

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

SB 1100 (Smallwood-Cuevas)
Version: February 13, 2026
Hearing Date: March 24, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Grand juries: final reports

DIGEST

This bill modifies the timeframe in which a clerk of the court must forward a civil grand jury report to the State Archives, from immediately upon completion to on an annual basis.

EXECUTIVE SUMMARY

California requires every county, at least once a year, to convene a grand jury for the purpose of investigating public bodies and officials, sometimes known as a “civil grand jury.” Upon completing its investigation, the grand jury must complete a report with its conclusions and its recommendations for improvements. The agencies and public officials named in the grand jury report have an opportunity to respond to the report. The report and responses are public documents that must be kept on file by the clerk of the court for the county in which the grand jury was empaneled; the clerk must also immediately forward the completed report, and timely responses, to the State Archives upon receipt, where they must be maintained in perpetuity.

This bill modifies the timing in which a clerk must forward a grand jury report and responses to the report to the State Archives. Instead of forwarding the materials immediately upon receipt, this bill requires the clerk to forward all finalized grand jury reports on an annual basis, and in no case later than six months after the grand jury term is completed. According to the sponsor, modifying the timeline will ease the administrative burden on the State Archivist; because the final reports and responses will already be on file with the clerk, this bill will not affect the public’s ability to access these materials.

This bill is sponsored by Secretary of State Dr. Shirley N. Weber. The Committee has not received timely opposition to this bill. If this Committee passes this bill, it will next be heard by the Senate Public Safety Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that the people have a right of access to information concerning the conduct of the people's business, and that, to that end, the meetings of public bodies and writings of public officials and agencies are required to be open to public scrutiny. (Cal. Const., art. I, § 3(b)(1).)
- 2) Authorizes the appointment of an independent grand jury within a county to (a) inquire of public offenses committed or triable within the county, and (b) investigate or inquire into county matters of civil concern. (Pen. Code, § 888.)
- 3) Requires each county to empanel at least one grand jury pursuant to 2) each year. (Pen. Code, § 905.)
- 4) Establishes the qualifications for persons to serve on a grand jury and the procedures for empaneling grand jurors. (Pen. Code, §§ 893-913.)
- 5) Permits a grand jury to issue indictments for felony charges of public officials based on its findings. (Pen. Code, § 917.)¹
- 6) Permits a grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county; to examine county books and records and retain expert witnesses as needed; and to request the advice of the court, the district attorney, the county counsel, or the Attorney General. (Pen. Code, §§ 925-926, 934.)
- 7) Requires a grand jury to submit to the presiding judge of the superior court of the county a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. (Pen. Code, § 933(a).)
- 8) Permits, after the presiding judge determines that the final report is complete, the final report to be submitted for comment to responsible officers, agencies, or departments, and permits those officers, agencies, or departments to submit

¹ Penal Code section 917, as written, limits when a grand jury may issue an indictment for an offense that involves a shooting or use of excessive force by a peace officer. (See Pen. Code, § 917(b).) The Court of Appeal for the Third District, however, held this limitation to be unconstitutional. (*People ex rel. Pierson v. Superior Court* (2017) 7 Cal.App.5th 402, 413-415 (prohibiting indictment for certain peace officer offenses "unconstitutionally limits the grand jury's power to proceed in a class of cases").)

responses to the final report within specified timeframes. (Pen. Code, §§ 933, 933.05.)

- 9) Requires the clerk of the court to place the grand jury's final report and all compliant responses on file in the office of the clerk, and to immediately forward a true copy of the report or a response to the State Archivist upon receipt; both sets of documents must be retained in perpetuity. (Pen. Code, § 933(b).)
- 10) Provides that the public's right to access the records of public entities includes the right to access court records. (E.g., *Sanders v. State Bar of California* (2013) 58 Cal.4th 300, 318.)

This bill:

- 1) Clarifies that a civil grand jury must submit to the presiding judge of the superior court a final report of its findings and recommendations during the fiscal or calendar term.
- 2) Eliminates the requirement for a clerk of the court to forward a final civil grand jury report or compliant response to the State Archivist immediately receipt, and instead requires the county clerk, once a year, and within six months of the end of the grand jury's term of service, to transmit, in a single transfer, a complete set of true copies of all final reports and responses to the reports to the State Archivist.
- 3) Clarifies that 2) does not require a clerk of the court to create new or consolidated documents.
- 4) Makes nonsubstantive technical and conforming changes.

COMMENTS

1. Author's comment

According to the author:

SB 1100 is needed to modernize and strengthen California's records management system in support of government efficiency and accountability. The State Archives serve as the official repository for a state government's permanent records, responsible for collecting, preserving, and providing public access to documents of historical significance. SB 1100 clarifies and updates statutory requirements governing how civil grand jury reports and responses are submitted to the State Archives within the Secretary of State's office. Current law requires clerks of court to immediately forward final civil grand jury reports to the State Archivist upon finalization. SB 1100 establishes a consolidated

submission process for civil grand jury reports and responses, ensuring clearer compliance, reducing routine administrative inquiries, and allowing the State Archives to manage records more efficiently. This bill also promotes more timely public access, improves coordination among courts, counties, and the State Archives, and ensures that records of civil grand jury oversight are preserved and accessible to future generations. It strengthens government operations by doing more with existing resources – improving performance without expanding bureaucracy.

2. Background on California’s civil grand jury system

As explained by the California Supreme Court:

The California grand jury has three basic functions: to weigh criminal charges and determine whether indictments should be returned; to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office; and to act as the public’s “watchdog” by investigating and reporting upon the affairs of local government.²

This bill addresses the grand jury’s “watchdog” function; in this capacity, the grand jury is often known as a “civil grand jury.” To the extent this bill implicates the county grand jury’s criminal functions, it will be analyzed by the Senate Public Safety Committee, which will hear this bill if it is passed by this Committee.

Every county must empanel a civil grand jury at least once per year.³ Once empaneled, the civil grand jurors have broad discretion to “investigate the operations of the various officers, departments and agencies of local government,”⁴ and matters including housing, imprisonment of unindicted persons, prison conditions, certain land transfers, cities and joint powers agencies, official salaries, and county office administration.⁵ According to the Judicial Branch of California website, California’s civil grand jury process is unique – no other state gives its residents such freedom to investigate their own local governments.⁶

At the completion of a civil grand jury’s investigation, the civil grand jury must compile a report of its findings and recommendations and submit it to the presiding judge of the superior court of that county.⁷ Provided that the report does not exceed the civil grand

² *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1171 (cleaned up).

³ Pen. Code, § 905.

⁴ California Courts, Judicial Branch of California, “Civil Grand Jury” (2026) <https://courts.ca.gov/courts/jury-service/civil-grand-jury> (link current as of March 18, 2026).

⁵ Pen. Code, §§ 914.1, 919, 920, 925a, 927, 928.

⁶ California Courts, Judicial Branch of California, “Civil Grand Jury,” *supra*.

⁷ Pen. Code, § 933.

jury's legal limits,⁸ the report must be released to the public.⁹ "The reporting function of the grand jury is central to its effective operation in the public interest...and is 'the only formal means by which the grand jury can hope to effectuate its recommendations.' "¹⁰

Public officers, agencies, and departments discussed in the report may submit responses to the report within specified timeframes.¹¹ The clerk of the court for the county in which the civil grand jury was empaneled must file the report and all compliant responses and keep them on file.¹² Additionally, the clerk of the court must immediately forward a true copy of the report and the responses to the State Archivist, who must retain the report and all responses in perpetuity.¹³

3. This bill changes the timeframe in which the clerk of the court must transmit a copy of a civil grand jury report and responses to the State Archivist

This bill, sponsored by Secretary of State Dr. Shirley N. Weber, modifies the timeline in when a clerk of a county court must transmit civil grand jury reports and responses to the State Archivist. Instead of requiring the clerk of the court to transmit a grand jury report or a response immediately to the State Archivist when they receive the report or response, this bill requires the clerk to transmit all civil grand jury reports and responses to the State Archivist on an annual basis, and no more than six months after the completion of the civil grand jury's term. This will allow the clerk to submit a complete packet of the report and compliant responses, rather than sending each document to the State Archivist individually.

This bill does not modify the substance of the civil grand jury reporting requirement or the requirement that civil grand jury reports be public. Prior to their transmission to the State Archivist, civil grand jury reports will remain available to the public from the clerk of the court,¹⁴ and this Committee has not received any input suggesting that this bill will reduce the public's ability to access civil grand jury reports.

⁸ The superior court is "empowered to exercise a limited review of a proposed grand jury report to ensure that the report does not exceed the grand jury's lawful authority," but may not seal a grand jury report simply because it disagrees with the civil grand jury's conclusion or believes that the civil grand jury did not adequately deliberate. (*People v. Superior Court (1973 Grand Jury)* (1975) 13 Cal.3d 430, 433-434.)

⁹ Pen. Code, § 933.

¹⁰ *McClatchy, supra*, 44 Cal.3d at pp. 1170-1171.

¹¹ Pen. Code, §§ 933, 933.05.

¹² *Id.*, § 933(b).

¹³ *Ibid.*

¹⁴ *Ibid.*; see, e.g., *Sanders v. State Bar of California* (2013) 58 Cal.4th 300, 318 (court records are generally accessible to the public).

4. Arguments in support

According to Secretary of State Dr. Shirley N. Weber:

Currently, Penal Code Section 933(b) requires county superior court clerks to forward civil grand jury reports and responses to the State Archivist “immediately” upon receipt. While well-intentioned, this requirement results in hundreds of piecemeal deliveries to the State Archivist throughout the year from California’s 58 counties. This creates significant operational challenges for both county clerks and my Archives staff, interrupting ongoing projects, complicating workflow planning, and preventing efficient implementation of our electronic records management system.

SB 1100 solves this problem by allowing county clerks to compile complete sets of reports and responses and transfer them annually within six months after a grand jury’s term ends. This simple change will significantly reduce the numbers of transfers per year and enable digital file management. Most critically, this change does not delay public access to reports, as counties will continue to post them immediately upon release.

SUPPORT

Secretary of State Dr. Shirley N. Weber (sponsor)

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation: None known.
