



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

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August 23, 2021

Hon. Mark Stone  
Member of the Assembly  
State Capitol, Room 3146  
Sacramento, California 95814

Subject: AB 1576 (Committee on Judiciary, as amended June 25, 2021 – Neutral if amended)

Dear Assembly Member Stone:

The Judicial Council is neutral if amendments are made regarding AB 1576, which requires superior courts to allow attorneys and other “officers of the court” to utilize the lactation room that is provided to court employees or another legally compliant lactation location within the courthouse.

AB 1576 requires courts to allow non-employees, in this case attorneys and other individuals who are considered “officers of the court,” such as probation officers, coroners, and other individuals that vary by county, access to a code-compliant lactation room in each courthouse that is provided for court employees. Labor Code section 1031, attached, requires employers, including courts, to provide lactation rooms for their employees. The Labor Code outlines the requirements for these rooms and clearly indicates that employers must provide them for the employees, although the statute is silent on making those rooms accessible to customers, members of the public, or other individuals. Available information indicates that existing judicial branch facilities currently comply with the requirements of Labor Code 1031.

Courts have indicated that this bill creates a variety of concerns for court operations, some of which are related to federal requirements on information security and facility costs. Specifically, courts have indicated that nearly all employee lactation rooms are in secure areas, accessible only to court employees. Because lactation rooms are, in most courts, located in secure areas. Federal guidelines regulate to who may be granted access to restricted areas of the courts. Specifically, the U.S. Department of Justice, Federal Bureau of Investigation has developed

Hon. Mark Stone

August 23, 2021

Page 2

guidelines requiring criminal justice agencies, including the courts, to ensure they maintain strict physical access controls to their facilities (see attachment, section 5.9 Policy Area 9: Physical Protection, pg. 51) to ensure that criminal justice information remains secure. In discussions with the Federal Bureau of Investigation, the bureau indicated that permitting non-court employees' access to areas of court facilities currently restricted to court staff would put courts in violation of these requirements. Courts note that, to comply with federal requirements, they would need to allocate staff resources so that each non-employee who sought to use the lactation room could be personally escorted to ensure the integrity of court information systems and documents. This is not practical, which is why the branch pursued amendments to allow courts to identify an alternate location in non-secured areas of their facilities.

However, the June 25, 2021 amendments require that this alternate location must also meet the requirements of Labor Code Section 1031. In further discussions with courts some indicated they would likely be able to find a publicly accessible space in their existing facility to address their information security concerns, but would not have the funding to retrofit an existing space in their court facilities to be compliant with all the provisions of Labor Code Section 1031.

For these reasons, the Judicial Council is neutral if amended on AB 1576.

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

Sincerely,

*Sent August 23, 2021*

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/MN/jh

cc: Mr. Tom Clark, Staff Counsel, Assembly Committee on Judiciary  
Ms. Jessica Devencenzi, Deputy Legislative Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California