



C A L I F O R N I A
DEPARTMENT OF JUSTICE

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July 16, 2026

Molly C. Dwyer
Clerk of Court
U.S. Court of Appeals
for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119

RE: Response to Notice of Supplemental Authority
Richards v. Newsom, Case No. 25-693
Argued and submitted on February 2, 2026 – Circuit Judges Lee, Koh, and
De Alba

Dear Ms. Dwyer:

Appellee Rob Bonta writes in response to the Rule 28(j) letter submitted by Appellants regarding *Chatrie v. United States*, No. 25-112 (U.S. June 29, 2026). *Chatrie* held that the government’s acquisition of “geofence” or location data from Google was a search under the Fourth Amendment because the data presented exhaustive information about users’ movements, implicating reasonable expectations of privacy. Slip Op. at 10–29. The Court remanded for determination of whether the warrant authorizing the search satisfied Fourth Amendment standards. *Id.* at 29–32.

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Appellants contend that *Chatrie* supports their argument that the security recording mandated by California Penal Code section 26806 (“Section 26806”) is a search under the Fourth Amendment, regardless of when—or whether—the government reviews the recording. But *Chatrie* plainly held that the search occurred when the government *acquired* the data. *See, e.g.*, Slip Op. at 13, 29. In this way, *Chatrie* follows the path of *Carpenter v. United States*, 585 U.S. 296 (2018), which likewise focused on the government’s acquisition of the data in question. *See* Answering Brief at 16 (citing 585 U.S. at 306, 313, 316, 317 & 320); *see also* Slip. Op. at 13, 15, 16 (discussing *Carpenter*). Here, Section 26806 erects careful and constitutionally adequate safeguards limiting the government’s access to the security recordings. *See* Answering Brief at 15, 16. The government’s access to the recordings during administrative inspections is restricted to the limited purpose of ensuring compliance with statutory requirements, and the government can only *acquire* recordings “pursuant to search warrant or other court order.” Cal. Pen. Code § 26806(b)(1)–(2).

Chatrie is inapplicable for additional reasons. The location data at issue in *Chatrie* provided a continuous and “precise measure” of a person’s location, Slip. Op. at 17, following individuals into private places, *id.* at 20, 23. In contrast, the security system mandated by Section 26806 is limited to certain areas of business

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premises selling firearms. *See* Answering Brief at 17–18. Moreover, *Chatrie* concerned a targeted investigation of a particular crime, and does not speak to laws governing closely regulated industries. *See id.* at 18–19.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Bellows', written in a cursive style.

ANNE P. BELLOWS
Deputy Attorney General

cc: All counsel of record