

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Miller

December 6, 2010

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as introduced, Miller. Vehicles: confidential home addresses: citations.

(1) Existing law makes confidential the home address of certain state officers and employees that appear in the Department of Motor Vehicles records, if an officer or employee requests that his or her address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law requires the department to inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

This bill would require a person who requests the confidentiality of his or her home address to provide the department with a current employment address for purposes of processing the service and collection of a traffic, parking, or toll road violation. The bill would require that the applicable statutory time periods for processing the service and collection of traffic, parking, or toll road violations be tolled until the department provides the law enforcement agency, governmental agency, or issuing agency with the person's current employment address.

The bill would require a person who has requested the confidentiality of his or her home address to notify the department of any change in his or her employment address within 10 days.

The bill would require the department to update the form to request confidentiality of the person's home address to include the requirement that the applicant or an existing enrollee provide a current employment address and would also require the department to distribute and make available copies of the updated form to the human resources office of each agency that employs any of the eligible persons listed pursuant to these provisions.

The bill would require the human resources office of an applicant or existing enrollee to take certain actions, including making the updated form available to new and current employees.

By creating new crimes, the bill would impose a state-mandated local program.

(2) Existing law requires the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee, and the owner or lessee has not paid the penalty and administrative fee.

This bill would require the department to refuse to renew the registration of a vehicle if the person, who has been served pursuant to the above-described provision, has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee, and the owner or lessee has not paid the penalty and administrative fee.

(3) 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: yes.

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

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:

1 1808.4. (a) For all of the following persons, his or her home
2 address that appears in a record of the department is confidential
3 if the person requests the confidentiality of that information:

- 4 (1) Attorney General.
- 5 (2) State Public Defender.
- 6 (3) A Member of the Legislature.
- 7 (4) A judge or court commissioner.
- 8 (5) A district attorney.
- 9 (6) A public defender.
- 10 (7) An attorney employed by the Department of Justice, the
11 office of the State Public Defender, or a county office of the district
12 attorney or public defender.
- 13 (8) A city attorney and an attorney who submits verification
14 from his or her public employer that the attorney represents the
15 city in matters that routinely place the attorney in personal contact
16 with persons under investigation for, charged with, or convicted
17 of, committing criminal acts, if that attorney is employed by a city
18 attorney.
- 19 (9) A nonsworn police dispatcher.
- 20 (10) A child abuse investigator or social worker, working in
21 child protective services within a social services department.
- 22 (11) An active or retired peace officer, as defined in Chapter
23 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
24 Code.
- 25 (12) An employee of the Department of Corrections and
26 Rehabilitation, Division of Juvenile Facilities, or the Prison
27 Industry Authority specified in Sections 20403 and 20405 of the
28 Government Code.
- 29 (13) A nonsworn employee of a city police department, a county
30 sheriff's office, the Department of the California Highway Patrol,
31 a federal, state, or local detention facility, or a local juvenile hall,
32 camp, ranch, or home, who submits agency verification that, in
33 the normal course of his or her employment, he or she controls or
34 supervises inmates or is required to have a prisoner in his or her
35 care or custody.
- 36 (14) A county counsel assigned to child abuse cases.
- 37 (15) An investigator employed by the Department of Justice, a
38 county district attorney, or a county public defender.
- 39 (16) A member of a city council.
- 40 (17) A member of a board of supervisors.

1 (18) A federal prosecutor, criminal investigator, or National
2 Park Service Ranger working in this state.

3 (19) An active or retired city enforcement officer engaged in
4 the enforcement of the Vehicle Code or municipal parking
5 ordinances.

6 (20) An employee of a trial court.

7 (21) A psychiatric social worker employed by a county.

8 (22) A police or sheriff department employee designated by the
9 Chief of Police of the department or the sheriff of the county as
10 being in a sensitive position. A designation pursuant to this
11 paragraph shall, for purposes of this section, remain in effect for
12 three years subject to additional designations that, for purposes of
13 this section, shall remain in effect for additional three-year periods.

14 (23) A state employee in one of the following classifications:

15 (A) Licensing Registration Examiner, Department of Motor
16 Vehicles.

17 (B) Motor Carrier Specialist 1, Department of the California
18 Highway Patrol.

19 (C) Museum Security Officer and Supervising Museum Security
20 Officer.

21 (24) (A) The spouse or child of a person listed in paragraphs
22 (1) to (23), inclusive, regardless of the spouse's or child's place
23 of residence.

24 (B) The surviving spouse or child of a peace officer, as defined
25 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
26 2 of the Penal Code, if the peace officer died in the line of duty.

27 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
28 listed in those subparagraphs was convicted of a crime and is on
29 active parole or probation.

30 (ii) For requests made on or after January 1, 2011, the person
31 requesting confidentiality for their spouse or child listed in
32 subparagraph (A) or (B) shall declare, at the time of the request
33 for confidentiality, whether the spouse or child has been convicted
34 of a crime and is on active parole or probation.

35 (iii) Neither the listed person's employer nor the department
36 shall be required to verify, or be responsible for verifying, that a
37 person listed in subparagraph (A) or (B) was convicted of a crime
38 and is on active parole or probation.

1 (b) The confidential home address of a person listed in
2 subdivision (a) shall not be disclosed, except to any of the
3 following:

- 4 (1) A court.
5 (2) A law enforcement agency.
6 (3) The State Board of Equalization.
7 (4) An attorney in a civil or criminal action that demonstrates
8 to a court the need for the home address, if the disclosure is made
9 pursuant to a subpoena.

10 (5) A governmental agency to which, under any ~~provision of~~
11 law, information is required to be furnished from records
12 maintained by the department.

13 (c) (1) A record of the department containing a confidential
14 home address shall be open to public inspection, as provided in
15 Section 1808, if the address is completely obliterated or otherwise
16 removed from the record.

17 (2) Following termination of office or employment, a
18 confidential home address shall be withheld from public inspection
19 for three years, unless the termination is the result of conviction
20 of a criminal offense. If the termination or separation is the result
21 of the filing of a criminal complaint, a confidential home address
22 shall be withheld from public inspection during the time in which
23 the terminated individual may file an appeal from termination,
24 while an appeal from termination is ongoing, and until the appeal
25 process is exhausted, after which confidentiality shall be at the
26 discretion of the employing agency if the termination or separation
27 is upheld. Upon reinstatement to an office or employment, the
28 protections of this section are available.

29 (3) With respect to a retired peace officer, his or her home
30 address shall be withheld from public inspection permanently upon
31 request of confidentiality at the time the information would
32 otherwise be opened. The home address of the surviving spouse
33 or child listed in subparagraph (B) of paragraph (24) of subdivision
34 (a) shall be withheld from public inspection for three years
35 following the death of the peace officer.

36 (4) The department shall inform a person who requests a
37 confidential home address what agency the individual whose
38 address was requested is employed by or the court at which the
39 judge or court commissioner presides.

(d) (1) A person who requests the confidentiality of his or her home address pursuant to this article shall provide the department with a current employment address for purposes of processing the service and collection of a traffic, parking, or toll road violation. The applicable statutory time periods for processing the service and collection of traffic, parking, or toll road violations are tolled until the department provides the law enforcement agency, governmental agency, or issuing agency with the person's current employment address. Notwithstanding Sections 40500 and 40518 or any other law, the use of a person's current employment address, whose home address is confidential, satisfies the requirement of the person's home address for purposes of serving a notice to appear or a notice of violation pursuant to Article 2 (commencing with Section 40500) of Chapter 2 of Division 17.

(2) A person who has requested the confidentiality of his or her home address shall notify the department of any change in his or her employment address within 10 days.

(3) The department shall refuse to renew the registration of a vehicle if the person who has been served pursuant to this section has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee, and the owner or lessee has not paid the penalty and administrative fee.

~~(d)~~

(e) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or the spouses or children of these persons is a felony.

(f) (1) The department shall update the form to request confidentiality of the person's home address to include the requirement that the applicant or an existing enrollee provide a current employment address pursuant to paragraph (1) or (2) of subdivision (d) and shall distribute and make available copies of

1 *the updated form to the human resources office of each agency*
2 *that employs any of the eligible persons listed pursuant to*
3 *subdivision (a) of this section.*

4 *(2) The human resources office of an applicant or existing*
5 *enrollee shall do all of the following:*

6 *(A) Make the updated form available to new and current*
7 *employees and require all new applicants and existing enrollees*
8 *complete and return the form with their current employment*
9 *address to their human resources office.*

10 *(B) Forward all new application forms to the Confidential*
11 *Records Unit (CRU) of the department, upon receipt from the*
12 *applicant, and forward the updated forms of existing enrollees to*
13 *the CRU of the department by April 1, 2013.*

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.