



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

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

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

MARTIN HOSHINO  
*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

August 26, 2019

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

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

Dear Governor Newsom:

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

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

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August 26, 2019  
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interests in protecting highly sensitive medical information and is consistent with the treatment of medical records in other contexts (e.g., Civ. Code, § 56.10). Likewise, SB 557 preserves the public's right of access to court records by including a process to have the court consider, whether, in certain instances, the public right of access overrides a defendant's privacy interests in his or her medical information.

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

Sincerely,

*Mailed August 26, 2019*

Cory T. Jaspersen  
Director  
Judicial Council Governmental Affairs

CJ/SR/jh

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



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June 4, 2019

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

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

Dear Assembly Member Jones-Sawyer:

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

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

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

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

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

Sincerely,

*Mailed June 4, 2019*

Cory T. Jaspersen  
Director  
Judicial Council Governmental Affairs

CJ/SR/jh

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



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*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

April 19, 2019

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

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

Dear Senator Jones:

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

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

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

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

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

Sincerely,

*Mailed on April 19, 2019*

Sharon Reilly

Attorney

SR/yc-s

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