Report of the
California Law Revision Commission
on Chapter 614 of the Statutes of 2021
(Assembly Bill 473)

California Public Records Act Clean-Up

Chapter 614 of the Statutes of 2021 was introduced as Assembly Bill 473, authored by Assemblymember Ed Chau. The measure implements the Commission’s recommendation on *California Public Records Act Clean-Up,* 46 Cal. L. Revision Comm’n Reports 207 (2019).

The revised Comments set out below supersede the comparable Comments in the recommendation. The revisions update references to the “CPRA Recodification Act of 2020.”

##### Gov’t Code § 7920.100. Nonsubstantive reform

**Comment.** Section 7920.100 is new. It is modeled on Penal Code Section 16005. It makes clear that the CPRA Recodification Act of 2021 has no substantive impact. The act is intended solely to make the California Public Records Act more user-friendly. For background, see *California Public Records Act Clean-Up,* 46 Cal. L. Revision Comm’n Reports 207 (2019).

For specific guidance on the impact of a judicial decision interpreting a predecessor of a provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney General opinion interpreting a predecessor of a provision in this division, see Section 7920.115. For specific guidance on the impact of a judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a provision in this division, see Section 7920.120.

See Sections 7920.005 (“CPRA Recodification Act of 2021”), 7920.530 (“public records”).

##### Gov’t Code § 7920.105. Continuation of existing law

**Comment.** Section 7920.105 is new. Subdivision (a) is similar to Section 2, which is a standard provision found in many codes. See, e.g., Bus. & Prof. Code § 2; Corp. Code § 2; Fam. Code § 2; Penal Code §§ 5, 16010(a); Prob. Code § 2(a); Veh. Code § 2.

Subdivision (b) is drawn from Section 9604 and Penal Code Section 16010(b).

Subdivision (c) is drawn from Family Code Section 2 and Penal Code Section 16010(c).

See Section 7920.005 (“CPRA Recodification Act of 2021”).

##### Gov’t Code § 7920.110. Judicial decision interpreting former law

**Comment.** Section 7920.110 is new. It is modeled on Penal Code Section 16020.

Subdivision (a) makes clear that case law construing a predecessor provision is relevant in construing its successor in the CPRA Recodification Act of 2021.

Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the Legislature has not taken any position on any case interpreting any of those provisions.

For specific guidance on the impact of an Attorney General opinion interpreting a predecessor of a provision in this division, see Section 7920.115. For specific guidance on the impact of a judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a provision in this division, see Section 7920.120. For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2021, see Section 7920.100.

See Section 7920.005 (“CPRA Recodification Act of 2021”).

##### Gov’t Code § 7920.115. Attorney General opinion interpreting former law

**Comment.** Section 7920.115 is new. It is comparable to Section 7920.110, but it pertains to Attorney General opinions rather than judicial decisions.

Subdivision (a) makes clear that Attorney General opinions construing a predecessor provision are relevant in construing its successor in the CPRA Recodification Act of 2021.

Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the Legislature has not taken any position on any Attorney General opinion interpreting any of those provisions.

For specific guidance on the impact of a judicial decision interpreting a predecessor of a provision in this division, see Section 7920.110. For specific guidance on the impact of a judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a provision in this division, see Section 7920.120. For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2021, see Section 7920.100.

See Section 7920.005 (“CPRA Recodification Act of 2021”).

##### Gov’t Code § 7920.120. Constitutionality

**Comment.** Section 7920.120 is new. It is modeled on Penal Code Section 16025. Due to the prevalence and significant impact of Attorney General opinions on CPRA issues, the section expressly refers to Attorney General opinions as well as judicial decisions.

Subdivision (a) makes clear that case law and Attorney General opinions on the constitutionality of a predecessor provision are relevant in determining the constitutionality of its successor in the CPRA Recodification Act of 2021.

Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the Legislature has not taken any position on the constitutionality of any of those provisions.

For specific guidance on the impact of a judicial decision interpreting a predecessor of a provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney General opinion interpreting a predecessor of a provision in this division, see Section 7920.115. For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2021, see Section 7920.100.

See Section 7920.005 (“CPRA Recodification Act of 2021”).

##### Gov’t Code § 7920.505. “Former Section 6254 provisions”

**Comment.** Section 7920.505 is new. It provides a convenient means of referring to the provisions that comprised former Section 6254.

For a disposition table showing where each provision in former Section 6254 was recodified, as well as a derivation table showing the source of each provision in the CPRA Recodification of 2021, see *California Public Records Act Clean-Up,* 46 Cal. L. Revision Comm’n Reports 207 (2019).

See Section 7920.005 (“CPRA Recodification Act of 2021”).

##### § 7923.630. Rule of construction

**Comment.** Section 7923.630 is new. It underscores that Sections 7923.600, 7923.605, 7923.610, 7923.615, 7923.620, and 7923.625 (the six preceding provisions in this article) derive from a single subdivision and should be construed accordingly.

The purpose of this section is to provide useful information where it is particularly needed due to the high volume of matters involving the law enforcement exemption to the California Public Records Act (“CPRA”). Courts and others interpreting the CPRA should not draw any inferences from the failure to include similar statutory language elsewhere.

See Section 7920.005 (“CPRA Recodification Act of 2021”); see also Section 7920.100 (nonsubstantive reform).

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