

SUMMARY

This proposal would modernize how California’s local governments manage intellectual property (IP) by establishing clear statutory authority for cities, counties, and special districts to own, license, and protect the IP they create. The bill would preserve public-access rights under the California Public Records Act (PRA) while giving local agencies the tools they need to safeguard publicly funded work, prevent improper economic exploitation, and manage data and creative assets responsibly.

BACKGROUND

Local governments regularly produce valuable works—such as software—that qualify for copyright or other forms of IP protection. However, existing California law does not clearly authorize local governments to own or manage such IP.

This ambiguity has resulted in:

- inconsistent local practices,
- confusion regarding what agencies can legally protect or release,
- vulnerability to unauthorized commercial use of public assets, and
- conflict between public-access obligations and practical asset-management needs.

A statewide statutory framework is needed to clarify authority, provide consistency, and ensure that local policy supports both innovation and transparency.

NEED FOR THE BILL

- **Clear legal authority:** Local governments lack explicit statutory IP powers, leaving them unable to reliably protect or steward the materials they create.
- **Public transparency:** Communities must retain the ability to access public records without agencies improperly invoking copyright to deny access.
- **Protection of public investment:** Without clear IP guidance, third parties may exploit taxpayer-funded works for private gain.
- **Consistency across jurisdictions:** A standardized statewide approach will reduce legal uncertainty and improve intergovernmental coordination.
- **Support for modern operations:** Local agencies increasingly develop software, digital tools, and data assets requiring structured IP management.

WHAT THIS BILL COULD DO

1. Establishes explicit IP authority for local governments

- Authorizes local agencies to own, license, and—when appropriate—register IP they create or acquire.
- Ensures these powers apply only in ways consistent with the PRA, the California Constitution, and the First Amendment.

2. Protects public access

- Ensures local IP rights cannot restrict a member of the public from accessing government records.

3. Establishes consistent contracting standards

- Requires all local contracts involving IP to address ownership, licensing, access rights, and limitations.
- Allows local agencies to align their contracting language with model statewide guidance.