

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

AB 1524 (Committee on Judiciary)

Version: June 19, 2025

Hearing Date: July 1, 2025

Fiscal: Yes

Urgency: No

AM

SUBJECT

Courts: fees

DIGEST

This bill requires court records maintained in electronic form to be viewable at the court, regardless of whether they are also accessible remotely. The bill requires a member of the public requesting to view and duplicate a public court record on the premises of the court to be allowed to use the requester's equipment to photograph or otherwise copy or reproduce the record, with certain exceptions. The bill prohibits a court from charging a fee for services not specifically authorized by rule or statute that exceeds the cost to the court of providing that service or product. The bill also requires the Judicial Council of California (Judicial Council) to submit a report to the Legislature regarding specified fees charged during certain fiscal years, as provided.

EXECUTIVE SUMMARY

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state, as provided by both the California Constitution and statute. As has been repeatedly noted by the author,¹ some courts charge the public to access court records posted online in an electronic format, which acts as an impediment to the public being able to assert their right to access public records. Additionally, excessive court costs and fees imposed upon litigants can prevent meaningful access to justice. The author believes that existing law may not adequately ensure that the amount of fees charged to civil litigants is fair, equitable, and affordable. This bill is author sponsored. The bill is author sponsored and supported by a coalition of first amendment advocates and organizations representing the press. The Committee did not receive any timely opposition.

¹ See Comment 2)(c), below.

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 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).)
 - b) 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).)
- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 7920.000 et seq.)
 - a) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.525.)
 - 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) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)
 - d) Defines "state agency" as every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution. (Gov. Code § 7920.540.)
- 3) Requires that, unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this division that is in an electronic format shall make that information available in an electronic format when requested by any person. (Gov. Code § 7922.570.)
- 4) Requires that the cost of duplication of an electronic record to be limited to the direct cost of producing a copy of a record in an electronic format. (Gov. Code § 7922.575(a).)
- 5) Provides the requester is required to bear the cost of producing a copy of the record, including the cost to construct a record and the cost of programming and computer

services necessary to produce a copy of the record, when either of the following applies:

- a) in order to comply with the CPRA the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals; or
 - b) the request would require data compilation, extraction, or programming to produce the record. (*Id.* at (b).)
- 6) Provides that a member of the public who inspects a disclosable record on the premises of a public agency has the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either of the following:
 - a) damage to the record; or
 - b) unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the agency's electronic records. (Gov. Code § 7922.530(b).)
- 7) Allows a public agency to impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. (Gov. Code § 7922.530(c).)
- 8) Allows a public agency to impose any limit on the use of the requester's equipment that is necessary to maintain the integrity or ensure the long-term preservation of historic or high-value records. (*Ibid.*)
- 9) Authorizes trial court records to be created, maintained, and preserved in any form or forms of communication or representation, including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology pursuant to the rules adopted by the Judicial Council. (Gov. Code § 68150(a).)
- 10) Provides that in the absence of a statute or rule authorizing or prohibiting a fee by the superior court for a particular service or product, the court may charge a reasonable fee not to exceed the costs of providing the service or product, if the Judicial Council approves the fee; requires the fee to be distributed to the court in which it was collected. (Gov. Code § 70631.)

This bill:

- 1) Authorizes the court, in the absence of a statute or rule explicitly authorizing or prohibiting a fee by the superior court for a particular service or product, to charge a

fee not to exceed the cost to the court of providing the service or product. A fee not explicitly authorized by statute or rule must be approved by the Judicial Council.

- 2) Requires, by December 1, 2027, the Judicial Council to submit a report to the Legislature, as provided, regarding each fee currently charged by a superior court in the 2026-27 fiscal year for which the revenue collected by and distributed to the court as a result of the fee exceeds the court's cost of providing the service or product, that includes all of the following information:
 - a) the particular service or product that is provided by payment of the fee;
 - b) the amount of the fee;
 - c) the cost to the court in the 2026-27 fiscal year for providing the particular service or product; however, if it is not feasible for the court to determine the exact cost, despite its good faith effort to do so, the court shall provide the cost basis on which the fee was calculated;
 - d) the revenue collected by and distributed to the court in the 2026-27 fiscal year as a result of the fee; and
 - e) the number of persons who used the service or product in the 2026-27 fiscal year; however, if it is not feasible for the court to determine the exact number of persons who used the service or product, despite its good faith effort to do so, the court shall provide a good faith estimate of the number of persons who used the service or product in that fiscal year.
- 3) Requires Judicial Council, by December 1, 2028, and December 1, 2029, to submit a report to the Legislature regarding fiscal years 2027-28 and 2028-29 that includes the information specified in 2, above, as provided.
- 4) Requires a member of the public requesting to view and duplicate a public court record on the premises of the court to be allowed to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in any of the following:
 - a) damage to the record;
 - b) unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the agency's electronic records; or
 - c) the use of equipment would require more than one person or the assistance of court staff to operate, or that would require a wired electrical or internet connection.
- 5) Allows a court to impose reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the court and its employees. In addition, the court may impose any limit that is necessary to

maintain the integrity of, or ensure the long-term preservation of, historic or high-value records.

- 6) Prohibits the court from subjecting a requester who seeks to use their own equipment to any more restrictions than those that apply to court users who seek to inspect court records. Prohibits the court from imposing a time limit on a requester's ability to copy records with their own equipment that differs from the time limit that would apply to the inspection of court records.
- 7) States that the intent of the provision in 4), above, is to facilitate the copying of records with a requester's own equipment and to affect court rules that are intended to protect the safety or security of the court facility, court personnel, or court users.
- 8) Provides that the provision in 4), above, does not affect court rules that address either of the following:
 - a) the use of cameras in areas or other equipment in court facilities for purposes other than to copy court records; or
 - b) the imposition of time limits on a requester's ability to access case files, terminals, or other resources by which the public is able to access court records for the purpose of making copies of the records with their own equipment, so long as the time limits also apply to requesters seeking to inspect, but not copy, court records.
 - i. A time limit on a requester's use of their own equipment to prevent the copying of records from being an unreasonable burden to the orderly function of the court and its employees is reasonable when the time required for a requester to make copies of records with their own equipment would be greater than the time required for them to obtain the copies by means of court-provided resources and allowing the requester to have additional time to make copies of records with their own equipment would interfere with the ability of other requesters to access court records.

COMMENTS

1. Stated need for the bill

The author writes:

In order to ensure access to justice, fees charged for court services and products, including fees for copies of court records, must be reasonable. Fees certainly should not be an opportunity for courts to profit from members of the public who need these vital services and products. AB 1524 addresses this issue in two ways. First, it authorizes the public to use their own equipment to make copies of public court records. This provision is similar to, and modeled on, a provision in the California

Public Records Act that allows the public to copy public records with their own equipment on the premises of a public agency. Second, AB 1524 requires the courts to report to the Legislature information about any revenue-generating fees that they charge the public in order to ensure legislative oversight of these fees. By means of these provisions, AB 1524 will protect and promote fair and equitable access to the civil justice system.

2. Court fees and access to public records

- a. *Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state*

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 (*hereafter* Constitution) with the passage of Proposition 59 (Nov. 3, 2004, statewide gen. elec.),² which amended the 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 meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) The Constitution mandates that a statute, court rule, or other authority is to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (*Ibid.*) Additionally, it 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. (*Ibid.*) Under the CPRA, a public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) A "state agency" is defined as every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.³ (Gov. Code § 7920.540.) The CPRA therefore specifically exempts its provisions from applying to the courts.

Even though the CPRA does not specifically apply to court records, the California Supreme Court has held that there is a common law right of access to court records in which there is a legitimate public interest, if not outweighed by strong countervailing reasons, and further noted that "the general principles regarding public access to the records of public entities established in the statutes and [applicable] case law [...]"

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 The CPRA does specifically provide that an itemized statement of the total expenditures and disbursement of any agency provided for in Article VI of the California Constitution shall be open for inspection. (Gov. Code § 7928.720.)

continue to apply in the context of court records.⁴ (*Sander v. State Bar of California*, (2013) 58 Cal.4th 300, 318-323.) The court has found that the Constitutional provisions related to the people having the right of access to information regarding the people's business and the mandate that limitation on access be narrowly construed also applies to court records. In *Savaglio v. Wal-Mart Stores, Inc.*, the court stated: "With the passage of Proposition 59 effective November 3, 2004, the people's right of access to information in public settings now has state constitutional stature, grounding the presumption of openness in civil court proceedings with state constitutional roots." ((2007) 149 Cal. App. 4th 588, 597.) In *Sander v. State Bar of California*, the California Supreme Court recognized that Article I, § 3 of the California Constitution applies to records of the judicial branch and applied the narrow construction rule to certain State Bar records at issue in that case. (*Sander v. State Bar of California*, *supra* at 312-313.)

Under the CPRA, a member of the public has the right to use their equipment to photograph or otherwise copy or reproduce a disclosable record on the premises of the public agency in a manner that does not require the equipment to make physical contact with the record without having to pay any fees or costs. (Gov. Code § 7922.530(b).) The CPRA provides exceptions to this if the means of copying or reproducing the record would result in either: (1) damage to the record, or (2) unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology that is capable of accessing, altering, or compromising the agency's electronic records. (Gov. Code § 7922.530(b).)

- b. Some courts charge the public to access public court records posted online in an electronic format, prevent the public from taking photos of records accessible at the court, and charge high fees for copies*

Some courts in the state charge the public to access to their public court records which are posted online in an electronic format. The Judicial Council states the reason is to cover costs associated with the creation, maintenance, and management of their electronic systems that allow for public access to those electronic records. The Assembly Judiciary Committee analysis of this bill notes that:

According to the JCC, in 2021, 16 counties in the state provided online access to electronic civil case records. Ten of those 16 courts charged \$22.7 million in fees to the public who accessed court records during that two-year period. The JCC states that the reason why courts charge fees is to "cover costs associated with the creation, maintenance, and management of their electronic systems that allow for public access to those electronic records." If all 58 trial courts were able to "recover costs" at this rate, the estimated statewide total fees would add up to approximately \$32 million per year. Given that the state funds the court's computer systems and

⁴ See also *City of San Jose v. Superior Court*, (2017) 2 Cal.5th 608, 617; *American Civil Liberties Union Foundation of Southern California v. Superior Court*, (2017) 3 Cal.5th 1032, 1036-37.

personnel expenses in the Budget process, it is difficult to understand how and why such fees are justified.⁵

Under the CPRA, public agencies are prohibited from charging the public more than the “direct cost of producing a copy of a record in an electronic format,” and generally cannot charge for the staff costs of searching for records, redacting nonpublic information, or monitoring the public viewing of records, even though such costs can be substantial. (Gov. Code 7922.575.) Some courts prohibit members of the public from taking photos of records with their own equipment. As described in the Assembly Judiciary Committee Analysis of this bill, a professional journalist provided the following information about their experience at the Alameda County Superior Court:

On March 10, I went to the Alameda County Superior Court, Renee C. Davidson courthouse on Fallon Street. I inspected records on a public access terminal in the records room, where the public can access non-confidential electronic records at no cost. A sign above the clerk's window said either, "no phones", "no electronic devices," or "no cameras." I requested to make a copy of the court record of interest by taking an iphone photo of the computer screen, and was told no, it was prohibited, as the sign said. So I went through the process of asking the clerk to conduct her own search for the same record, a search warrant package that was public. She then printed it and charged me at [\$0].50 per page, per fee schedule: <https://www.alameda.courts.ca.gov/system/files/list-charges-records.pdf>⁶

The Assembly Judiciary Committee notes that they received reports from other journalists as well that indicate at least half a dozen other courts have a similar policy, and that most public agencies charge no more than \$0.10 per page for making copies.⁷

c. Prior legislation addressing access to court records

This Committee has heard both AB 1758 (Committee on Judiciary, 2023) and AB 2962 (Committee on Judiciary, 2022), both of which would have required a court to make public court records that are maintained in an electronic format available to the public for inspection and copying at a courthouse during hours when the courthouse is open to the public and would have prohibited a court that provides the public with remote access to records from charging a fee to search for, download, or copy the records. AB 2962 passed this Committee on a vote of 10 to 0 with amendments to address several issues raised by stakeholders and the Judicial Council, but was held in the Senate Appropriations Committee. AB 1758 passed this Committee on a vote of 11 to 0, but was also held in the Senate Appropriations Committee.

d. Other court fees

⁵ Asm. Jud. Comm. analysis of AB 1524 (2025-26 reg. sess.) as amended Mar. 18, 2025 at p. 5.

⁶ *Id.* at p. 5-6.

⁷ *Id.* at 6.

Existing law provides that, in the absence of a statute or rule authorizing or prohibiting a fee by the superior court for a particular service or product, the court may charge a reasonable fee, not to exceed the costs of providing the service or product, and that fee must be approved by the Judicial Council of California (Judicial Council). (Gov. Code § 70631.) The author notes that, despite these requirements, courts are charging the public fees for products and services that far exceed the amount that courts pay for them.

3. This bill seeks to address issues related to court fees and access to court records

In light of the above, this bill seeks to do several things. First, it provides that court records maintained in electronic format must be viewable at the court, regardless of whether they are also accessible remotely, unless the law otherwise restricts access to the record. The bill requires the court to make reasonable provisions for duplicating the records at cost. Under the bill, cost consists of all costs associated with duplicating the records as determined by the court. Second, the bill requires members of the public to be allowed to use their own equipment to photograph or otherwise copy or reproduce a court record, with certain exceptions and limitations. Under the bill, if copying or reproducing the record would damage the record or provide unauthorized access to the court's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the court's electronic records then access can be denied. Additionally, if the use of equipment would require more than one person or the assistance of court staff to operate, or would require a wired electrical or internet connection, then access to copying or reproducing the record can be denied.

The bill authorizes the court to impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the court and its employees. Additionally, the bill provides that the court may impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. The bill prohibits the court from subjecting a requester who seeks to use their own equipment to any more restrictions than those that apply to court users who seek to inspect court records. Further, the bill prohibits the court from imposing a time limit on a requester's ability to copy records with their own equipment that differs from the time limit that would apply to the inspection of court records.

In regards to court fees, the bill provides that in the absence of a statute or rule explicitly authorizing or prohibiting a fee by the superior court for a particular service or product, the court may charge a fee not to exceed the cost to the court of providing that service or product. The bill also requires Judicial Council to submit a report to the Legislature regarding each fee currently charged by a superior court in the 2026-27 fiscal year for which the revenue collected by and distributed to the court as a result of the fee exceeds the court's cost of providing the service or product. The report is to

contain certain information including: the amount of the fee; the service or product provided by the fee; if the fee was approved and the date of approval; and the revenue collected and distributed to the court in the 2026-27 fiscal year as a result of the fee. The bill would require a similar report be submitted for the 2027-28 and 2028-29 fiscal years.

4. Statements in support

A coalition of first amendment advocates and organizations representing the press, including the First Amendment Coalition, Oakland Privacy, the Freedom of the Press Foundation, and the Radio Television Digital News Association, write in support stating:

[...] AB 1524 is needed to resolve inconsistent practices and policies of Superior Courts. Currently, when members of the press or public visit a court's clerk's office or a records room to exercise their right of access to nonconfidential court records, they are often forced to pay costs of \$0.50 per page for copies of records. Our staff hears of this concern from members of the press and others who use our free educational resources to learn about their right to government records.

Reporters and editors across the state have encountered courts that have formal policies or enforced practices preventing them from taking a photograph of a public court record they have inspected on premises — either on digital copy viewed at a public access computer terminal or a paper record court staff has retrieved. This often presents an untenable choice: pay high costs to the court or leave without a copy of the record — a record that may only be available at the physical premises of the courthouse, as many court California court records are not available online. Staff of the First Amendment Coalition have also experienced this when inspecting records in multiple courthouses.

For most of the public, and for many journalists who do the important work of informing the public about developments in our courts, such copying fees are in practical effect a barrier to meaningful access to court records.[...]

AB 1524 will ensure the public isn't priced out of public records and ensure journalists can do the important work of keeping Californians informed. And we are certain that through continued conversations with stakeholders, this bill properly balances the public's interest with courts' interest in being able to still regulate electronic device use consistent with security and privacy needs.[...]

SUPPORT

First Amendment Coalition
Freedom of the Press Foundation
Oakland Privacy
Orange County Press Club
Pacific Media Workers Guild
Radio Television Digital News Association
San Diego Pro Chapter of the Society of Professional Journalists
Society of Professional Journalists, Greater Los Angeles Chapter
Society of Professional Journalists, Northern California Chapter

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1758 ((Committee on Judiciary, 2023) would have required a court to make public court records that are maintained in an electronic format available to the public for inspection and copying at a courthouse during hours when the courthouse is open to the public and would have prohibited a court that provides the public with remote access to records from charging a fee to search for, download, or copy the records. AB 1758 was held in the Senate Appropriations Committee.

AB 2962 (Committee on Judiciary, 2022) was substantially similar to AB 1758. AB 2962 was held in the Senate Appropriations Committee.

PRIOR VOTES

Assembly Floor (Ayes 79, Noes 0)
Assembly Appropriations Committee (Ayes 14, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
