

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2161

Introduced by Assembly Member Maddox

February 20, 2002

An act to amend Section 1786.18 of the Civil Code, relating to consumer credit reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, as amended, Maddox. Consumer credit reports: crimes.

Under existing law, an investigative consumer reporting agency is prohibited from making or furnishing any investigative consumer report containing, among other things, records of conviction of a crime that, from the date of disposition, release, or parole, antedate the report by more than 7 years.

This bill ~~would delete that prohibition~~ *instead would prohibit those agencies from making or furnishing an investigative consumer report that contains records of misdemeanor convictions that, from the date of disposition or release, antedate the report by more than 7 years.*

The bill also would prohibit information contained in an investigative consumer report from being used by any public agency to disqualify a person from voting or render a person ineligible to register to vote.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1786.18 of the Civil Code is amended
2 to read:

3 1786.18. (a) Except as authorized under subdivision (b), no
4 investigative consumer reporting agency shall make or furnish any
5 investigative consumer report containing any of the following
6 items of information:

7 (1) Bankruptcies that, from the date of adjudication, antedate
8 the report by more than 10 years.

9 (2) Suits that, from the date of filing, and satisfied judgments
10 that, from the date of entry, antedate the report by more than seven
11 years.

12 (3) Unsatisfied judgments that, from the date of entry, antedate
13 the report by more than seven years.

14 (4) Unlawful detainer actions where the defendant was the
15 prevailing party or where the action is resolved by settlement
16 agreement.

17 (5) Paid tax liens that, from the date of payment, antedate the
18 report by more than seven years.

19 (6) Accounts placed for collection or charged to profit and loss
20 that antedate the report by more than seven years.

21 (7) Records of arrest, indictment, information, or misdemeanor
22 complaint *or misdemeanor conviction* of a crime that, from the
23 date of disposition or release, antedate the report by more than
24 seven years. These items of information shall no longer be
25 reported if at any time it is learned that, in the case of an arrest,
26 indictment, information, or misdemeanor complaint, a conviction
27 did not result, except that records of arrest, indictment,
28 information, or misdemeanor complaints may be reported pending
29 pronouncement of judgment on the particular subject matter of
30 those records.

31 (8) Any other adverse information that antedates the report by
32 more than seven years.

33 (b) Subdivision (a) is not applicable in the case of any
34 investigative consumer report to be used in the underwriting of life
35 insurance involving, or that may reasonably be expected to
36 involve, an amount of two hundred fifty thousand dollars
37 (\$250,000) or more.



1 (c) Except as otherwise provided in Section 1786.28, an
2 investigative consumer reporting agency may not furnish an
3 investigative consumer report that includes information that is a
4 matter of public record and that relates to an arrest, indictment,
5 conviction, civil judicial action, tax lien, or outstanding judgment,
6 unless the agency has verified the accuracy of the information
7 during the 30-day period ending on the date on which the report
8 is furnished.

9 (d) An investigative consumer reporting agency may not
10 prepare or furnish an investigative consumer report on a consumer
11 that contains information that is adverse to the interest of the
12 consumer and that is obtained through a personal interview with
13 a neighbor, friend, or associate of the consumer or with another
14 person with whom the consumer is acquainted or who has
15 knowledge of the item of information, unless either (1) the
16 investigative consumer reporting agency has followed reasonable
17 procedures to obtain confirmation of the information, from an
18 additional source that has independent and direct knowledge of the
19 information, or (2) the person interviewed is the best possible
20 source of the information.

21 *(e) No information contained in an investigative consumer*
22 *report may be used by any public agency to disqualify a person*
23 *from voting or render a person ineligible to register to vote.*

