

ASSEMBLY BILL

No. 510

Introduced by Assembly Member Cooley

February 13, 2019

An act to amend Sections 26202.6, 34090.6, and 53160 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as introduced, Cooley. Local government records: destruction of records.

Existing law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of routine video monitoring maintained by that county, city, or special district after one year if that person receives approval from the legislative body and the written consent of the agency attorney. Existing law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of telephone and radio communications maintained by that county, city, or special district after 100 days if that person receives approval from the legislative body and the written consent of the agency attorney.

This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26202.6 of the Government Code is
2 amended to read:

3 26202.6. (a) Notwithstanding the provisions of Sections 26202,
4 26205, and 26205.1, *and except as provided in subdivisions (b)*
5 *or (c)*, the head of a department of a county, after one year, may
6 destroy recordings of routine video monitoring, and after 100 days
7 may destroy recordings of telephone and radio communications
8 maintained by the department. This destruction shall be approved
9 by the legislative body and the written consent of the agency
10 attorney shall be obtained. ~~In the event that the recordings are~~
11 ~~evidence in any claim filed or any pending litigation, they shall~~
12 ~~be preserved until pending litigation is resolved.~~

13 (b) *Subdivision (a) shall not apply in a county that has adopted*
14 *a records retention policy that governs when recordings of routine*
15 *video monitoring and recordings of telephone and radio*
16 *communications may be destroyed.*

17 (c) *If a recording is evidence in any claim filed or any pending*
18 *litigation, it shall be preserved until the claim or pending litigation*
19 *is resolved.*

20 ~~(b)~~

21 (d) For purposes of this section, ~~“recordings section:~~

22 (1) *“Recordings of telephone and radio communications”* means
23 the routine daily recording of telephone communications to and
24 from a county and all radio communications relating to the
25 operations of the departments.

26 ~~(e) For purposes of this section, “routine~~

27 (2) *“Routine video monitoring”* means video recording by a
28 video or electronic imaging system designed to record the regular
29 and ongoing operations of the departments described in subdivision
30 (a), including mobile in-car video systems, jail observation and
31 monitoring systems, and building security recording systems.

32 ~~(d) For purposes of this section, “department”~~

33 (3) *“Department”* includes a public safety communications
34 center operated by the county and the governing board of any
35 special district the membership of which is the same as the
36 membership of the board of supervisors.

37 SEC. 2. Section 34090.6 of the Government Code is amended
38 to read:

1 34090.6. (a) Notwithstanding the provisions of Section 34090,
 2 *and except as provided in subdivision (b) or (c)*, the head of a
 3 department of a city or city and county, after one year, may destroy
 4 recordings of routine video monitoring, and after 100 days may
 5 destroy recordings of telephone and radio communications
 6 maintained by the department. This destruction shall be approved
 7 by the legislative body and the written consent of the agency
 8 attorney shall be obtained. ~~In the event that the recordings are~~
 9 ~~evidence in any claim filed or any pending litigation, they shall~~
 10 ~~be preserved until pending litigation is resolved.~~

11 (b) *Subdivision (a) shall not apply in a city or city and county*
 12 *that has adopted a records retention policy that governs when*
 13 *recordings of routine video monitoring and recordings of telephone*
 14 *and radio communications may be destroyed.*

15 (c) *If a recording is evidence in any claim filed or any pending*
 16 *litigation, it shall be preserved until the claim or pending litigation*
 17 *is resolved.*

18 ~~(b)~~

19 (d) For purposes of this ~~section~~, “~~recordings~~ *section*”:

20 (1) “*Recordings of telephone and radio communications*” means
 21 the routine daily recording of telephone communications to and
 22 from a city, city and county, or department, and all radio
 23 communications relating to the operations of the departments.

24 ~~(e) For purposes of this section, “routine~~

25 (2) “*Routine video monitoring*” means video recording by a
 26 video or electronic imaging system designed to record the regular
 27 and ongoing operations of the departments described in subdivision
 28 (a), including mobile in-car video systems, jail observation and
 29 monitoring systems, and building security recording systems.

30 ~~(d) For purposes of this section, “department”~~

31 (3) “*Department*” includes a public safety communications
 32 center operated by the city or city and county.

33 SEC. 3. Section 53160 of the Government Code is amended
 34 to read:

35 53160. (a) ~~The~~ *Except as provided in subdivisions (b) or (c)*,
 36 *the* head of a special district, after one year, may destroy recordings
 37 of routine video monitoring, and after 100 days may destroy
 38 recordings of telephone and radio communications maintained by
 39 the special district. This destruction shall be approved by the
 40 legislative body and the written consent of the agency attorney

1 shall be obtained. ~~In the event that the recordings are evidence in~~
2 ~~any claim filed or any pending litigation, they shall be preserved~~
3 ~~until pending litigation is resolved.~~

4 (b) *Subdivision (a) shall not apply in a special district that has*
5 *adopted a records retention policy that governs when recordings*
6 *of routine video monitoring and recordings of telephone and radio*
7 *communications may be destroyed.*

8 (c) *If a recording is evidence in any claim filed or any pending*
9 *litigation, it shall be preserved until the claim or pending litigation*
10 *is resolved.*

11 ~~(b)~~
12 (d) For purposes of this ~~article~~, ~~“recordings article”~~:

13 (1) *“Recordings of telephone and radio communications”* means
14 the routine daily recording of telephone communications to and
15 from a special district, and all radio communications relating to
16 the operations of the special district.

17 ~~(e) For purposes of this article, “routine~~

18 (2) *“Routine video monitoring”* means video recording by a
19 video or electronic imaging system designed to record the regular
20 and ongoing operations of the special district, including mobile
21 in-car video systems, jail observation and monitoring systems, and
22 building security recording systems.

23 ~~(d) For purposes of this article, “special~~

24 (3) *“Special district”* shall have the same meaning as “public
25 agency,” as that term is defined in Section 53050.