

Date of Hearing: June 23, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1100 (Smallwood-Cuevas) – As Introduced February 13, 2026

SUMMARY: 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 annually. Specifically, **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 that the clerk of the court forward a final civil grand jury report or compliant response to the State Archivist immediately, 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 of a complete set of true copies of all final reports and responses to the reports to the State Archivist.
- 3) States that the transfer of a complete set of all final report and responses do not require a clerk of the court to create new or consolidated documents.
- 4) Makes other nonsubstantive technical and conforming changes.

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, subd. (b)(1).)
- 2) Permits a grand jury to issue indictments for felony charges of public officials based on its findings. (Pen. Code, § 917.)¹
- 3) Authorizes a grand jury to inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted. (Pen. Code, § 919, subd. (a).)
- 4) Requires a grand jury to inquire into the condition and management of public prisons within the county. (Pen. Code, § 919, subd. (b).)

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").)

- 5) Requires a grand jury to inquire into the willful or corrupt misconduct in office of public officers of every description within the county. (Pen. Code, § 919, subd. (c).)
- 6) Authorizes a grand jury to investigate and inquire into all sales and transfers of land, and into the ownership of land, which, under state law, might or should escheat to the State of California. (Pen. Code, § 920.)
- 7) Requires a grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. (Pen. Code, § 925.)
- 8) Authorizes a grand jury, at any time, to examine the books and records of any incorporated city or joint powers agency located in the county. Specifies that a grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it deems proper and fit. (Pen. Code, § 925a.)
- 9) 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.)
- 10) 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, subd. (a).)
- 11) 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.)
- 12) 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, subd. (b).)
- 13) 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.)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsor:** California Secretary of State
- 2) **Author's Statement:** 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.”

- 3) **Civil Grand Juries:** Existing law requires each county in California to draw and impanel a “civil grand jury” at least once a year. (Cal. Const., art. I, § 23; Pen. Code, §§ 888, 905.) These civil grand juries “act as the public’s ‘watchdog’ by investigating and reporting upon the affairs of local government.” (*McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1170; see also Pen. Code, § 925.) 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.” (*McClatchy, supra*, 44 Cal.3d at 1171.)

Grand juries have the authority to investigate the conditions of public prisons, inquire into specified land transfers, and to examine the accounts and records of local government agencies. (See Pen., §§ 919, 920, and 925.) After completing an investigation, a grand jury must compile a final report detailing findings and recommendations for county officials. (Pen. Code, § 933, subd. (a).)

Both the final report and the responses to the report are submitted to the presiding judge of the superior court of the county, and placed on file with clerk of the court. In accordance with existing law, a clerk has to “immediately” forward a true copy of the report and the responses to the State Archivist. (Pen. Code, § 933, subd. (b).) According to California Secretary of State, this requirement results in hundreds of piecemeal deliveries of reports and responses because multiple civil grand jury reports and responses are submitted throughout the year. This dynamic apparently creates operational challenges for both the State Archives and the county court clerks.

Existing law requires a county court clerk to **immediately** forward a copy of these reports and responses. Instead, this bill provides that county court clerks must compile all final reports and responses generated during a grand jury’s term of service, and subsequently, submit true copies to the State Archives once a year. The bill requires the reports and responses to be transferred within six months of end of grand jury’s term of service. While

the State Archives would not receive these documents immediately upon completion, both the responses and reports will remain on file with the clerk of the court, ensuring the public continues to have access.

- 4) **Argument in Support:** According to the *California Secretary of State Shirley 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 Archives throughout the year from California's 58 counties, in excess of 400 annually. This creates significant operational challenges for both county clerks and my Archives staff, interrupting ongoing projects, complicating workflow planning and efficient implementation of our electronic records management system.

“SB 1100 solves this problem by allowing county clerks to compile bundled 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 number 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. SB 1100 shifts civil grand jury report transfers to a consolidated submission process. This approach improves efficiency and supports the State Archives’ transition to electronic records, improving public access to these critical legal documents.”

5) **Prior Legislation:**

- a) AB 78 (Ward), of the 2023-24 Legislative Session, would have increased the compensation for individuals selected to serve as grand jurors and required demographic data to be collected during the grand jury selection process. AB 78 was held on the Assembly Appropriations Committee suspense file.
- b) AB 1972 (Ward), of the 2021-22 Legislative Session, would have also increased the compensation for individuals selected to serve as grand jurors. AB 1972 was held on the Senate Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

California Secretary of State (Sponsor)

Opposition

None submitted

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