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**AB-716 Court access.** (2021-2022)

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**Assembly Bill No. 716**

**CHAPTER 526**

An act to amend Section 124 of, and to repeal and add the heading of Article 1 (commencing with Section 124) of Chapter 6 of Title 1 of Part 1 of, the Code of Civil Procedure, relating to courts.

[ Approved by Governor October 05, 2021. Filed with Secretary of State October 05, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 716, Bennett. Court access.

The California Constitution vests the judicial power of the state in the Supreme Court, courts of appeal, and superior courts. Existing law requires the sittings of every court to be public, except as authorized.

This bill would prohibit a court from excluding the public from physical access to the court because remote access is available, unless it is necessary to restrict or limit physical access to protect the health or safety of the public or court personnel. The bill would require the court to provide, at a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is physically closed, except when the law authorizes or requires the proceedings to be closed.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The heading of Article 1 (commencing with Section 124) of Chapter 6 of Title 1 of Part 1 of the Code of Civil Procedure is repealed.

**SEC. 2.** The heading of Article 1 (commencing with Section 124) is added to Chapter 6 of Title 1 of Part 1 of the Code of Civil Procedure, to read:

**Article 1. Open Court Access**

**SEC. 3.** Section 124 of the Code of Civil Procedure is amended to read:

**124.** (a) Except as provided in Section 214 of the Family Code or any other law, the sittings of every court shall be public.

(b) (1) The court shall not exclude the public from physical access because remote access is available, unless it is necessary to restrict or limit physical access to protect the health or safety of the public or court personnel.

(2) When a courthouse is physically closed, to the extent permitted by law, the court shall provide, at a minimum, a public audio stream or telephonic means by which to listen to the proceedings. This paragraph does not apply to proceedings pursuant to Section 214 of the Family Code or other law that authorizes or requires a proceeding to be closed.

(3) For purposes of this subdivision, "remote access" shall include, but is not limited to, an audio stream that is available on an internet website or telephonic means to listen to a court proceeding.