



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-3279 State Bar of California. (2023-2024)

SHARE THIS:  

Date Published: 09/12/2024 09:00 PM

Assembly Bill No. 3279

CHAPTER 227

An act to amend Sections 6002.1, 6031.5, 6046.7, 6046.8, 6054, 6079.1, 6140, 6140.03, 6140.5, 6140.55, 6155, and 6177 of, to amend and repeal Section 6141 of, to amend, repeal, and add Section 6034 of, to add Sections 6016.2, 6070.1, 6091.3, and 6091.4 to, to add and repeal Sections 6060.10, 6140.10, 6140.11, 6140.13, and 6140.14 of, and to repeal and add Section 6060.7 of, the Business and Professions Code, to amend Section 55.32 of the Civil Code, to amend Section 2015 of the Code of Civil Procedure, to amend Section 4056 of the Financial Code, and to amend Section 7480 of the Government Code, relating to attorneys.

[Approved by Governor September 12, 2024. Filed with Secretary of State September 12, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3279, Committee on Judiciary. State Bar of California.

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California (State Bar), a public corporation governed by a board of trustees. Existing law prescribes the manner of appointment of members of the board by the Supreme Court, the Senate Committee on Rules, the Speaker of the Assembly, and the Governor. Existing law establishes 4-year terms of office for attorney and public members of the board, and authorizes attorney members to be appointed for only one additional term.

This bill would authorize an appointing authority to remove from office at any time a member of the board appointed by that appointing authority for continued neglect of duties, incompetence, or unprofessional or dishonorable conduct.

Existing law requires the State Bar to collect fees for the California Lawyers Association, provided the board determines that the California Lawyers Association continues to serve a public purpose, as prescribed, and continues to comply with certain legal requirements related to establishing criteria for membership in the California Young Lawyers Association. Existing law requires funds received from collection of unpaid amounts owed to the State Bar pursuant to the Interagency Intercept Collections Program to be allocated for specified purposes.

This bill would delete the above-described requirement on establishing criteria for membership in the California Young Lawyers Association. The bill, until January 1, 2026, would require funds collected pursuant to the Interagency Intercept Collections Program to be deposited into the State Bar's general fund.

Existing law requires the Committee of Bar Examiners to adopt rules for the regulation and oversight of unaccredited law schools that are required to be authorized to operate as a business in California and to have an administrative office in California that are not accredited by the American Bar Association or the Committee of Bar Examiners, and to adopt rules for the regulation and oversight of nonlaw school legal programs leading to a juris doctor (J.D.) degree, bachelor of laws (LL.B.) degree, or other law study program.

This bill would instead make the Committee of Bar Examiners responsible for the approval, regulation, and oversight of degree-granting unaccredited law schools that award the juris doctor (J.D.) degree and that are not approved by the American Bar Association or examining committee.

Existing law makes the examining committee of the State Bar responsible for the approval, regulation, or oversight of certain law schools and law study programs that do not meet specified criteria that became inoperative on January 1, 2008.

This bill would repeal those provisions and instead would make the examining committee responsible for the approval, regulation, and oversight of degree-granting law schools that award the juris doctor professional degree in California and are not approved by the American Bar Association.

Existing law requires the board of trustees to evaluate the bar examination and report the results of the evaluation and any determination regarding adjustment of a passing score to the Supreme Court and the Legislature at least every 7 years.

This bill would defer the report due in 2025 for a period not to exceed 7 years from the deployment of a new bar examination, as specified. The bill, beginning on July 1, 2026, until January 1, 2030, would require the State Bar to annually report to the Legislature on the number of complaints regarding access issues relating to the biannual state bar exam.

Existing law requires the State Bar to submit to the Department of Justice fingerprint images and related information for licensees that are required to be fingerprinted pursuant to specified provisions of the California Rules of Court.

This bill would delete that provision and instead would require the State Bar to submit that information for all active and inactive licensees who are seeking to change their license status from active to inactive or whose fingerprints have not otherwise been submitted.

Existing law exempts certain full-time employees from continuing legal education otherwise required to be completed by active licensees.

This bill would define "full-time employees" for those purposes to include employees of the California State Legislature, and would declare that this provision is declaratory of existing law.

Existing law provides for the appointment of a presiding judge and hearing judges to the State Bar Court. Existing law requires a hearing judge to be paid a certain percentage of the salary of a superior court judge and requires the presiding judge to be paid the same salary as a superior court judge.

This bill would instead require a hearing judge to be paid the salary of a superior court judge and would require the presiding judge to be paid the same as a justice of the court of appeal. The bill would limit the use of license fees to compensate State Bar Court judges, as specified.

Existing law requires the board of trustees to establish and administer a Client Security Fund to relieve or mitigate pecuniary losses caused by the dishonest conduct of licensees of the State Bar, among others, arising from the practice of law.

This bill would state that judicial review of a decision to approve or deny an application for reimbursement from the Client Security Fund may be had by filing a petition for a writ of administrative mandamus, and would declare that this provision is declaratory of existing law.

Existing law authorizes the State Bar to impose various annual fees on active and inactive licensees, including an annual license fee. Existing law, until January 1, 2025, requires the board to fix the annual license fee for active licensees for 2024 at a sum not exceeding \$390. Existing law also requires the board to fix the annual license fee for inactive licensees for 2024 at a sum not exceeding \$97.40. Existing law requires the annual license fee for active licensees to be payable on or before the first day of February each year.

This bill would instead authorize the board, until January 1, 2026, to fix the annual license fee for active licensees for 2025 at a sum not exceeding \$400 and to fix the annual license fee for inactive licensees for 2025 at a sum not exceeding \$100. The bill would require payment of the annual license fee for active licensees to be payable on or before a date set by the State Bar, not less than 12 months from the prior year's due date, and would require individuals who qualified for a specified waiver to pay the fee on an installment basis. The bill would authorize the State Bar to annually collect additional annual fees from active and inactive licensees, including, until January 1, 2030, an annual fee to pay for costs associated with leasing space in a certain building in San Francisco; until January 1, 2028, an annual fee to fund salaries and benefits of State Bar employees; until January 1, 2029, an annual fee to fund the cost of administering compliance reviews and audits of client trust accounts; and, until January 1, 2029, an annual fee to fund certain disciplinary diversion pilot programs.

Existing law, until December 31, 2024, requires \$5 of specified annual fees authorized to be imposed on licensees, unless a licensee elects otherwise, to be allocated to qualified legal services projects or qualified support centers to fund law student

summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons.

This bill would extend that requirement until January 1, 2030, and would increase the amount of the fee to \$10.

Existing law requires the board to establish and administer a Client Security Fund to relieve or mitigate pecuniary losses caused by the dishonest conduct of licensees and other registrants of the State Bar. Existing law requires a licensee to reimburse the Client Security Fund for all moneys paid out as a result of the licensee's conduct, payable to and for the benefit of the State Bar, to promote rehabilitation and protect the public.

This bill would require 50 percent of the collections received during 2025 to be deposited in the Client Security Fund and 50 percent to be deposited in the State Bar's general fund.

Existing law authorizes the board to increase the annual license fees for active licensees up to \$40 and, for inactive licensees, up to \$10, for purposes of the Client Security Fund and the costs of its administration.

This bill, notwithstanding that provision, would authorize the board to disburse to the State Bar's general fund \$2,000,000 from the Client Security Fund as reimbursement for specified prior transfers from other funds to the Client Security Fund.

Existing law prohibits an entity, among others, from operating for the purpose of referring clients to attorneys unless certain requirements are satisfied.

This bill would instead make those provisions applicable to nongovernmental entities, among others, and would revise the requirements.

Existing law requires a financial institution that is a depository for attorney trust accounts to report to the State Bar in the event any properly payable instrument is presented against an attorney trust account containing insufficient funds. Existing law, the California Financial Information Privacy Act, generally prohibits a financial institution from disclosing a consumer's nonpublic personal information with any nonaffiliated third party without the consumer's consent, and makes an entity that violates those provisions subject to specified civil penalties. Existing law, the California Right to Financial Privacy Act, generally prohibits a state or local agency, in connection with a civil or criminal investigation of a customer, to request or receive copies of the financial records of any customer from a financial institution, except under specified circumstances.

This bill would require a financial institution, commencing January 1, 2026, to collect an attorney's license number upon the establishment of a new client trust account. The bill would require a financial institution, on or before March 1, 2026, and annually thereafter, to provide certain information for every client trust account, including the name of the attorney or law firm associated with the client trust account. The bill would require the State Bar, on or before July 1, 2026, to require a licensed attorney to furnish their State Bar license number to the financial institution where the client trust account is maintained, and would require a financial institution to incorporate that information into its records. The bill would exempt the dissemination of financial information and records pursuant to those provisions from the California Financial Information Privacy Act and the California Right to Financial Privacy Act. The bill would require the State Bar to annually submit to the Assembly and Senate Judiciary Committees a report pertaining to client trust accounts that includes, among other information, referrals for possible discipline the State Bar made in the prior year. The bill would require all licensees, limited liability partnerships, or registered law corporations to provide to the State Bar, pursuant to a request made as part of a compliance review or investigative audit specified information relating to the receipt, holding, and disbursement of funds, securities, or other property.

Existing law requires the State Bar, by April 30 of each year, to include in its Annual Discipline Report certain information on the number of complaints filed against California attorneys alleging a violation of specified financial service provisions. Existing law also requires the State Bar to report, no later than April 30 of each year, as part of its Annual Discipline Report to the Legislature and the Chairs of the Senate and Assembly Judiciary Committees, certain information relating to demand letters received by the State Bar, including the number of investigations opened concerning a violation of construction-related accessibility claim.

This bill would delete the above-described April 30 deadline for those annual reports.

Existing law, when an affidavit is taken before a judge or court in another state or foreign country, requires the clerk of the court to certify the genuineness of the signature of the judge, the existence of the court, and the fact that the judge is a member of the court.

This bill would make those provisions inapplicable to oaths administered for admission to the State Bar. The bill would make other conforming and related changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

SECTION 1. Section 6002.1 of the Business and Professions Code is amended to read:

6002.1. (a) A licensee of the State Bar shall maintain all of the following on the official licensing records of the State Bar:

- (1) The licensee's current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes or purposes of the agency charged with attorney discipline.
- (2) All specialties in which the licensee is certified.
- (3) Any other jurisdictions in which the licensee is admitted and the dates of their admission.
- (4) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction.
- (5) Any other information as may be required by agreement with or by conditions of probation imposed by the agency charged with attorney discipline.

A licensee shall notify the licensing records office of the State Bar of any change in the information required by paragraphs (1), (4), and (5) within 30 days of any change and of the change in the information required by paragraphs (2) and (3) on or before the date set by the State Bar for payment of license fees pursuant to Section 6140 or 6141.

(b) Every former licensee of the State Bar who has been ordered by the Supreme Court to comply with Rule 9.20 of the California Rules of Court shall maintain on the official licensing records of the State Bar the former licensee's current address and within 10 days after any change therein, shall file a change of address with a licensing records office of the State Bar until such time as the former licensee is no longer subject to the order.

(c) The notice initiating a proceeding conducted under this chapter may be served upon the licensee or former licensee of the State Bar to whom it is directed by certified mail, return receipt requested, addressed to the licensee or former licensee at the latest address shown on the official licensing records of the State Bar. The service is complete at the time of the mailing but any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period or on a date certain after the notice is served by mail shall be extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States. A licensee of the State Bar or former licensee may waive the requirements of this subdivision and may, with the written consent of another licensee of the State Bar, designate that other licensee to receive service of any notice or papers in any proceeding conducted under this chapter.

(d) The State Bar shall not make available to the general public the information specified in paragraph (5) of subdivision (a) unless that information is required to be made available by a condition of probation. That information is, however, available to the State Bar, the Supreme Court, or the agency charged with attorney discipline.

(e) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.

SEC. 2. Section 6016.2 is added to the Business and Professions Code, to read:

6016.2. (a) Each appointing authority may remove from office at any time any member of the board appointed by that authority for continued neglect of duties required by law, or for incompetence or unprofessional or dishonorable conduct.

(b) Nothing in this section shall be construed as a limitation or restriction on the power of the appointing authority conferred on the appointing authority by any other provision of law to remove any member of the board.

(c) As used in this section, "appointing authority" means the person or entity with authority to make an appointment to the board as provided in this article.

SEC. 3. Section 6031.5 of the Business and Professions Code is amended to read:

6031.5. (a) The California Lawyers Association and its activities shall not be funded with mandatory fees collected pursuant to subdivision (a) of Section 6140.

The State Bar may provide the California Lawyers Association with administrative and support services, provided the California Lawyers Association agrees, before such services are provided, to the nature, scope, and cost of those services. The State Bar shall be reimbursed for the full cost of those services out of funds collected pursuant to subdivision (b) or funds provided by the California Lawyers Association. The financial audit specified in Section 6145 shall confirm that the amount assessed by the State Bar for providing the services reimburses the costs of providing them, and shall verify that mandatory fees are not used to fund the California Lawyers Association. The State Bar and the California Lawyers Association may also contract for other services provided by the State Bar or by the California Lawyers Association.

(b) Notwithstanding any other law, the State Bar shall collect fees for the California Lawyers Association provided the Board of Trustees of the State Bar determines that the California Lawyers Association continues to serve a public purpose by providing the services described in subdivision (f) of Section 6056. The California Lawyers Association shall pay for the actual costs of the collection.

(c) (1) Notwithstanding any other law, the State Bar is expressly authorized to collect, in conjunction with the State Bar's collection of its annual license fees up to and through the collection of fees authorized for the year 2019, voluntary fees or donations on behalf of the Conference of Delegates of California Bar Associations, the independent nonprofit successor entity to the former Conference of Delegates of the State Bar which has been incorporated for the purposes of aiding in matters pertaining to the advancement of the science of jurisprudence or to the improvement of the administration of justice, and to convey any unexpended voluntary fees or donations previously made to the Conference of Delegates of the State Bar pursuant to this section to the Conference of Delegates of California Bar Associations. The Conference of Delegates of California Bar Associations shall pay for the cost of the collection. The State Bar and the Conference of Delegates of California Bar Associations may also contract for other services. The financial audit specified in Section 6145 shall confirm that the amount of any contract shall fully cover the costs of providing the services, and shall verify that mandatory fees are not used to fund any successor entity.

(2) The Conference of Delegates of California Bar Associations, which is the independent nonprofit successor entity to the former Conference of Delegates of the State Bar as referenced in paragraph (1), is a voluntary association, is not a part of the State Bar of California, and shall not be funded in any way through mandatory fees collected by the State Bar of California. Any contribution or membership option included with a State Bar of California mandatory fees billing statement shall include a statement that the Conference of Delegates of California Bar Associations is not a part of the State Bar of California and that membership in that organization is voluntary.

(3) This subdivision shall become inoperative on January 1, 2020.

SEC. 4. Section 6034 of the Business and Professions Code is amended to read:

6034. (a) The State Bar of California is authorized and directed to participate as a state agency in the Interagency Intercept Collections Program established pursuant to Section 12419.2 of the Government Code for the collection of any unpaid amounts owed to the State Bar of California, including any fine, penalty, assessment, cost, or reimbursement imposed under Section 6086.10, subdivision (c) of Section 6140.5, and any other applicable law. All funds received by the State Bar of California shall be deposited in the State Bar's general fund.

(b) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 6034 is added to the Business and Professions Code, to read:

6034. (a) The State Bar of California is authorized and directed to participate as a state agency in the Interagency Intercept Collections Program established pursuant to Section 12419.2 of the Government Code for the collection of any unpaid amounts owed to the State Bar of California, including any fine, penalty, assessment, cost, or reimbursement imposed under Section 6086.10, subdivision (c) of Section 6140.5, and any other applicable law. All funds received by the State Bar of California shall be allocated for the purposes established pursuant to Section 6033.

(b) This section shall become operative on January 1, 2026.

SEC. 6. Section 6046.7 of the Business and Professions Code is amended to read:

6046.7. (a) Notwithstanding any other law, the examining committee shall be responsible for the approval, regulation, and oversight of degree-granting unaccredited law schools that meet both of the following:

(1) Award the juris doctor (J.D.) professional degree in California.

(2) Are not approved by the American Bar Association or the Committee of Bar Examiners.

(b) The Committee of Bar Examiners shall assess and collect a fee from unaccredited law schools in an amount sufficient to fund the regulatory and oversight responsibilities imposed by this section. Nothing in this subdivision precludes the board of trustees from using other funds or fees collected by the State Bar or by the examining committee to supplement the funding of the regulatory and oversight responsibilities imposed by this section with other funds, if that supplemental funding is deemed necessary and appropriate to mitigate some of the additional costs of the regulation and oversight to facilitate the provision of a legal education at an affordable cost.

SEC. 7. Section 6046.8 of the Business and Professions Code is amended to read:

6046.8. (a) At least once every seven years, or more frequently if directed by the Supreme Court, the board of trustees shall oversee an evaluation of the bar examination to determine if it properly tests for minimally needed competence for entry-level attorneys and shall make a determination, supported by findings, whether to adjust the examination or the passing score based on the evaluation.

(b) The board of trustees shall report the results of the evaluation and any determination regarding adjustment in the passing score to the Supreme Court and the Legislature no later than March 15, 2018, and at least every seven years from the date of the previous report.

(c) Notwithstanding subdivision (b), the report due in 2025 shall be deferred for a period of time not to exceed seven years from the deployment of a new bar examination developed in accordance with the order of the California Supreme Court.

SEC. 8. Section 6054 of the Business and Professions Code is amended to read:

6054. (a) State and local law enforcement and licensing bodies and departments, officers and employees thereof, and officials and attachés of the courts of this state shall cooperate with and give reasonable assistance and information, including the providing of state summary criminal history information and local summary criminal history information, to the State Bar of California or any authorized representative thereof, in connection with any investigation or proceeding within the jurisdiction of the State Bar of California, regarding the admission to the practice of law or discipline of attorneys or their reinstatement to the practice of law.

(b) The State Bar of California shall require that an applicant for admission or reinstatement to the practice of law in California, or may require a licensee, to submit or resubmit fingerprints to the Department of Justice and to the Federal Bureau of Investigation in order to establish the identity of the applicant and in order to determine whether the applicant or licensee has a record of criminal conviction in this state or in other states, including through a national criminal history check.

(c) (1) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the State Bar shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all persons applying for admission to the State Bar of California for all applicants for reinstatement, and for all active and inactive licensees of the State Bar who are seeking to change their license status from inactive to active or whose fingerprints have not otherwise been submitted to the Department of Justice for the purposes described in this section. The Department of Justice shall provide a state or federal level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(2) As used in this subdivision, "applicant for reinstatement" means individuals initiating reinstatement proceedings with the State Bar after resignation with or without charges pending and after disbarment.

(d) The State Bar may use the information obtained from the Department of Justice and the Federal Bureau of Investigation as a result of the fingerprinting of an applicant or licensee, and the State Bar's use of that information shall be limited to the official use of the State Bar in establishing the identity of the applicant and in determining the character and fitness of the applicant for admission or reinstatement, and in discovering prior and subsequent criminal arrests of an applicant, licensee, or applicant for reinstatement. The State Bar shall notify the Department of Justice about individuals who are no longer licensees and applicants who are denied admission to the State Bar within 30 days of any change in status of a licensee or denial of admission. All fingerprint records of applicants admitted or licensees reinstated, or provided by a licensee, shall be retained thereafter by the Department of Justice for the limited purpose of criminal arrest notification to the State Bar.

(e) If required to be fingerprinted pursuant to this section, a licensee of the State Bar who fails to be fingerprinted may be enrolled as an inactive licensee pursuant to rules adopted by the board of trustees.

SEC. 9. Section 6060.7 of the Business and Professions Code is repealed.

SEC. 10. Section 6060.7 is added to the Business and Professions Code, to read:

6060.7. The examining committee shall be responsible for the approval, regulation, and oversight of degree-granting law schools that meet both of the following:

(a) Award the juris doctor (J.D.) professional degree in California.

(b) Are not approved by the American Bar Association.

SEC. 11. Section 6060.10 is added to the Business and Professions Code, to read:

6060.10. (a) Commencing July 1, 2026, and annually thereafter, the State Bar shall transmit to the Legislature a report detailing the number of complaints regarding access issues related to the biannual state bar exam detailed as follows:

(1) The testing location in which the complaints occurred.

(2) The nature of the access related complaints.

(3) Accommodations provided to persons levying access related complaints.

(4) Any additional information the State Bar determines to be relevant and necessary for the assessment of the existing programs for addressing access issues related to the biannual state bar exam.

(b) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 12. Section 6070.1 is added to the Business and Professions Code, to read:

6070.1. (a) For the purpose of subdivision (c) of Section 6070, "full-time employees of the State of California" shall include all licensees of the State Bar employed by the California State Legislature, regardless of the licensee's official position classification.

(b) This section is declaratory of existing law.

SEC. 13. Section 6079.1 of the Business and Professions Code is amended to read:

6079.1. (a) The Supreme Court shall appoint a presiding judge of the State Bar Court. In addition, five hearing judges shall be appointed, two by the Supreme Court, one by the Governor, one by the Senate Committee on Rules, and one by the Speaker of the Assembly, to efficiently decide any and all regulatory matters pending before the Hearing Department of the State Bar Court. The presiding judge and all other judges of that department shall be appointed for a term of six years and may be reappointed for additional six-year terms. Any judge appointed under this section shall be subject to admonition, censure, removal, or retirement by the Supreme Court upon the same grounds as provided for judges of courts of record of this state.

(b) Judges of the State Bar Court appointed under this section shall not engage in the private practice of law. The State Bar Court shall be broadly representative of the ethnic, sexual, and racial diversity of the population of California and composed in accordance with Sections 11140 and 11141 of the Government Code. Each judge:

(1) Shall have been a licensee of the State Bar for at least five years.

(2) Shall not have any record of the imposition of discipline as an attorney in California or any other jurisdiction.

(3) Shall meet any other requirements as may be established by subdivision (d) of Section 12011.5 of the Government Code.

(c) Applicants for appointment or reappointment as a State Bar Court judge shall be screened by an applicant evaluation committee as directed by the Supreme Court. The committee, appointed by the Supreme Court, shall submit evaluations and recommendations to the appointing authority and the Supreme Court as provided in Rule 9.11 of the California Rules of Court, or as otherwise directed by the Supreme Court. The committee shall submit no fewer than three recommendations for each available position.

(d) (1) For judges appointed pursuant to this section or Section 6086.65, the board shall fix and pay reasonable compensation and expenses and provide adequate supporting staff and facilities. Hearing judges shall be paid the salary of a superior court judge. The presiding judge shall be paid the same salary as a justice of the court of appeal.

(2) Any compensation increase for State Bar Court judges on or after January 1, 2025, that is attributable to increases in the salary of a superior court judge or a justice of the court of appeal shall only be funded by license fees up to the amount of the increase that would have occurred in the absence of the changes to this subdivision made by the act adding this subdivision.

(e) From among the licensees of the State Bar or retired judges, the Supreme Court or the board may appoint pro tempore judges to decide matters in the Hearing Department of the State Bar Court when a judge of the State Bar Court is unavailable to serve

without undue delay to the proceeding. Subject to modification by the Supreme Court, the board may set the qualifications, terms, and conditions of service for pro tempore judges and may, in its discretion, compensate some or all of them out of funds appropriated by the board for this purpose.

(f) A judge or pro tempore judge appointed under this section shall hear every regulatory matter pending in the Hearing Department of the State Bar Court as to which the taking of testimony or offering of evidence at trial has not commenced, and when so assigned, shall sit as the sole adjudicator, except for rulings that are to be made by the presiding judge of the State Bar Court or referees of other departments of the State Bar Court.

(g) Any judge or pro tempore judge of the State Bar Court as well as any employee of the State Bar assigned to the State Bar Court shall have the same immunity that attaches to judges in judicial proceedings in this state. Nothing in this subdivision limits or alters the immunities accorded the State Bar, its officers and employees, or any judge or referee of the State Bar Court as they existed prior to January 1, 1989. This subdivision does not constitute a change in, but is cumulative with, existing law.

(h) Nothing in this section shall be construed to prohibit the board from appointing persons to serve without compensation to arbitrate fee disputes under Article 13 (commencing with Section 6200) or to monitor the probation of a licensee of the State Bar, whether those appointed under Section 6079, as added by Chapter 1114 of the Statutes of 1986, serve in the State Bar Court or otherwise.

SEC. 14. Section 6091.3 is added to the Business and Professions Code, to read:

6091.3. (a) Commencing January 1, 2026, upon the establishment of a new client trust account associated with an attorney licensed to practice in California, the financial institution shall collect and retain within its books and records an attorney's State Bar license number where the number is made available to the financial institution by the attorney associated with the client trust account in the format described in subdivision (c).

(b) On or before March 1, 2026, and annually on or before March 1 thereafter, a financial institution shall electronically provide via secure file transport protocol or another format mutually acceptable to the financial institution and the State Bar, the following for every client trust account actually known to the financial institution associated with an attorney's State Bar license number:

- (1) The name of the financial institution in which the client trust account is held.
- (2) The name of the attorney or law firm associated with the client trust account.
- (3) The account number of the client trust account.
- (4) The attorney's State Bar license number associated with the trust account.
- (5) The trust account balance as of December 31 of the previous year. If December 31 is a holiday, the account balance as of the preceding business day may be reported.

(c) On or before January 1, 2026, the State Bar shall create a standard form for use by an attorney licensed to practice in California wherein the attorney shall submit their State Bar license number and the name and account number of all applicable associated client trust accounts to a financial institution pursuant to subdivision (d).

(d) On or before July 1, 2026, the State Bar shall require an attorney licensed to practice in California to furnish their State Bar license number to the financial institution where the attorney associated with the client trust account maintains the account. If the client trust account is maintained by a law firm, the law firm shall designate one of its members to provide the member's State Bar license number. The attorney licensed to practice in California shall submit the completed form to satisfy the requirements in this subdivision to the financial institution pursuant to Section 684.115 of the Code of Civil Procedure.

(e) A financial institution receiving a completed form containing a State Bar license number pursuant to subdivision (d) shall, in reliance on the license number, incorporate into its books and records the attorney's State Bar license number for known client trust accounts where the license number was previously not collected.

(f) This section is intended to supplement, and not eliminate nor replace, the remittance, reporting, and other obligations of a financial institution under Section 6212, which shall remain in full force and effect. This section does not affect the obligations of an attorney or a law firm relating to maintaining an interest-bearing IOLTA account under Section 6211, which shall remain in full force and effect.

(g) No action shall lie against a financial institution or any of its officers, directors, or employees relating to their discharge of, or their alleged failure to discharge, any obligation under this section.

(h) On or before November 30, 2026, and annually on or before November 30 thereafter, the State Bar shall submit to the Assembly Committee on Judiciary and the Senate Committee on Judiciary a report detailing the number of findings, mandatory

corrective actions, and referrals for possible discipline that the State Bar made in the prior fiscal year pertaining to client trust accounts. The report shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 15. Section 6091.4 is added to the Business and Professions Code, to read:

6091.4. (a) Notwithstanding subdivision (e) of Section 6068, Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the Attorney Work Product doctrine as restated in Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure, or any other law, licensees of the State Bar, limited liability partnerships, or law corporations registered with the State Bar shall, pursuant to a request made as part of a compliance review or investigative audit being conducted by or at the direction of the State Bar, provide to the State Bar or its agents all requested information, records, or communications, including, but not limited to, account journals, client ledgers, fee agreements, client files, and billing statements related to the receipt, holding, and disbursement of funds, securities, or other property in which the licensee, limited liability partnership, or law corporation knows or reasonably should know a client or other person has an interest.

(b) By providing any information, records, or communications under subdivision (a), an attorney does not violate, waive, or extinguish the duty to maintain the confidence and preserve the secrets of their client under subdivision (e) of Section 6068, the Lawyer-Client Privilege under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the Attorney Work Product doctrine as restated in Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure, or the protections of any other rule or law related to attorney work product or the attorney-client privilege.

(c) Any information, records, or communications provided under subdivision (a) shall remain confidential unless disclosure by the State Bar or its agents is required to fulfill its licensing, regulatory, and disciplinary functions, including, but not limited to, investigation or formal proceedings concerning alleged misconduct of a licensee, limited liability partnership, or law corporation or the disclosure of alleged misconduct under Section 6044.5. In no event shall disclosure by the State Bar or its agents be deemed a waiver of the confidential character of the information for any other purpose nor shall the disclosing licensee be considered in violation of any of the duties listed in subdivision (b) as related to the disclosure of such items by the State Bar or its agents.

(d) Any information, records, or communications provided under subdivision (a) shall not be disclosed pursuant to any state law, including but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

SEC. 16. Section 6140 of the Business and Professions Code is amended to read:

6140. (a) The board shall fix the annual license fee for active licensees for 2025 at a sum not exceeding four hundred dollars (\$400).

(b) The annual license fee for active licensees is payable on or before the date set by the State Bar, which shall not be less than 12 months from the prior year's due date. Individuals who qualify for a waiver pursuant to subdivision (b) of Section 6141.1 shall be permitted to pay fees on an installment basis, with interest and other costs directly associated with the use of an installment plan, in the manner determined by the State Bar. Additionally, if the board finds it appropriate and feasible, it may provide by rule for payment of fees on an installment basis with interest, by credit card, or by other means, and may charge licensees choosing any alternative method of payment an additional fee to defray costs incurred by that election.

(c) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 17. Section 6140.03 of the Business and Professions Code is amended to read:

6140.03. (a) The board shall increase each of the annual license fees fixed by Sections 6140 and 6141 by an additional forty-five dollars (\$45), to be allocated only for the purposes established pursuant to Section 6033 and subdivision (b), except to the extent that a licensee elects not to support those activities.

(b) (1) Ten dollars (\$10) of the forty-five-dollar (\$45) fee shall be allocated to qualified legal services projects or qualified support centers, as defined in Section 6213, to fund law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons. The State Bar shall not make any deductions from the ten dollars (\$10) for any reason, including, but not limited to, administrative fees, costs, or expenses of the State Bar.

(2) Except as provided in paragraphs (4) and (5), funds shall be allocated pursuant to a competitive grant process administered by the Legal Services Trust Fund Commission and not through the formula set forth in Section 6216.

(3) In awarding these grants, preference shall be given to fund proposals for fellowships serving rural or underserved communities and that serve clients regardless of immigration or citizenship status.

(4) Any funds under paragraph (1) not allocated as of January 1, 2030, shall be distributed to qualified legal services projects and support centers pursuant to the formula set forth in Section 6216.

(5) The allocation described in this subdivision shall remain in effect until January 1, 2030, and after that date, the entire forty-five dollars (\$45) shall be allocated only for the purposes established pursuant to Section 6033.

(c) The invoice provided to licensees for payment of the annual license fee shall provide each licensee the option of deducting forty-five dollars (\$45) from the annual license fee if the licensee elects not to have this amount allocated for the purposes established pursuant to Section 6033.

SEC. 18. Section 6140.5 of the Business and Professions Code is amended to read:

6140.5. (a) The board shall establish and administer a Client Security Fund to relieve or mitigate pecuniary losses caused by the dishonest conduct of licensees of the State Bar, foreign legal consultants registered with the State Bar, and attorneys registered with the State Bar under the Multijurisdictional Practice Program, arising from or connected with the practice of law. Any payments from the fund shall be discretionary and shall be subject to regulation, conditions, and rules as the board shall prescribe. The board may delegate the administration of the fund to the State Bar Court, or to any board or committee created by the board of trustees.

(b) Upon making a payment to a person who has applied to the fund for payment to relieve or mitigate pecuniary losses caused by the dishonest conduct of a licensee, the State Bar is subrogated, to the extent of that payment, to the rights of the applicant against any person or persons who, or entity that, caused the pecuniary loss. The State Bar may bring an action to enforce those rights within three years from the date of payment to the applicant.

(c) Any licensee whose actions have caused the payment of funds to an applicant from the Client Security Fund shall owe those funds to the State Bar and reimburse the Client Security Fund for all moneys paid out as a result of the licensee's conduct with interest, in addition to payment of the assessment for the procedural costs of processing the claim. The State Bar may collect any money paid out by the Client Security Fund pursuant to this subdivision through any means provided by law. The licensee's obligation to reimburse the Client Security Fund pursuant to this section is imposed as a penalty, payable to and for the benefit of the State Bar of California, a public corporation created pursuant to Article VI of the California Constitution, to promote rehabilitation and protect the public. This subdivision is declaratory of existing law.

(d) For a publicly reprovved or suspended licensee, the reimbursed amount by the Client Security Fund, plus applicable interest and costs, shall be paid as a condition of continued practice. This amount shall be added to and become a part of the license fee of a publicly reprovved or suspended licensee unless time for payment is extended or otherwise modified.

(e) For a licensee who resigns with disciplinary charges pending or a licensee who is resigned or disbarred, the reimbursed amount by the Client Security Fund, plus applicable interest and costs, shall be paid as a condition of applying for reinstatement of the licensee's license to practice law or return to active license status.

(f) Any assessment against an attorney pursuant to subdivision (c) that is part of an order imposing a public reprovval on a licensee or is part of an order imposing discipline or accepting a resignation with a disciplinary matter pending, or any reimbursed amount that is part of a final determination by the Client Security Fund, may also be enforced as a money judgment. This subdivision does not limit the power of the Supreme Court to alter the restitution amount owed pursuant to an order imposing public reprovval on a licensee or an order imposing discipline or accepting a resignation with a disciplinary matter pending, or to authorize the State Bar Court to do the same.

(g) To obtain a money judgment pursuant to subdivision (f) that is not part of a court order imposing a public reprovval on a licensee or is not part of a court order imposing discipline or accepting a resignation with a disciplinary matter pending, the State Bar shall file a certified copy of the Notice of Payment of the Client Security Fund with the clerk of the superior court of any county. The clerk shall immediately enter judgment in conformity with the Notice of Payment. The judgment shall have the same force and effect as a judgment in a civil action and may be enforced in the same manner as any other judgment.

(h) The defense of laches shall not be raised by the licensee whose actions have caused the payment of funds to an applicant from the Client Security Fund with respect to any payment owed to the State Bar, or with respect to any collections efforts by the State Bar for those payments.

(i) Judicial review of a decision to approve or deny, in whole or in part, an application for reimbursement from the Client Security Fund may be had by filing a petition for a writ of administrative mandamus pursuant to Section 1094.5 of the Code of Civil Procedure within 90 days after the date the decision was served. This subdivision is declaratory of existing law.

(j) Subdivisions (c), (f), and (h) have, and shall have, retroactive application, as well as prospective application.

(k) (1) A licensee may be granted relief, in whole or in part, from any payment obligation under subdivision (c), including compromise of any money judgment, or may be granted an extension of time to pay, at the discretion of the State Bar, upon grounds of hardship, special circumstances, or other good cause.

(2) Notwithstanding subdivision (c), 50 percent of the collections received during the 2025 calendar year shall be deposited in the Client Security Fund and 50 percent shall be deposited in the State Bar's general fund.

(l) As used in this section, "licensee" shall include a foreign legal consultant registered with the State Bar.

SEC. 19. Section 6140.55 of the Business and Professions Code, as added by Section 25 of Chapter 697 of the Statutes of 2023, is amended to read:

6140.55. (a) The board may increase the annual license fees fixed by it pursuant to Section 6140 by an additional amount per active licensee not to exceed forty dollars (\$40), and the annual license fees fixed by it pursuant to Section 6141 by an additional amount per inactive licensee not to exceed ten dollars (\$10), in any year, the additional amount to be applied only for the purposes of the Client Security Fund and the costs of its administration, including, but not limited to, the costs of processing, determining, defending, or insuring claims against the fund.

(b) Notwithstanding subdivision (a), the board may disburse to the State Bar's general fund two million dollars (\$2,000,000) from the Client Security Fund as reimbursement for funds provided to the Client Security Fund from the State Bar's general fund in 2017 and the legislative activities fund in 2016.

(c) This section shall be operative on January 1, 2025.

SEC. 20. Section 6140.10 is added to the Business and Professions Code, to read:

6140.10. (a) In addition to the fee collected pursuant to Sections 6140 and 6141, the State Bar may collect revenue to pay for lease costs associated with leasing space in the building located at 180 Howard Street, San Francisco, as follows:

(1) A fee not to exceed fifteen dollars (\$15) annually from each individual active licensee.

(2) A fee not to exceed three dollars and fifty cents (\$3.50) from each individual inactive licensee.

(b) On or before July 1, 2028, the State Bar shall transmit to the Legislature a report detailing the following:

(1) Potential options for lowering the costs associated with leasing the property at 180 Howard Street, San Francisco, including, but not limited to, the following:

(A) Strategies for subleasing space at the property at 180 Howard Street, San Francisco.

(B) Options for ending the lease at the property at 180 Howard Street, San Francisco, prior to its expiration, including the amount of money required to pay liquidated damages for ending the lease before term.

(C) Identify potential state-owned buildings in the San Francisco-Oakland-Hayward census area.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 21. Section 6140.11 is added to the Business and Professions Code, to read:

6140.11. (a) In addition to the fee collected pursuant to Sections 6140 and 6141, the State Bar may collect revenue to fund the salaries and benefits of employees of the State Bar, including benefits identified in the applicable memorandums of understandings with the bargaining units of State Bar employees, as follows:

(1) A fee not to exceed fifty-two dollars (\$52) annually from each individual active licensee.

(2) A fee not to exceed fourteen dollars (\$14) from each individual inactive licensee.

(b) The State Bar shall seek to achieve, through employee attrition only, a 15 percent vacancy rate by April 1, 2027.

(c) The State Bar shall not terminate an employee solely for the purpose of meeting the target vacancy rate specified in subdivision (b).

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 22. Section 6140.13 is added to the Business and Professions Code, to read:

6140.13. (a) In addition to the fee collected pursuant to Sections 6140 and 6141, the State Bar may collect revenue not to exceed the actual cost of administering compliance reviews and audits of client trust accounts, as follows:

- (1) A fee not to exceed five dollars and fifty cents (\$5.50) annually from each individual active licensee.
- (2) A fee not to exceed one dollar and twenty-five cents (\$1.25) from each individual inactive licensee.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 23. Section 6140.14 is added to the Business and Professions Code, to read:

6140.14. (a) In addition to the fee collected pursuant to Sections 6140 and 6141, the State Bar may collect revenue not to exceed the actual cost of the pilot programs to fund the disciplinary diversion programs, as described in the report to the Legislature submitted pursuant to Section 6145.1, as follows:

- (1) A fee not to exceed five dollars and fifty cents (\$5.50) annually from each individual active licensee.
- (2) A fee not to exceed one dollar and twenty-five cents (\$1.25) from each individual inactive licensee.

(b) On or before April 1, 2027, the State Bar shall transmit to the Legislature a report detailing the following:

- (1) The number of attorneys referred to the diversion program.
- (2) The number of complaints resulting in a referral to the diversion program.
- (3) The rate of reoffending by attorneys referred to the diversion program.
- (4) The total reduction in caseload for the Office of Chief Trial Counsel resulting from the pilot disciplinary diversion program.

(c) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 24. Section 6141 of the Business and Professions Code is amended to read:

6141. (a) The board shall fix the annual license fee for inactive licensees at a sum not exceeding one hundred dollars (\$100). The annual license fee for inactive licensees for 2025 is payable on or before the first day of February of each year. The annual license fee for active licensees is payable on or before the date set by the State Bar, which shall not be less than 12 months from the prior year's due date.

(b) An inactive licensee shall not be required to pay the annual license fee for inactive licensees for any calendar year following the calendar year in which the licensee attains 70 years of age.

(c) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 25. Section 6155 of the Business and Professions Code is amended to read:

6155. (a) An individual, partnership, corporation, association, or any other nongovernmental entity shall not operate for the direct or indirect purpose, in whole or in part, of referring potential clients to attorneys, and no attorney shall accept a referral of such potential clients, unless all of the following requirements are met:

- (1) The service is certified by the State Bar of California and is operated in conformity with minimum standards for a lawyer referral service established by the State Bar and approved by the Supreme Court.
- (2) The combined charges to the potential client by the referral service and the attorney to whom the potential client is referred do not exceed the total cost that the client would normally pay if no referral service were involved.

(b) A referral service shall not be owned or operated, in whole or in part, directly or indirectly, by those lawyers to whom, individually or collectively, more than 20 percent of referrals are made. For purposes of this subdivision, a referral service that is owned or operated by a bar association, as defined in the minimum standards, shall be deemed to be owned or operated by its governing committee so long as the governing committee is constituted and functions in the manner prescribed by the minimum standards.

(c) None of the following is a lawyer referral service:

- (1) A plan of legal insurance as defined in Section 119.6 of the Insurance Code.

(2) A group or prepaid legal plan, whether operated by a union, trust, mutual benefit or aid association, public or private corporation, or other entity or person, which meets both of the following conditions:

(A) It recommends, furnishes, or pays for legal services to its members or beneficiaries.

(B) It provides telephone advice or personal consultation.

(3) A program having as its purpose the referral of clients to attorneys for representation on a pro bono basis.

(4) A nonprofit organization that partners with a referral service as provided in this article.

(d) The following are in the public interest and do not constitute an unlawful restraint of trade or commerce:

(1) An agreement between a referral service and a participating attorney to eliminate or restrict the attorney's fee for an initial office consultation for each potential client or to provide free or reduced fee services.

(2) Requirements by a referral service that attorneys meet reasonable participation requirements, including experience, education, and training requirements.

(3) Provisions of the minimum standards as approved by the Supreme Court.

(4) Requirements that the application and renewal fees for certification as a lawyer referral service be determined, in whole or in part, by a consideration of any combination of the following factors: a referral service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or nonprofit status; provided that the application and renewal fees are reasonable and necessary to cover the cost of the program and established by the State Bar through the rulemaking process.

(5) Requirements that, to increase access to the justice system for all Californians, lawyer referral services establish separate ongoing activities or arrangements that serve persons of limited means.

(6) Partnerships or agreements between a referral service and a participant's nonprofit organization to refer potential clients for assistance.

(e) A violation or threatened violation of this section may be enjoined by any person.

(f) With the approval of the Supreme Court, the State Bar shall formulate and enforce rules and regulations for carrying out this section, including rules and regulations which do the following:

(1) Establish minimum standards for lawyer referral services.

(2) Require that an entity seeking to qualify as a lawyer referral service register with the State Bar and obtain certification from the State Bar.

(3) Require that the certificate may be obtained, maintained, suspended, or revoked pursuant to procedures set forth in the rules and regulations.

(4) Require the lawyer referral service to pay an application and renewal fee for the certificate in such reasonable amounts as may be determined by the State Bar. The State Bar shall adopt rules authorizing the waiver or reduction of the fees upon a demonstration of financial necessity. The State Bar may require that the application and renewal fees for certification as a lawyer referral service be determined, in whole or in part, by a consideration of any combination of the following factors: a referral service's gross annual revenues, number of panels, number of panel members, amount of fees charged to panel members, or for-profit or nonprofit status.

(5) Require that, to increase access to the justice system for all Californians, lawyer referral services establish separate ongoing activities or arrangements that serve persons of limited means.

(6) Require each lawyer who is a member of a certified lawyer referral service to comply with all applicable professional standards, rules, and regulations, and to possess a policy of errors and omissions insurance in an amount not less than one hundred thousand dollars (\$100,000) for each occurrence and three hundred thousand dollars (\$300,000) aggregate, per year. By rule, the State Bar may provide for alternative proof of financial responsibility to meet this requirement.

(7) Establish minimum standards for nonprofit organizations that partner with lawyer referral services.

(g) Provide that cause for denial of certification or recertification or revocation of certification of a lawyer referral service shall include, but not be limited to:

(1) Noncompliance with the statutes or minimum standards governing lawyer referral services as adopted and from time to time amended.

(2) Sharing common or cross ownership, interests, or operations with any entity which engages in referrals to licensed or unlicensed health care providers.

(3) Direct or indirect consideration regarding referrals between an owner, operator, or member of a lawyer referral service and any licensed or unlicensed health care provider.

(4) Advertising on behalf of attorneys in violation of the Rules of Professional Conduct or the Business and Professions Code.

(h) This section shall not be construed to prohibit attorneys from jointly advertising their services.

(1) Permissible joint advertising, among other things, identifies by name the advertising attorneys or law firms whom the consumer of legal services may select and initiate contact with.

(2) Certifiable referral activity involves, among other things, some person or entity other than the consumer and advertising attorney or law firms which, in person, electronically, or otherwise, refers the consumer to an attorney or law firm not identified in the advertising.

(i) A lawyer referral service certified under this section and operating in full compliance with this section, and in full compliance with the minimum standards and the rules and regulations of the State Bar governing lawyer referral services, shall not be deemed to be in violation of Section 3215 of the Labor Code or Section 750 of the Insurance Code.

(j) The payment by an attorney or law firm member of a certified referral service of the normal fees of that service shall not be deemed to be in violation of Section 3215 of the Labor Code or Section 750 of the Insurance Code, provided that the attorney or law firm member is in full compliance with the minimum standards and the rules and regulations of the State Bar governing lawyer referral services.

(k) Certifications of lawyer referral services issued by the State Bar shall not be transferable.

SEC. 26. Section 6177 of the Business and Professions Code is amended to read:

6177. The State Bar shall include in its Annual Discipline Report information on the number of complaints filed against California attorneys alleging a violation of this article. The report shall also include the type of charges made in each complaint, the number of resulting investigations initiated, and the number and nature of any disciplinary actions taken by the State Bar for violations of this article.

SEC. 27. Section 55.32 of the Civil Code is amended to read:

55.32. (a) An attorney who provides a demand letter, as defined in subdivision (a) of Section 55.3, shall do all of the following:

(1) Include the attorney's State Bar license number in the demand letter.

(2) Within five business days of providing the demand letter, send a copy of the demand letter, and submit information about the demand letter in a standard format specified by the California Commission on Disability Access on the commission's internet website pursuant to Section 14985.8 of the Government Code, to the commission.

(b) An attorney who sends or serves a complaint, as defined in subdivision (a) of Section 55.3, or a complaint alleging that an internet website is not accessible, shall do both of the following:

(1) Send a copy of the complaint and submit information about the complaint in a standard format specified by the California Commission on Disability Access on the commission's internet website pursuant to Section 14985.8 of the Government Code to the commission within five business days of sending or serving the complaint.

(2) Notify the California Commission on Disability Access within five business days of judgment, settlement, or dismissal of the claim or claims alleged in the complaint of the following information in a standard format specified by the commission on the commission's internet website pursuant to Section 14985.8 of the Government Code:

(A) The date of the judgment, settlement, or dismissal.

(B) Whether or not the construction-related accessibility violations or accessibility violations related to an internet website alleged in the complaint were remedied in whole or in part after the plaintiff filed a complaint or provided a demand letter, as defined by Section 55.3.

(C) If the construction-related accessibility violations or accessibility violations related to an internet website alleged in the complaint were not remedied in whole or in part after the plaintiff filed a complaint or provided a demand letter, as defined by Section 55.3, whether or not another favorable result was achieved after the plaintiff filed the complaint or provided the demand letter.

(D) Whether or not the defendant submitted an application for an early evaluation conference and stay pursuant to Section 55.54, whether the defendant requested a site inspection of an alleged construction-related accessibility violation, the date of any early evaluation conference, and the date of any site inspection of an alleged construction-related accessibility violation.

(c) A violation of paragraph (2) of subdivision (a) or subdivision (b) shall constitute cause for the imposition of discipline of an attorney if a copy of the demand letter, complaint, or notification of a case outcome is not sent to the California Commission on Disability Access in the standard format specified on the commission's internet website pursuant to Section 14985.8 of the Government Code within five business days. In the event the State Bar receives information indicating that an attorney has failed to send a copy of the demand letter, complaint, or notification of a case outcome to the California Commission on Disability Access in the standard format specified on the commission's internet website pursuant to Section 14985.8 of the Government Code within five business days, the State Bar shall investigate to determine whether paragraph (2) of subdivision (a) or subdivision (b) has been violated.

(d) Notwithstanding subdivisions (a) and (b), an attorney is not required to send to the California Commission on Disability Access a copy of any subsequent demand letter or amended complaint in the same dispute following the initial demand letter or complaint, unless that subsequent demand letter or amended complaint alleges a new construction-related accessibility claim.

(e) A demand letter or notification of a case outcome sent to the California Commission on Disability Access shall be for the informational purposes of Section 14985.8 of the Government Code. A demand letter received by the State Bar from the recipient of the demand letter shall be reviewed by the State Bar to determine whether subdivision (b) or (c) of Section 55.31 has been violated.

(f) (1) Notwithstanding Section 10231.5 of the Government Code, and annually as part of the Annual Discipline Report, the State Bar shall report to the Legislature and the Chairs of the Senate and Assembly Judiciary Committees, both of the following with respect to demand letters received by the State Bar:

(A) The number of investigations opened to date on a suspected violation of subdivision (b) or (c) of Section 55.31.

(B) Whether any disciplinary action resulted from the investigation, and the results of that disciplinary action.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(g) The California Commission on Disability Access shall review and report on the demand letters, complaints, and notifications of case outcomes it receives as provided in Section 14985.8 of the Government Code.

(h) The expiration of any ground for discipline of an attorney shall not affect the imposition of discipline for any act prior to the expiration. An act or omission that constituted cause for imposition of discipline of an attorney when committed or omitted prior to January 1, 2019, shall continue to constitute cause for the imposition of discipline of that attorney on and after January 1, 2019.

(i) Paragraph (2) of subdivision (a) and subdivision (b) shall not apply to a demand letter or complaint sent or filed by an attorney employed or retained by a qualified legal services project or a qualified support center, as defined in Section 6213 of the Business and Professions Code, when acting within the scope of employment in asserting a construction-related accessibility claim. The Legislature finds and declares that qualified legal services projects and support centers are extensively regulated by the State Bar of California, and that there is no evidence of any abusive use of demand letters or complaints by these organizations. The Legislature further finds that, in light of the evidence of the extraordinarily small number of construction-related accessibility cases brought by regulated legal services programs, and given the resources of those programs, exempting regulated legal services programs from the requirements of this section to report to the California Commission on Disability Access will not affect the purpose of the reporting to, and tabulation by, the commission of all other construction-related accessibility claims.

SEC. 28. Section 2015 of the Code of Civil Procedure is amended to read:

2015. (a) When an affidavit is taken before a judge or a court in another state or in a foreign country, the genuineness of the signature of the judge, the existence of the court, and the fact that such judge is a member thereof, must be certified by the clerk of the court under the seal thereof.

(b) This section shall not apply to oaths administered for admission to the State Bar of California pursuant to Section 6067 of the Business and Professions Code.

SEC. 29. Section 4056 of the Financial Code is amended to read:

4056. (a) This division shall not apply to information that is not personally identifiable to a particular person.

(b) Notwithstanding Sections 4052.5, 4053, 4054, and 4054.6, a financial institution may release nonpublic personal information under the following circumstances:

(1) The nonpublic personal information is necessary to effect, administer, or enforce a transaction requested or authorized by the consumer, or in connection with servicing or processing a financial product or service requested or authorized by the consumer, or in connection with maintaining or servicing the consumer's account with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of that entity, or in connection with a proposed or actual securitization or secondary market sale, including sales of servicing rights, or similar transactions related to a transaction of the consumer.

(2) The nonpublic personal information is released with the consent of or at the direction of the consumer.

(3) The nonpublic personal information is:

(A) Released to protect the confidentiality or security of the financial institution's records pertaining to the consumer, the service or product, or the transaction therein.

(B) Released to protect against or prevent actual or potential fraud, identity theft, unauthorized transactions, claims, or other liability.

(C) Released for required institutional risk control, or for resolving customer disputes or inquiries.

(D) Released to persons holding a legal or beneficial interest relating to the consumer, including for purposes of debt collection.

(E) Released to persons acting in a fiduciary or representative capacity on behalf of the consumer.

(4) The nonpublic personal information is released to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the financial institution, persons assessing the institution's compliance with industry standards, and the institution's attorneys, accountants, and auditors.

(5) The nonpublic personal information is released to the extent specifically required or specifically permitted under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978 (12 U.S.C. Sec. 3401 et seq.), to law enforcement agencies, including a federal functional regulator, the Secretary of the Treasury with respect to subchapter II of Chapter 53 of Title 31, and Chapter 2 of Title I of Public Law 91-508 (12 U.S.C. Secs. 1951-1959), the California Department of Insurance or other state insurance regulators, the State Bar of California, or the Federal Trade Commission, and self-regulatory organizations, or for an investigation on a matter related to public safety.

(6) The nonpublic personal information is released in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of the business or unit.

(7) The nonpublic personal information is released to comply with federal, state, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, administrative, or regulatory investigation or subpoena or summons by federal, state, or local authorities; or to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes as authorized by law.

(8) When a financial institution is reporting a known or suspected instance of elder or dependent adult financial abuse or is cooperating with a local adult protective services agency investigation of known or suspected elder or dependent adult financial abuse pursuant to Article 3 (commencing with Section 15630) of Chapter 11 of Part 3 of Division 9 of the Welfare and Institutions Code.

(9) The nonpublic personal information is released to an affiliate or a nonaffiliated third party in order for the affiliate or nonaffiliated third party to perform business or professional services, such as printing, mailing services, data processing or analysis, or customer surveys, on behalf of the financial institution, provided that all of the following requirements are met:

(A) The services to be performed by the affiliate or nonaffiliated third party could lawfully be performed by the financial institution.

(B) There is a written contract between the affiliate or nonaffiliated third party and the financial institution that prohibits the affiliate or nonaffiliated third party, as the case may be, from disclosing or using the nonpublic personal information other

than to carry out the purpose for which the financial institution disclosed the information, as set forth in the written contract.

(C) The nonpublic personal information provided to the affiliate or nonaffiliated third party is limited to that which is necessary for the affiliate or nonaffiliated third party to perform the services contracted for on behalf of the financial institution.

(D) The financial institution does not receive any payment from or through the affiliate or nonaffiliated third party in connection with, or as a result of, the release of the nonpublic personal information.

(10) The nonpublic personal information is released to identify or locate missing and abducted children, witnesses, criminals and fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs.

(11) The nonpublic personal information is released to a real estate appraiser licensed or certified by the state for submission to central data repositories such as the California Market Data Cooperative, and the nonpublic personal information is compiled strictly to complete other real estate appraisals and is not used for any other purpose.

(12) The nonpublic personal information is released as required by Title III of the federal United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act; P.L. 107-56).

(13) The nonpublic personal information is released either to a consumer reporting agency pursuant to the Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.) or from a consumer report reported by a consumer reporting agency.

(14) The nonpublic personal information is released in connection with a written agreement between a consumer and a broker-dealer registered under the Securities Exchange Act of 1934 or an investment adviser registered under the Investment Advisers Act of 1940 to provide investment management services, portfolio advisory services, or financial planning, and the nonpublic personal information is released for the sole purpose of providing the products and services covered by that agreement.

(c) Nothing in this division is intended to change existing law relating to access by law enforcement agencies to information held by financial institutions.

SEC. 30. Section 7480 of the Government Code is amended to read:

7480. Nothing in this chapter shall prohibit any of the following:

(a) The dissemination of any financial information that is not identified with, or identifiable as being derived from, the financial records of a particular customer.

(b) When any police, sheriff's department, district attorney, or special agent with the Department of Justice in this state certifies to a bank, credit union, or savings association in writing that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, access cards, or other orders drawn upon any bank, credit union, or savings association in this state, the police, sheriff's department, district attorney, special agent with the Department of Justice, or a county adult protective services agency when investigating the financial abuse of an elder or dependent adult, or a long-term care ombudsperson when investigating the financial abuse of an elder or dependent adult, may request a bank, credit union, or savings association to furnish, and a bank, credit union, or savings association shall furnish, a statement setting forth the following information with respect to a customer account specified by the requesting party for a period 90 days before, and up to 60 days following, the date of occurrence of the alleged illegal act involving the account:

(1) The number of items dishonored.

(2) The number of items paid that created overdrafts.

(3) The dollar volume of the dishonored items and items paid which created overdrafts and a statement explaining any credit arrangement between the bank, credit union, or savings association and customer to pay overdrafts.

(4) The dates and amounts of deposits and debits and the account balance on these dates.

(5) A copy of the signature card, including the signature and any addresses appearing on a customer's signature card.

(6) New bank cards issued.

(7) Change of address requests received.

(8) Power of attorney or trust documents submitted or executed.

(9) The date the account opened and, if applicable, the date the account closed.

(10) Surveillance photographs and video recordings of persons accessing the crime victim's financial account via an automated teller machine (ATM) or from within the financial institution for dates on which illegal acts involving the account were alleged to have occurred. Nothing in this paragraph does any of the following:

(A) Requires a financial institution to produce a photograph or video recording if it does not possess the photograph or video recording.

(B) Affects any existing civil immunities as provided in Section 47 of the Civil Code or any other provision of law.

(11) A bank, credit union, or savings association that provides the requesting party with copies of one or more complete account statements prepared in the regular course of business shall be deemed to be in compliance with paragraphs (1), (2), (3), and (4).

(c) When any police, sheriff's department, district attorney, or special agent with the Department of Justice in this state certifies to a bank, credit union, or savings association in writing that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, access cards, or other orders drawn upon any bank, credit union, or savings association doing business in this state, the police, sheriff's department, district attorney, special agent with the Department of Justice, a county adult protective services office when investigating the financial abuse of an elder or dependent adult, or a long-term care ombudsperson when investigating the financial abuse of an elder or dependent adult, may request, with the consent of the accountholder, the bank, credit union, or savings association to furnish, and the bank, credit union, or savings association shall furnish, a statement setting forth the following information with respect to a customer account specified by the requesting party for a period 30 days before, and up to 30 days following, the date of occurrence of the alleged illegal act involving the account:

(1) The number of items dishonored.

(2) The number of items paid that created overdrafts.

(3) The dollar volume of the dishonored items and items paid which created overdrafts and a statement explaining any credit arrangement between the bank, credit union, or savings association and customer to pay overdrafts.

(4) The dates and amounts of deposits and debits and the account balance on these dates.

(5) A copy of the signature card, including the signature and any addresses appearing on a customer's signature card.

(6) The date the account opened and, if applicable, the date the account closed.

(7) Surveillance photographs and video recordings of persons accessing the crime victim's financial account via an automated teller machine (ATM) or from within the financial institution for dates on which illegal acts involving this account were alleged to have occurred. Nothing in this paragraph does any of the following:

(A) Requires a financial institution to produce a photograph or video recording if it does not possess the photograph or video recording.

(B) Affects any existing civil immunities as provided in Section 47 of the Civil Code or any other provision of law.

(8) A bank, credit union, or savings association doing business in this state that provides the requesting party with copies of one or more complete account statements prepared in the regular course of business shall be deemed to be in compliance with paragraphs (1), (2), (3), and (4).

(d) For purposes of subdivision (c), consent of the accountholder shall be satisfied if an accountholder provides to the financial institution and the person or entity seeking disclosure, a signed and dated statement containing all of the following:

(1) Authorization of the disclosure for the period specified in subdivision (c).

(2) The name of the agency or department to which disclosure is authorized and, if applicable, the statutory purpose for which the information is to be obtained.

(3) A description of the financial records that are authorized to be disclosed.

(e) (1) The Attorney General, a supervisory agency, the Franchise Tax Board, the State Board of Equalization, the Employment Development Department, the Controller, or an inheritance tax referee when administering the Prohibition of Gift and Death Taxes (Part 8 (commencing with Section 13301) of Division 2 of the Revenue and Taxation Code), a police or sheriff's department or district attorney, a county adult protective services office when investigating the financial abuse of an elder or dependent adult, a long-term care ombudsperson when investigating the financial abuse of an elder or dependent adult, a county welfare department when investigating welfare fraud, a county auditor-controller or director of finance when investigating fraud against the county, or

the Department of Financial Protection and Innovation when conducting investigations in connection with the enforcement of laws administered by the Commissioner of Financial Protection and Innovation, from requesting of an office or branch of a financial institution, and the office or branch from responding to a request, as to whether a person has an account or accounts at that office or branch and, if so, any identifying numbers of the account or accounts.

(2) No additional information beyond that specified in this section shall be released to a county welfare department without either the accountholder's written consent or a judicial writ, search warrant, subpoena, or other judicial order.

(3) A county auditor-controller or director of finance who unlawfully discloses information they are authorized to request under this subdivision is guilty of the unlawful disclosure of confidential data, a misdemeanor, which shall be punishable as set forth in Section 7485.

(f) The examination by, or disclosure to, any supervisory agency of financial records that relate solely to the exercise of its supervisory function. The scope of an agency's supervisory function shall be determined by reference to statutes that grant authority to examine, audit, or require reports of financial records or financial institutions as follows:

(1) With respect to the Commissioner of Financial Protection and Innovation by reference to Division 1 (commencing with Section 99), Division 1.1 (commencing with Section 1000), Division 1.2 (commencing with Section 2000), Division 1.6 (commencing with Section 4800), Division 2 (commencing with Section 5000), Division 5 (commencing with Section 14000), Division 7 (commencing with Section 18000), Division 15 (commencing with Section 31000), and Division 16 (commencing with Section 33000), of the Financial Code.

(2) With respect to the Controller by reference to Title 10 (commencing with Section 1300) of Part 3 of the Code of Civil Procedure.

(3) With respect to the Administrator of Local Agency Security by reference to Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) The disclosure to the Franchise Tax Board of (1) the amount of any security interest that a financial institution has in a specified asset of a customer or (2) financial records in connection with the filing or audit of a tax return or tax information return that are required to be filed by the financial institution pursuant to Part 10 (commencing with Section 17001), Part 11 (commencing with Section 23001), or Part 18 (commencing with Section 38001), of the Revenue and Taxation Code.

(h) The disclosure to the State Board of Equalization of any of the following:

(1) The information required by Sections 6702, 6703, 8954, 8957, 30313, 30315, 32383, 32387, 38502, 38503, 40153, 40155, 41122, 41123.5, 43443, 43444.2, 44144, 45603, 45605, 46404, 46406, 50134, 50136, 55203, 55205, 60404, and 60407 of the Revenue and Taxation Code.

(2) The financial records in connection with the filing or audit of a tax return required to be filed by the financial institution pursuant to Part 1 (commencing with Section 6001), Part 2 (commencing with Section 7301), Part 3 (commencing with Section 8601), Part 13 (commencing with Section 30001), Part 14 (commencing with Section 32001), and Part 17 (commencing with Section 37001), of Division 2 of the Revenue and Taxation Code.

(3) The amount of any security interest a financial institution has in a specified asset of a customer, if the inquiry is directed to the branch or office where the interest is held.

(i) The disclosure to the Controller of the information required by Section 7853 of the Revenue and Taxation Code.

(j) The disclosure to the Employment Development Department of the amount of any security interest a financial institution has in a specified asset of a customer, if the inquiry is directed to the branch or office where the interest is held.

(k) The disclosure by a construction lender, as defined in Section 8006 of the Civil Code, to the Registrar of Contractors, of information concerning the making of progress payments to a prime contractor requested by the registrar in connection with an investigation under Section 7108.5 of the Business and Professions Code.

(l) Upon receipt of a written request from a local child support agency referring to a support order pursuant to Section 17400 of the Family Code, a financial institution shall disclose the following information concerning the account or the person named in the request, whom the local child support agency shall identify, whenever possible, by social security number:

(1) If the request states the identifying number of an account at a financial institution, the name of each owner of the account.

(2) Each account maintained by the person at the branch to which the request is delivered, and, if the branch is able to make a computerized search, each account maintained by the person at any other branch of the financial institution located in this state.

(3) For each account disclosed pursuant to paragraphs (1) and (2), the account number, current balance, street address of the branch where the account is maintained, and, to the extent available through the branch's computerized search, the name and address of any other person listed as an owner.

(4) Whenever the request prohibits the disclosure, a financial institution shall not disclose either the request or its response, to an owner of the account or to any other person, except the officers and employees of the financial institution who are involved in responding to the request and to attorneys, employees of the local child support agencies, auditors, and regulatory authorities who have a need to know in order to perform their duties, and except as disclosure may be required by legal process.

(5) No financial institution, or any officer, employee, or agent thereof, shall be liable to any person for (A) disclosing information in response to a request pursuant to this subdivision, (B) failing to notify the owner of an account, or complying with a request under this paragraph not to disclose to the owner, the request or disclosure under this subdivision, or (C) failing to discover any account owned by the person named in the request pursuant to a computerized search of the records of the financial institution.

(6) The local child support agency may request information pursuant to this subdivision only when the local child support agency has received at least one of the following types of physical evidence:

(A) Any of the following, dated within the last three years:

(i) Form 599.

(ii) Form 1099.

(iii) A bank statement.

(iv) A check.

(v) A bank passbook.

(vi) A deposit slip.

(vii) A copy of a federal or state income tax return.

(viii) A debit or credit advice.

(ix) Correspondence that identifies the child support obligor by name, the bank, and the account number.

(x) Correspondence that identifies the child support obligor by name, the bank, and the banking services related to the account of the obligor.

(xi) An asset identification report from a federal agency.

(B) A sworn declaration of the custodial parent during the 12 months immediately preceding the request that the person named in the request has had or may have had an account at an office or branch of the financial institution to which the request is made.

(7) Information obtained by a local child support agency pursuant to this subdivision shall be used only for purposes that are directly connected with the administration of the duties of the local child support agency pursuant to Section 17400 of the Family Code.

(m) (1) As provided in paragraph (1) of subdivision (c) of Section 666 of Title 42 of the United States Code, upon receipt of an administrative subpoena on the current federally approved interstate child support enforcement form, as approved by the federal Office of Management and Budget, a financial institution shall provide the information or documents requested by the administrative subpoena.

(2) The administrative subpoena shall refer to the current federal Office of Management and Budget control number and be signed by a person who states that they are an authorized agent of a state or county agency responsible for implementing the child support enforcement program set forth in Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code. A financial institution may rely on the statements made in the subpoena and has no duty to inquire into the truth of any statement in the subpoena.

(3) If the person who signs the administrative subpoena directs a financial institution in writing not to disclose either the subpoena or its response to any owner of an account covered by the subpoena, the financial institution shall not disclose the subpoena or its response to the owner.

(4) No financial institution, or any officer, employee, or agent thereof, shall be liable to any person for (A) disclosing information or providing documents in response to a subpoena pursuant to this subdivision, (B) failing to notify any owner of an account covered by the subpoena or complying with a request not to disclose to the owner, the subpoena or disclosure under this subdivision, or (C) failing to discover any account owned by the person named in the subpoena pursuant to a computerized search of the records of the financial institution.

(n) The dissemination of financial information and records pursuant to any of the following:

(1) Compliance by a financial institution with the requirements of Section 2892 of the Probate Code.

(2) Compliance by a financial institution with the requirements of Section 2893 of the Probate Code.

(3) An order by a judge upon a written ex parte application by a peace officer showing specific and articulable facts that there are reasonable grounds to believe that the records or information sought are relevant and material to an ongoing investigation of a felony violation of Section 186.10 or of any felony subject to the enhancement set forth in Section 186.11.

(A) The ex parte application shall specify with particularity the records to be produced, which shall be only those of the individual or individuals who are the subject of the criminal investigation.

(B) The ex parte application and any subsequent judicial order shall be open to the public as a judicial record unless ordered sealed by the court, for a period of 60 days. The sealing of these records may be extended for 60-day periods upon a showing to the court that it is necessary for the continuance of the investigation. Sixty-day extensions may continue for up to one year or until termination of the investigation of the individual or individuals, whichever is sooner.

(C) The records ordered to be produced shall be returned to the peace officer applicant or their designee within a reasonable time period after service of the order upon the financial institution.

(D) Nothing in this subdivision shall preclude the financial institution from notifying a customer of the receipt of the order for production of records unless a court orders the financial institution to withhold notification to the customer upon a finding that the notice would impede the investigation.

(E) Where a court has made an order pursuant to this paragraph to withhold notification to the customer under this paragraph, the peace officer or law enforcement agency who obtained the financial information shall notify the customer by delivering a copy of the ex parte order to the customer within 10 days of the termination of the investigation.

(4) An order by a judge issued pursuant to subdivision (c) of Section 532f of the Penal Code.

(5) No financial institution, or any officer, employee, or agent thereof, shall be liable to any person for any of the following:

(A) Disclosing information to a probate court pursuant to Sections 2892 and 2893.

(B) Disclosing information in response to a court order pursuant to paragraph (3).

(C) Complying with a court order under this subdivision not to disclose to the customer, the order, or the dissemination of information pursuant to the court order.

(o) Disclosure by a financial institution to a peace officer, as defined in Section 830.1 of the Penal Code, pursuant to the following:

(1) Paragraph (1) of subdivision (a) of Section 1748.95 of the Civil Code, provided that the financial institution has first complied with the requirements of paragraph (2) of subdivision (a) and subdivision (b) of Section 1748.95 of the Civil Code.

(2) Paragraph (1) of subdivision (a) of Section 4002 of the Financial Code, provided that the financial institution has first complied with the requirements of paragraph (2) of subdivision (a) and subdivision (b) of Section 4002 of the Financial Code.

(3) Paragraph (1) of subdivision (a) of Section 22470 of the Financial Code, provided that any financial institution that is a finance lender has first complied with the requirements of paragraph (2) of subdivision (a) and subdivision (b) of Section 22470 of the Financial Code.

(p) When the governing board of the Public Employees' Retirement System or the State Teachers' Retirement System certifies in writing to a financial institution that a benefit recipient has died and that transfers to the benefit recipient's account at the financial institution from the retirement system occurred after the benefit recipient's date of death, the financial institution shall furnish the retirement system with the name and address of any coowner, cosigner, or any other person who had access to the funds in the account following the date of the benefit recipient's death, or if the account has been closed, the name and address of the person who closed the account.

(q) When the retirement board of a retirement system established under the County Employees Retirement Law of 1937 certifies in writing to a financial institution that a retired member or the beneficiary of a retired member has died and that transfers to the account of the retired member or beneficiary of a retired member at the financial institution from the retirement system occurred after the date of death of the retired member or beneficiary of a retired member, the financial institution shall furnish the retirement system with the name and address of any coowner, cosigner, or any other person who had access to the funds in the account following the date of death of the retired member or beneficiary of a retired member, or if the account has been closed, the name and address of the person who closed the account.

(r) When the Franchise Tax Board certifies in writing to a financial institution that (1) a taxpayer filed a tax return that authorized a direct deposit refund with an incorrect financial institution account or routing number that resulted in all or a portion of the refund not being received, directly or indirectly, by the taxpayer; (2) the direct deposit refund was not returned to the Franchise Tax Board; and (3) the refund was deposited directly on a specified date into the account of an accountholder of the financial institution who was not entitled to receive the refund, then the financial institution shall furnish to the Franchise Tax Board the name and address of any coowner, cosigner, or any other person who had access to the funds in the account following the date of direct deposit refund, or if the account has been closed, the name and address of the person who closed the account.

(s) The dissemination of financial information and records pursuant to Section 6091.3 of the Business and Professions Code.

SEC. 31. The Legislature finds and declares that Section 15 of this act, which adds Section 6091.4 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to allow the State Bar of California to fully accomplish its objectives, including, but not limited to, its licensing, regulatory, and disciplinary functions, it is imperative to protect the privacy interests of those individuals whose identity, financial, and other sensitive information may be contained within the records produced to the State Bar of California in the course of its compliance reviews or investigative audits of entrusted funds, securities, and other property. Such information is protected as confidential.