

Legal Alerts | 03/11/2025

# California Advanced Records Center Updates – What’s New in 2025

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## New Legislation in 2025 Related to the California Public Records Act

In the Advanced Records Center (ARC) section of the New Laws series from Best Best & Krieger LLP (BBK), new legislation related to the California Public Records Act (PRA) includes takeaways and analyses of AB 134, AB 1147, AB 1785, SB 400, SB 449, SB 519, SB 790, SB 1034 and SB 1441.

### **AB 134 – Investigation Records Held by Commission on Peace Officer Standards and Training**

AB 134 provides that until January 1, 2027, records in the possession of the Commission on Peace Officer Standards and Training related to an investigation are not public records subject to disclosure under the California Public Records Act (PRA). These records include personnel files, background files, misconduct records, and related investigative files gathered by law enforcement agencies and subsequently sent to the Commission.

If the Commission receives a PRA request, it is obligated to forward that request to the agency that originally sent the Commission the records and notify the requester of where the request was forwarded. The originating law enforcement agency is then obligated to respond to the PRA request.

AB 134 does not in any way impede the public’s right to seek police misconduct records pursuant to Penal Code § 832.7, but rather ensures that only the law enforcement agency where those records originated is the public agency that must respond to the PRA request.

### **AB 1147 – Regional Centers Subject to PRA Requirements**

The Lanterman Developmental Disabilities Services Act designates the State Department of Developmental Services as responsible for providing essential services and support to individuals with developmental disabilities while ensuring the quality and appropriateness of those services. Under this law, the Department partners with community-based nonprofit regional centers to deliver these services and supports to individuals in need. Regional centers conduct assessments, determine eligibility for services, and provide case management support. They also develop, purchase, and coordinate individualized services for recipients.

AB 1147 holds the group of 21 regional centers that serve nearly 500,000 Californians with developmental disabilities subject to PRA requirements beginning January 1, 2026, in order to increase transparency into regional center operations.

### **AB 1785 – Expanded Protection of Public Officials’ Personal Information, Including Assessor Parcel Number**

AB 1785 expands protection of public officials' personal information by amending Government Code § 7928.205. The law had previously prohibited a state or local agency from publicly posting the home address or telephone number of an elected or appointed official on the internet without written permission.

AB 1785 adds to Government Code § 7928.205 by also prohibiting the posting of both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet.

### **SB 400 – Disclosure of Officer Terminations**

SB 400 expands transparency in law enforcement personnel matters by amending both the California Public Records Act and Penal Code § 832.7. While peace officer and custody officer personnel records have historically been confidential, this new legislation builds upon 2019 reforms that allowed public access to records involving specific incidents such as officer-involved shootings, serious use of force incidents, and sustained findings of dishonesty and sexual assault.

Under SB 400, law enforcement agencies now have the discretionary authority to release statements announcing officer terminations related to a disclosable incident.

### **SB 449 – Authority to Withhold Reports Made to POST**

SB 449 authorizes the Commission on Peace Officer Standards and Training to withhold information reported by an agency to the Commission from the subject peace officer if disclosure could jeopardize an ongoing investigation, create a risk of any form of harm or injury to a victim or witness, or otherwise create a risk of any form of harm or injury that outweighs the interest in disclosure until the risk of harm or injury is ended or mitigated so that the interest in disclosure is no longer outweighed by the interest in nondisclosure.

SB 449 also requires that the information that has been withheld from the subject officer and released by the Commission to an agency to be kept confidential by the receiving agency.

### **SB 519 – Detention Facility Transparency**

SB 519 expands access to certain records pertaining to in-custody deaths in local detention facilities. Any record relating to an investigation into an in-custody death is a public record and subject to disclosure. Among other records that must be disclosed are disciplinary records relating to the death incident, autopsy reports, investigative reports, and any photographic, audio, and video evidence.

The records can be redacted to protect personally identifiable information; to preserve the anonymity of whistleblowers, complainants, victims, and witnesses; to protect confidential medical, financial or other information prohibited by federal law or would cause an unwarranted invasion of personal privacy that outweighs the public interest in misconduct records about in-custody deaths; or where there is a specific, articulable, and particularized reason to believe disclosure would pose a significant danger to the physical safety of any person.

It is important to note that disclosure may be withheld during an active criminal investigation for up to 60 days and for a longer period of time if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. Unless the proceeding circumstances exist, the records must be provided at the earliest possible time and no later than 45 days following the request.

### **SB 790 – Government Contract Information**

Final contracts with public agencies are generally considered disclosable public records, reflecting the public's right to examine how public resources are being spent for the benefit of the community. (Cal. State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810).

SB 790 addresses a common challenge faced by public agencies where vendors regularly included language in their contracts attempting to designate pricing and payment terms as confidential, thereby seeking to prevent public disclosure. Previously, agencies had to negotiate the removal of such provisions to comply with PRA obligations. SB 790 streamlines this process by automatically voiding any contractual provisions that designate these public agency contracts as confidential.

### **SB 1034 – PRA Response Extensions Permitted During a State of Emergency**

Existing law requires each agency, within 10 days of a request for a copy of records, to determine whether the request seeks copies of disclosable public records in possession of the agency and to promptly notify the requestor of the determination. Government Code § 7922.535 authorizes that time limit to be extended by no more than 14 days and only when a public agency faces a limited set of unusual circumstances.

The COVID-19 pandemic highlighted that the PRA's 14-day extension did not account for a state of emergency. As such, SB 1034 revises the unusual circumstances under which the time limit may be extended to include the need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located when the state of emergency affects the agency's ability to timely respond to requests due to staffing shortages or closure of facilities where the requested records are located.

### **SB 1441 – Election Petition Examinations**

Government Code section 7924.110 states that certain documents related to election petitions are not considered public records. These include:

- Statewide, county, city, or district initiatives, referendums, or recall petitions.
- Petitions circulated pursuant to Section 5091 of the Education Code.
- Certain petitions for reorganization of school districts and community college districts.
- Memoranda prepared by county elections officials that identify which registered voters signed a particular petition.

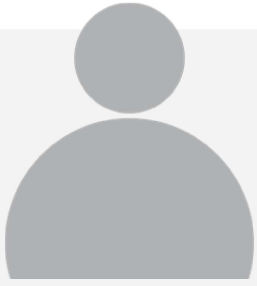
The documents outlined above are confidential, except for the following:

- Public officers or employees who have a duty related to receiving, examining, or preserving the petition, or are responsible for preparation of the memorandum.
- If a petition is found insufficient, the proponent of the petition and their representative can review which signatures were disqualified and why.
- The following individuals upon approval from the appropriate superior court: the Attorney General, Secretary of State, Fair Political Practices Commission, district attorneys, city attorneys, and school district or community college district attorneys.

SB 1441 modifies election petition examination procedures by requiring the examination of insufficient petitions to conclude within 60 days of commencement. It also mandates reimbursement of county costs for examinations exceeding five business days.

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