

Assembly Bill No. 920

CHAPTER 401

An act to add Section 146g to the Penal Code, relating to crime information.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 920, Brownley. Crime information: disclosure: consideration.

Existing law prohibits the dissemination or disclosure of certain personal information of peace officers, as specified.

This bill would provide that certain persons who, for financial gain, disclose or solicit the exchange of information obtained in the course of a criminal investigation, with the knowledge that the disclosure of the information is prohibited, as specified, would be guilty of a misdemeanor punishable by a fine not exceeding \$1,000. The bill would also provide that those same certain persons who, for financial gain, solicit or sell any photograph or video taken without authorization inside a law enforcement or court facility, as specified, would be guilty of a misdemeanor punishable by a fine not exceeding \$1,000. The bill would also provide that any person who, for financial gain, solicits any of those certain persons to disclose information obtained in the course of a criminal investigation, the disclosure of which is prohibited, or who, for financial gain, solicits any of those certain persons to disclose any photograph or video taken without authorization inside a law enforcement or court facility, as specified, would be guilty of a misdemeanor punishable by a fine not exceeding \$1,000. The bill would also require, upon conviction, the forfeiture of monetary compensation received for the commission of any of the offenses described above, as specified.

Because this bill would create new crimes, it would 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.

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

SECTION 1. (a) A fair and just criminal justice system and the public's faith and trust in the administration of California's criminal justice system is necessary for an orderly and law-abiding society.

(b) The public demands that the integrity of peace officers, officers of the court, and court employees be above reproach. Peace officers, court officers, and court employees must, therefore, avoid any conduct that might compromise their integrity and thus undercut the public's confidence in California's criminal justice system.

(c) Peace officers, officers of the court, and court employees must not receive private or special advantage from their official status by selling or furnishing information gathered during the scope of a criminal investigation or from access to a secure law enforcement or court facility.

(d) Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

(e) Peace officers, officers of the court, or court employees who sell confidential information obtained during the course of a law enforcement investigation reduce the public's confidence and faith in our criminal justice system.

SEC. 2. Section 146g is added to the Penal Code, to read:

146g. (a) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, any employee of a law enforcement agency, any attorney as defined in Section 6125 of the Business and Professions Code employed by a governmental agency, or any trial court employee as defined in Section 71601 of the Government Code, who does either of the following is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000):

(1) Discloses, for financial gain, information obtained in the course of a criminal investigation, the disclosure of which is prohibited by law.

(2) Solicits, for financial gain, the exchange of information obtained in the course of a criminal investigation, the disclosure of which is prohibited by law.

(b) Any person who solicits any other person described in subdivision (a) for the financial gain of the person described in subdivision (a) to disclose information obtained in the course of a criminal investigation, with the knowledge that the disclosure is prohibited by law, is guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000).

(c) (1) Any person described in subdivision (a) who, for financial gain, solicits or sells any photograph or video taken inside any secure area of a law enforcement or court facility, the taking of which was not authorized by the law enforcement or court facility administrator, is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).

(2) Any person who solicits any person described in subdivision (a) for financial gain to the person described in subdivision (a) to disclose any

photograph or video taken inside any secure area of a law enforcement or court facility, the taking of which was not authorized by the law enforcement or court facility administrator, is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).

(d) Upon conviction of, and in addition to, any other penalty prescribed by this section, the defendant shall forfeit any monetary compensation received in the commission of a violation of this section and the money shall be deposited in the Victim Restitution Fund.

(e) Nothing in this section shall apply to officially sanctioned information, photographs, or video, or to information, photographs, or video obtained or distributed pursuant to the California Whistleblower Protection Act or the Local Government Disclosure of Information Act.

(f) This section shall not be construed to limit or prevent prosecution pursuant to any other applicable provision of law.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.