



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 26, 2019

Hon. Gavin Newsom
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Senate Bill 557 (Jones) – Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on Senate Bill 557, which: (1) makes all documents submitted to a court pursuant to proceedings on competency to stand trial, including examinations, evaluations, recommendations, reports or certificates of restoration presumptively confidential, except as otherwise provided by law; (2) requires those documents to be retained in the confidential portion of the court's file and that counsel for the defendant and the prosecution maintain the report as confidential; and (3) provides that the defendant, counsel for the defendant, and the prosecution may inspect the documents and that the court may consider a motion, application, or petition to unseal the documents, in whole or in part, pursuant to subdivision (h) of rule 2.551 of the California Rules of Court.

The council believes that SB 557 will provide much needed clarity to courts on the confidentiality requirements for those reports and documents. Although they are not confidential under the law, many courts designate them as confidential because of the highly sensitive medical information contained within them. Further, the council believes that SB 557 appropriately balances the defendant's privacy interests and the public's right of access to court records. Making the expert reports presumptively confidential preserves a defendant's privacy

Hon. Gavin Newsom
August 26, 2019
Page 2

interests in protecting highly sensitive medical information and is consistent with the treatment of medical records in other contexts (e.g., Civ. Code, § 56.10). Likewise, SB 557 preserves the public's right of access to court records by including a process to have the court consider, whether, in certain instances, the public right of access overrides a defendant's privacy interests in his or her medical information.

For these reasons, the Judicial Council requests your signature on SB 557.

Sincerely,

Mailed August 26, 2019

Cory T. Jaspersen
Director
Judicial Council Governmental Affairs

CJ/SR/jh

cc: Hon. Brian Jones, Member of the Senate
Ms. Erinn Ryberg, Legislative Director, California Judges Association
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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June 4, 2019

Hon. Reginald Jones-Sawyer
Chair, Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Senate Bill 557 (Jones), as amended March 27, 2019 – Support
Hearing: Assembly Public Safety—June 11, 2019

Dear Assembly Member Jones-Sawyer:

The Judicial Council is pleased to support Senate Bill 557, which: (1) makes all documents submitted to a court pursuant to proceedings on competency to stand trial, including examinations, evaluations, recommendations, reports or certificates of restoration presumptively confidential, except as otherwise provided by law; (2) requires those documents to be retained in the confidential portion of the court's file and that counsel for the defendant and the prosecution maintain the report as confidential; and (3) provides that the defendant, counsel for the defendant, and the prosecution may inspect the documents and that the court may consider a motion, application, or petition to unseal the documents, in whole or in part, pursuant to subdivision (h) of rule 2.551 of the California Rules of Court.

The council believes that SB 557 will provide much needed clarity to courts on the confidentiality requirements for those reports and documents. Although they are not confidential under the law, many courts designate them as confidential because of the highly sensitive medical information contained within them. Further, the council believes that SB 557 appropriately balances the defendant's privacy interests and the public's right of access to court

Hon. Reginald Jones-Sawyer

June 4, 2019

Page 2

records. Making the expert reports presumptively confidential preserves a defendant's privacy interests in protecting highly sensitive medical information and is consistent with the treatment of medical records in other contexts (e.g., Civ. Code, § 56.10). Likewise, SB 557 preserves the public's right of access to court records by including a process to have the court consider, whether, in certain instances, the public right of access overrides a defendant's privacy interests in his or her medical information.

For these reasons, the Judicial Council is pleased to support SB 557.

If you have any questions, please feel free to contact Sharon Reilly at (916) 323-3121 or sharon.reilly@jud.ca.gov.

Sincerely,

Mailed June 4, 2019

Cory T. Jaspersen
Director
Judicial Council Governmental Affairs

CJ/SR/jh

cc: Members, Assembly Public Safety Committee
Hon. Brian Jones, Member of the Senate
Ms. Erinn Ryberg, Legislative Director, California Judges Association
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. David Billingsley, Consultant, Assembly Public Safety Committee
Mr. Gary Olson, Policy Consultant, Assembly Republican Office of Policy
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 19, 2019

Hon. Brian Jones
Member of the Senate
State Capitol, Room 4088
Sacramento, California 95814

Subject: Senate Bill 557 (Jones), as amended March 27, 2019 – Support

Dear Senator Jones:

The Judicial Council is pleased to support Senate Bill 557, which: (1) makes all documents submitted to a court pursuant to proceedings on competency to stand trial, including examinations, evaluations, recommendations, reports or certificates of restoration presumptively confidential, except as otherwise provided by law; (2) requires those documents to be retained in the confidential portion of the court's file and that counsel for the defendant and the prosecution maintain the report as confidential; and (3) provides that the defendant, counsel for the defendant, and the prosecution may inspect the documents and that the court may consider a motion, application, or petition to unseal the documents, in whole or in part, pursuant to subdivision (h) of rule 2.551 of the California Rules of Court.

The council believes that SB 557 will provide much needed clarity to courts on the confidentiality requirements for those reports and documents. Although they are not confidential under the law, many courts designate them as confidential because of the highly sensitive medical information contained within them. Further, the council believes that SB 557 appropriately balances defendant's privacy interests and the public's right of access to court records. Making the experts' reports presumptively confidential preserves a defendant's privacy

Hon. Brian Jones

April 19, 2019

Page 2

interests in protecting highly sensitive medical information and is consistent with the treatment of medical records in other contexts (e.g., Civ. Code, § 56.10). Likewise, SB 557 preserves the public's right of access to court records by including a process to have the court consider, whether, in certain instances, the public right of access overrides a defendant's privacy interests in his or her medical information.

For these reasons, the Judicial Council is pleased to support SB 557.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

Mailed on April 19, 2019

Sharon Reilly

Attorney

SR/yc-s

cc: Ms. Erinn Ryberg, Legislative Director, California Judges Association
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the
Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California