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**VIA POSITION LETTER ELECTRONIC MAIL**  
**(APPROPS.COMMITTEE@ASSEMBLY.CA.GOV) AND U.S. MAIL**

April 17, 2026

Assembly Member Buffy Wicks, Chair  
Assembly Member Josh Hoover, Vice Chair  
Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, CA 95814

RE: Opposition to Assembly Bill 1821 on the California Public Records Act and a suggested compromise

To the Honorable Chair Wicks, Vice Chair Hoover and members of the Appropriations Committee,

Enclosed is a copy of my April 2, 2026 letter to the Assembly Judiciary Committee opposing Assembly Bill 1821 as it was then written. I note that on April 6, 2026 the bill was edited to remove most of the provisions of the bill I objected to.

However, the bill still contains provisions to lengthen of the time for the agency to respond to the requestor if the agency has responsive documents from 10 then 14 calendar days to 10 and 14 business days. As I noted in my April 2<sup>nd</sup> letter, this proposed change only adds additional delays for the public who are requesting documents.

Importantly I note there is *no definition of what a “business” day is in the bill*. Is a “business” day a day the specific public entity receiving the request is open for business? Is it on standard weekdays not including weekends and holidays? Are the holidays only when the U.S. Post Office is closed? Or those holidays as declared by the State of California? Or when the specific agency itself has closed its offices for whatever reason?

As you know, public school districts (K-12 districts, Community Colleges, State College and UCs) are generally not in session during the summer months and for large parts of their winter recesses. Does a “business” day mean (for School Districts, colleges, etc.) when class instructions are occurring or does mean when the District HQ staff are working? For police agencies is a “business” day everyday since the police are on call 24/7? There is no guidance for how “business” days are to be counted leaving the public at the mercy of each public entity to declare what is a “business” day.

As currently written AB 1821 would have the unintended consequence of great delays (and confusion) in the response of certain public entities (mainly educational entities) in California just to notify the requestor if the public entity is in possession of responsive documents.

As also noted in my April 2, 2026 letter to the Judiciary Committee, under the Public Records Act and case law, there is no time limit for the public entity to actually disclose the responsive documents to the requestor. As an attorney representing document requestors, I have seen some public entities stretch out the disclosure process for over one and even two years. AB 1821 does nothing to curtail this abuse.

Therefore I recommend to the Committee / Assembly that this proposal be dropped and maintain the 10 and 14 *calendar* day time limits. Or, *as an alternative and as a fair trade off for the rights of all parties*, amend AB 1821 to mandate that all of the responsive documents *must* be disclosed to the requestor no later than ninety (90) *calendar* days after the date of the request. Of course this would be an amendment to Government Code section 7922.530 (a). My suggested language for that section would be:

7922.530. (a) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable, **no later than 90 calendar days from the date of the request**. Upon request, an exact copy shall be provided unless impracticable to do so.

The above amendment to section 7922.530(a) would be a good compromise and protect the citizen's fundamental and necessary right to public records.

AB 1821, as it is currently written, is vague as to its application and undercuts citizens' rights under the Public Records Act and the California Constitution and does nothing to correct the abuse of the often great delays in the actual disclosure of responsive public records to requestors – records that are the property of the people in the first place.

Thank you for considering my views on this important subject.

Very truly yours,

*Craig P. Alexander*

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