
CONSENT

Bill No: SB 1100
Author: Smallwood-Cuevas (D)
Introduced: 2/13/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 3/24/26
AYES: Umberg, Niello, Allen, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Ashby

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/14/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SUBJECT: Grand juries: final reports

SOURCE: Secretary of State Dr. Shirley N. Weber

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

ANALYSIS:

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. (California Constitution (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. (Penal (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 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.)

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”).)

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

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 which 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; and 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 4/27/26)

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

OPPOSITION: (Verified 4/27/26)

None received

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.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
4/28/26 16:33:34

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