

## CONCURRENCE IN SENATE AMENDMENTS

AB 1178 (Pacheco)

As Amended September 9, 2025

Majority vote

**SUMMARY**

Requires a court, in an action to compel disclosure of public records, to consider whether a particular peace officer is currently operating undercover and their duties demand anonymity when determining whether an agency appropriately redacted a disclosable personnel record under the California Public Records Act (CPRA) on the basis that there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

**Senate Amendments**

- 1) Specify that the requirement that a court consider whether a particular peace officer is currently operating undercover and their duties demand anonymity applies in an action to compel disclosure of public records, as specified, and when a court is determining whether an agency's redaction of a personnel record, as specified, is appropriate.
- 2) Double joint this bill with AB 1388 (Bryan) and AB 847 (Sharp-Collins) in order to avoid chaptering issues.

**COMMENTS**

*As passed by the Assembly:* This bill required a court to consider whether a particular peace officer is currently operating undercover and their duties demand anonymity when determining if an agency that employs peace officers or custodial officers shall redact a disclosable personnel record under the California Public Records Act (CPRA) on the basis that there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

**According to the Author**

“Transparency is essential for public trust. At the same time, we also need to protect the safety of officers doing dangerous work. Undercover officers have been identified in public records releases due to plain reading of the language put into CA Penal Code, which requires "specific threats" against the officer to justify a redaction from a record request. The argument that the officer is "undercover" has not been sufficient to satisfy the redaction, not only compromising the hard work of those undercover officers but also putting them in serious danger if their identity is blown.

“AB 1178 fixes an unintended consequence that puts undercover officers in specialized dangerous assignments at risk. All records related to sustained misconduct will still be fully disclosed – this just allows for redaction of identifying information in those limited cases.”

**Arguments in Support**

According to the *California Police Chiefs Association*, “AB 1178 offers necessary safeguards that enhance officer safety without compromising the transparency provisions established by existing law. The bill does not alter or roll back current statutes that require the public disclosure

of records related to sustained misconduct by peace officers. Those standards of transparency and accountability remain fully intact.

“Instead, this legislation addresses the unintended exposure of officers who are either serving in an undercover capacity or who have verifiably been targeted with death threats.

“By permitting the redaction of names, images, or other personal identifiers of such officers, AB 1178 ensures their operational effectiveness is not compromised and, more importantly, that their personal safety and the safety of their families are not jeopardized. These protections extend to shielding at-risk officers from inclusion in mass roster requests, which can expose sensitive information to individuals with harmful intent.

“Peace officers who serve in high-risk roles take on extraordinary burdens to protect public safety. When their work places them at personal risk, particularly from organized crime, violent gangs, or individuals who have made verified threats, the State of California has a moral obligation to offer a reasonable measure of protection.”

### **Arguments in Opposition**

According to the *First Amendment Coalition*, AB 1178 “risks undermining carefully considered transparency provisions that have benefited Californians by shining a brighter light on policing in our communities. While we appreciate the amendments taken in the Public Safety Committees, we remain opposed because the bill is unnecessary and risks confusing courts, and therefore frustrates the public’s right of access to records made public by the landmark Right to Know Act of 2018, SB 1421 (Skinner), and related legislation, SB 16 of 2021.

“The author has described AB 1178 as “allow[ing] undercover status and verified threats to be grounds for redaction from public records, preventing the compromise of officer safety and dangerous investigations.” But in passing SB 1421, the Legislature already carefully set an appropriate balance between public access and officer safety, giving law enforcement agencies and courts the ability to redact records any time disclosure “would pose a significant danger to the physical safety” of officers or others. Penal Code section 832.7(b)(6)(D). Additionally, the California Supreme Court has consistently said undercover status can be considered in making nondisclosure decisions. Thus, there is no need for AB 1178.

“Beyond being unneeded, AB 1178 will waste precious tax dollars. Whereas existing law clearly addresses the author’s stated intent, courts will be left to grapple with lawsuits from well-funded police associations that will argue that AB 1178 expands agencies’ authority to redact misconduct files. Even when courts correctly interpret AB 1178 to not be an expansion of redaction authority, these police associations will appeal. This litigation has very real state costs — an eight hour court day costs \$10,500 in staff workload [citation omitted]. With the state facing a \$12-billion dollar deficit, the Legislature should not pass laws that will lead to unnecessary litigation.

*“Existing law, confirmed by SB 1421 in 2018, allows or requires law enforcement agencies to redact records to prevent genuine risks to officer safety*

“When the Legislature adopted SB 1421, now codified at Penal Code section 832.7(b), it created a right to public disclosure of records relating to an officer’s discharge of a firearm at a person, an officer’s use of force resulting in death or great bodily injury, and sustained findings of certain forms of misconduct, including sexual assault. In expanding this right of access, the Legislature crafted a careful balance between public oversight and protections for the privacy

and safety of officers, their families, and others. SB 1421 provides for the redaction of limited information that would entail a significant intrusion on officers' privacy with no public benefit — officers' home addresses or the names of family members, and "confidential medical, financial or other information" that would constitute an "unwarranted invasion of personal privacy." Penal Code Section 832.7(b)(6)(A), (C). And SB 1421 takes a broad, flexible approach to officer safety, not limiting officer safety to certain categories of information, but allowing redaction of any document "[w]here there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person." Penal Code Section 832.7(b)(6)(D).

"This broad authority already allows for the redaction of identities of undercover officers if disclosures would reveal them, the fact of sensitive assignments or any other information, so long as disclosure of the records would actually pose a danger. Indeed, for records covered by SB 1421, redaction is likely required when safety is at genuine risk."

### FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) Trial Courts: Unknown, potentially significant costs (General Fund, Trial Court Trust Fund) to the state funded trial courts. By requiring the court to consider the appropriateness redactions, this bill could result in significant workload cost pressures to the trial courts. Namely, this bill necessitates expanded evidentiary submissions (e.g., proof undercover assignments). Whenever a dispute arises, courts will be required to make individualized determinations about whether an officer's duties justify anonymity. This could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- 2) State and Local Law Enforcement Agencies: Unknown, potentially significant costs to state and local law enforcement agencies (local funds, General Fund) to defend agency decisions to redact peace officer records in court. This bill would require courts to consider whether a peace officer is currently operating undercover and whether their duties demand anonymity whenever there is a challenge to a record that was redacted. As a result, law enforcement agencies could face increased administrative and legal costs to meet this bill's additional evidentiary requirements to prove that their redactions, if challenged in court, are appropriate. Overall costs will vary based off the number of redactions made for specified safety reasons, and the frequency of legal challenges to those redactions. The Department of Justice (DOJ) notes that, while the impact of AB 1178 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, the

DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload.

**VOTES:****ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

**ASSEMBLY FLOOR: 60-2-17**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Calderon, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wicks, Wilson, Zbur, Rivas

**NO:** Bryan, Jackson

**ABS, ABST OR NV:** Arambula, Boerner, Bonta, Caloza, Carrillo, DeMaio, Flora, Gallagher, Jeff Gonzalez, Irwin, Kalra, Lee, Quirk-Silva, Celeste Rodriguez, Sharp-Collins, Wallis, Ward

**UPDATED**

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