect the proposed reorganization of the CPRA.

Because the proposed legislation in the companion recommendation is so bulky, it was introduced as a separate bill in 2020,³ not combined with the bill to implement the proposed recodification.⁴ In PDF format, the bill consisting of conforming revisions was 860 pages long. Like the recodification bill, it incorporated various minor technical revisions of the Commission’s proposal, which were requested by the Office of Legislative Counsel or identified by the staff.

When Assemblymember Chau withdrew the recodification bill due to pandemic-related opposition, he also withdrew the bill consisting of conforming revisions. He plans to reintroduce the proposals in 2021, so the staff has been reviewing the conforming revisions to determine whether any changes are necessary to account for newly-enacted legislation or correct oversights.

1. See Minutes (Nov. 2019), pp. 4-5. For the published version of the companion recommendation, see *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n Reports 207 (2019). Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. *California Public Records Act Clean-Up: Conforming Revisions*, 46 Cal. L. Revision Comm’n Reports 563 (2019).

3. AB 2438 (Chau).

4. AB 2138 (Chau).

Because there are so many conforming revisions, the staff has not yet fully completed its review. From the work we have done so far, it is clear that many provisions in the conforming revisions recommendation were affected by recent enactments, which will have to be incorporated into the proposed legislation. We have also identified some additional provisions that require conforming revisions (ones that are not already in the conforming revisions recommendation). In addition, it might be necessary to draft some legislative findings for the conforming revisions bill, to comply with the constitutional provision on access to public records.⁵

We are checking and double-checking our work, while prioritizing the process so that the proposal can be introduced as soon as possible. So far, the drafting issues appear simple and straightforward, purely technical in nature. If we encounter anything of a more substantial nature between Commission meetings, we will consult with the Chair and/or Vice-Chair regarding how to handle it until the Commission meets.

This memorandum is purely informational. There is no need for any Commission decisions at this time.

Respectfully submitted,

Barbara Gaal
Chief Deputy Director

Steve Cohen
Staff Counsel

5. Cal. Const. art. I, § 3.