

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 343 (Pacheco)
Version: January 29, 2025
Hearing Date: June 24, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

California Public Records Act: elected or appointed officials

DIGEST

This bill expands the definition of “elected or appointed official” under the California Public Records Act to include retired judges, court commissioners, federal judges, federal defenders, or judges of a federally recognized Indian tribe, and an appointee of a court to serve as children’s counsel in a family or dependency proceeding.

EXECUTIVE SUMMARY

The recent events in Minnesota where elected politicians and their spouses were targeted in their homes and, in one instance, tragically killed provides a stark reminder that serving in public office poses risks for those who choose to serve and their family.¹ This bill seeks to extend existing protections under the CPRA that relate to the disclosure of the home address or telephone number of an elected or appointed official to: retired judges, court commissioners, federal judges, federal defenders and judges of a federally recognized Indian tribe; and an appointee of a court to serve as children’s counsel in a family or dependency proceeding. The author and sponsor of the bill argue this is needed to ensure retired judicial officers continue to have their personal information protected and to ensure that persons being appointed as counsel in family or dependency proceedings have their personal information protected as well due to the often-heightened emotional and sensitive nature of those proceedings. The bill is sponsored by the California Judges Association. The Committee received no timely opposition.

¹ Steven Karnowski, et. al, *The man suspected of shooting 2 Minnesota lawmakers is in custody after surrendering to the police*, AP News, (June 16, 2025), available at <https://apnews.com/article/minnesota-lawmakers-shot-8ce70a94c9eb90688baaa1a71faef6cc>.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 7920.000 et seq.)
 - a) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)
- 3) Provides that the home addresses, home telephone numbers, personal cellular telephone numbers, and birthdates of all employees of a public agency are not public records and are not open to public inspection. (Gov. Code § 7928.300(a).)
- 4) Prohibits a person from knowingly posting the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual, and provides that a violation is a misdemeanor, unless the violation leads to the bodily injury of the official, or their residing spouse or child, in which case the violation is a misdemeanor or a felony. (Gov. Code § 7928.210.)
- 5) Prohibits any person, business, or association from soliciting, selling, or trading on the internet the home address or telephone number of an elected or appointed

official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address. Authorizes an official whose home address of telephone number is solicited, sold, or traded in violation of this prohibition to bring an action in court and provides that they can get specified damages. (Gov. Code § 7928.230.)

- 6) Prohibits a state or local agency from publicly posting the home address, telephone number, or both the name and assessor parcel number of any elected or appointed official on the internet without first obtaining the written permission of that individual. (Gov. Code § 7928.205.)
- 7) Defines an "elected or appointed official" to include, among others, judges, court commissioners, federal judges, federal defenders, and a judge of a federally recognized Indian tribe. (Gov. Code §§ 7920.500.)

This bill:

- 1) Expands the definition of "elected or appointed official" to include a retired judge, court commissioner, federal judge, federal defender, or judge of a federally recognized Indian tribe, and an appointee of a court to serve as children's counsel in a family or dependency proceeding.
- 2) States that the Legislature finds and declares that the limitation on the access to public records in this bill is necessary to protect elected or appointed officials and their families from harassment or targeted violence.

COMMENTS

1. Stated need for the bill

The author writes:

California law prohibits the online posting of an elected or appointed official's home address, telephone number, and parcel number without their permission. Nationwide elected and appointed officials face rising threats and violence against themselves and their family members. AB 343 extends the definition of elected or appointed official to retired state, federal, and tribal judges, court commissioners, and federal defenders, adding safeguards to these essential professions. The bill also includes children's counsel appointed by the court in a family or dependency proceeding as they often are subjected to threats from disgruntled relatives at their law offices and homes.

2. The CPRA, public records, and protections for elected or appointed officials

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),² which amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)³ to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act⁴, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Code § 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).) For example, the home addresses, home telephone numbers, personal cellular telephone numbers, and birthdates of all employees of a public agency are not public records and are not open to public inspection. (Gov. Code § 7928.300 (a).)

The CPRA provides existing civil and criminal protections for the disclosure or posting of information of an "elected or appointed official" with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address. (Gov. Code § 7928.210 & 7928.230.) Additionally, a state or local agency is prohibited from publicly posting the home address, telephone number, or both the name and assessor parcel number of any elected or appointed official on the internet without first obtaining the written permission of that individual. (Gov. Code § 7928.205.)

² Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

³ Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013).)

⁴ The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right. (Cal. Const., art. I, § 3; Gov. Code, § 7921.000.) At the same time, the state recognizes that this right must be balanced against the right to privacy. (Cal. Const., art. I, § 1.) By expanding the definition of "elected or appointed official," the bill arguably limits access to public records. The bill states this limitation is necessary to protect elected or appointed officials and their families from harassment or targeted violence and that this outweighs the interest in public disclosure of their personal information. In light of the concerns raised by this bill, this limitation seems warranted and consistent with the public policy of protecting the personal information of elected or appointed officials.

3. Prior limitations on the public disclosure of information about elected and appointed officials was held to violate the First Amendment

In 2017, a statute under the CPRA was challenged on several grounds, including that it violates the First Amendment of the U.S. Constitution. (*Publius v. Boyer-Vine* (E.D. Cal. 2017) 237 F.Supp.3d 997.) That statute prohibited a person, business, or association from publicly posting or publicly displaying on the internet the home address or telephone number of any elected or appointed official if that official has, either directly or through an agent, made a written demand of that person, business, or association to not disclose the official's home address or telephone number (Gov. Code § 7928.215(b); previously Gov. Code § 6254.21(c)(1).)⁵ The basis for enacting this provision was to protect the personal safety of covered officials and their families, which is a state interest of the highest order; however, a federal district court held that the statute violated the First Amendment's overbreadth doctrine. (*Id.* at 1019.) The district court found that the statute was not narrowly tailored; and that it was both overinclusive because it prohibited publication of the information, regardless of whether the information was widely available to the public or had previously been disclosed, and underinclusive because it irrationally punished just publication on the internet but did not address other forms of publication, such as in newspapers. (*Id.* at 1020.)

This bill does not seem to raise the same First Amendment issues under the *Publius* case as the existing provisions under the CPRA prohibiting the posting or soliciting of information of an elected or public official requires intent to cause imminent great bodily harm to the official or to any person residing at the official's home address. Further statutes prohibiting posting of said information specifically only apply to state or local governments.

⁵ In 2021 the CPRA was recodified by AB 473 (Chow, Ch. 614, Stats. 2021). Prior to the recodification, the equivalent to Section 7928.215 of the Government Code was Section 6254.21(c)(1) of that code. As such, the *Publius* case refers to Section 6254.21(c)(1) throughout.

4. Statements in support

The California Judges Association, the sponsor of the bill, writes in support stating:

In recent years, violence against judges has seen a significant increase nationwide. According to the U.S. Marshals Service, the entity in charge of protecting federal judges, they assessed 5,873 threats and inappropriate communications against the judiciary between 2021 and 2022. In general, federal judges, prosecutors, and court officials have faced over 4,500 threats in total – an unfortunate 400% increase since 2015. Additionally, state court facilities have recently been targeted nationwide by bomb threats, while state supreme court justices handling controversial cases experience rising incidents of threats and intimidation. There have been numerous instances of individuals with malicious intent using information found in public records to locate the address of an elected or appointed official.

Nationwide elected and appointed officials face rising threats and violence against themselves and their family members. Unfortunately, the recent assassination of a Kentucky district judge in his own chamber's, the attempted murder of a Nevada district judge, and the violent harassment on public official's family members highlight the continued need to ensure existing safeguards from improper disclosure of personal and sensitive information don't end when a person retires. Current law provides additional disclosure protections to elected and appointed officials, as defined in Government Code Section 7920.500, beyond the other privacy laws. Unfortunately, this limited definition only applies to active state and federal judges, court commissioners, and tribal judges. This bill extends the definition to retired state, federal, and tribal judges, court commissioners, and federal defenders. Additionally, this bill also includes children's counsels appointed by the court in a family or dependency proceeding to ensure children's voices remain heard. [...]

Additionally, in some jurisdictions, when children need representation and an advocate in family, probate, or juvenile dependency court, the court appoints children's counsel. These court appointees essentially give voice to the interests and concerns of children. Unfortunately, children's counsel is too often subjected to threats to their safety at their law offices and homes because of their important work. Reportedly, a litigant recently learned the home addresses of several attorneys believed to be children's counsel in Family Court and went to the homes of the attorneys (and other professionals involved in the Family Court system) to take audio recordings and video recordings for publication in various social media platforms.

Children's counsel in both Family Court and Juvenile Dependency performs similar functions (i.e. home visits, investigation regarding allegations of child abuse) as some parties that are currently included as elected and appointed officials such as an employee of the district attorney or public defender.

SUPPORT

California Judges Association (sponsor)

OPPOSITION

None

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: AB 1785 (Pacheco, Ch. 551, Stats. 2024) prohibited a state or local agency from publicly posting, as defined, the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual.

PRIOR VOTES

Assembly Floor (Ayes 79, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)
