

AMENDED IN SENATE JULY 10, 2007

AMENDED IN SENATE JUNE 25, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 498**

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**Introduced by Assembly Member Galgiani**

February 20, 2007

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An act to amend Section 11105.6 of the Penal Code, relating to law enforcement information.

LEGISLATIVE COUNSEL'S DIGEST

AB 498, as amended, Galgiani. Law enforcement information: bail entities.

Existing law provides that upon the request of a licensed bail agent or bail bond licensee, a local law enforcement agency may furnish an individual's known aliases and booking photograph, information identifying whether the individual has been convicted of any violent felony, as defined, and an unaltered copy of the booking and property record, excluding any medical information, to the agent or licensee if specified circumstances exist. *Existing law makes it a crime for unauthorized persons to have access to this law enforcement information or to wrongfully disseminate this information.*

This bill would add the status of the defendant's bench warrant in a law enforcement local database system, if that warrant is not listed as confidential by the issuing court, to the information that may be provided. *This bill also would prohibit a licensed bail agent or bail bond licensee or his or her representative from having physical or*

remote access to a local or state criminal justice database, and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 11105.6 of the Penal Code is amended  
2 to read:  
3 11105.6. (a) Upon the request of a licensed bail agent or bail  
4 bond licensee, as described in Sections 1276 and 1276.5, a local  
5 law enforcement agency may furnish an individual's known aliases  
6 and booking photograph, information identifying whether the  
7 individual has been convicted of any violent felony, as defined in  
8 subdivision (c) of Section 667.5, the status of the defendant's bench  
9 warrant in a law enforcement local database system, if that warrant  
10 is not listed as confidential by the issuing court, and an unaltered  
11 copy of the booking and property record, excluding any medical  
12 information, to the agent or licensee if all of the following  
13 circumstances exist:  
14 ~~(a)~~  
15 (1) The information is from the record of a person for whom a  
16 bench warrant has been issued, or for whom a bail forfeiture has  
17 been ordered.  
18 ~~(b)~~  
19 (2) The person described in ~~subdivision (a)~~ paragraph (1) is a  
20 client of the agent or licensee.  
21 ~~(c)~~  
22 (3) The agent or licensee pays to the law enforcement agency  
23 a fee equal to the cost of providing the information.  
24 ~~(d)~~  
25 (b) Any information obtained pursuant to this section is  
26 confidential and the recipient bail agent or bail bond licensee shall

1 not disclose its contents, other than for the purpose for which it  
2 was acquired. A violation of this subdivision is a misdemeanor.

3 (c) *Under no circumstances shall a licensed bail agent or bail*  
4 *bond licensee or his or her representative be authorized to have*  
5 *physical or remote access to a local or state criminal justice*  
6 *database.*

7 SEC. 2. *No reimbursement is required by this act pursuant to*  
8 *Section 6 of Article XIII B of the California Constitution because*  
9 *the only costs that may be incurred by a local agency or school*  
10 *district will be incurred because this act creates a new crime or*  
11 *infraction, eliminates a crime or infraction, or changes the penalty*  
12 *for a crime or infraction, within the meaning of Section 17556 of*  
13 *the Government Code, or changes the definition of a crime within*  
14 *the meaning of Section 6 of Article XIII B of the California*  
15 *Constitution.*