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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7931.000] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 10. ACCESS TO PUBLIC RECORDS [7920.000 - 7931.000] (Division 10 added by Stats. 2021, Ch. 614, Sec. 2.)

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PART 4. ENFORCEMENT [7923.000 - 7923.500] (Part 4 added by Stats. 2021, Ch. 614, Sec. 2.)

CHAPTER 2. Enforcement Procedure [7923.100 - 7923.500] (Chapter 2 added by Stats. 2021, Ch. 614, Sec. 2.)

ARTICLE 1. Petition to Superior Court [7923.100 - 7923.115] (Article 1 added by Stats. 2021, Ch. 614, Sec. 2.)

7923.100. Whenever it is made to appear, by verified petition to the superior court of the county where the records or some part thereof are situated, that certain public records are being improperly withheld from a member of the public, the court shall order the officer or other person charged with withholding the records to disclose those records or show cause why that person should not do so.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)

7923.105. The court shall decide the case after the court does all of the following:

- (a) Examine the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code.
- (b) Examine any papers filed by the parties.
- (c) Consider any oral argument and additional evidence as the court may allow.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)

7923.110. (a) If the court finds that the public official's decision to refuse disclosure is not justified under Section 7922.000 or any provision listed in Section 7920.505, the court shall order the public official to make the record public.

(b) If the court finds that the public official was justified in refusing to make the record public, the court shall return the record to the public official without disclosing its content, together with an order supporting the decision refusing disclosure.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)

7923.115. (a) If the requester prevails in litigation filed pursuant to this chapter, the court shall award court costs and reasonable attorney's fees to the requester. The costs and fees shall be paid by the public agency and shall not become a personal liability of the public official involved.

(b) If the court finds that a requester's case pursuant to this chapter is clearly frivolous, the court shall award court costs and reasonable attorney's fees to the public agency.

(c) This article does not limit a requester's right to obtain fees and costs pursuant to this section or any other law.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)