

AMENDED IN ASSEMBLY MAY 25, 2012
AMENDED IN ASSEMBLY MARCH 26, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2366

Introduced by Assembly Member Eng

February 24, 2012

An act to amend ~~Sections 1808.4 and~~ *Section 40225* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2366, as amended, Eng. Vehicles: ~~confidential records:~~ equipment violations: parking control officers.

~~(1) Existing law makes confidential the home address of any of a list of persons that appears in the Department of Motor Vehicles' records, if the person requests it to be kept confidential, with certain exemptions for information available to specified governmental agencies. The list of persons includes, among others, a nonsworn police dispatcher.~~

~~This bill would add a nonsworn sheriff's security officer to that list of persons:~~

~~(2) Existing~~

~~Existing law provides that the civil penalty for each *vehicle* equipment violation, including failure to properly display a license plate, is the amount established for that violation in the Uniform Bail and Penalty Schedule, except that upon proof of correction, the penalty is reduced to \$10.~~

~~This bill would require that upon proof of correction, the penalty is \$25 rather than \$10.~~

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

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:~~
3 ~~1808.4. (a) For all of the following persons, his or her home~~
4 ~~address that appears in a record of the department is confidential~~
5 ~~if the person requests the confidentiality of that information:~~
6 ~~(1) Attorney General.~~
7 ~~(2) State Public Defender.~~
8 ~~(3) A Member of the Legislature.~~
9 ~~(4) A judge or court commissioner.~~
10 ~~(5) A district attorney.~~
11 ~~(6) A public defender.~~
12 ~~(7) An attorney employed by the Department of Justice, the~~
13 ~~office of the State Public Defender, or a county office of the district~~
14 ~~attorney or public defender.~~
15 ~~(8) A city attorney and an attorney who submits verification~~
16 ~~from his or her public employer that the attorney represents the~~
17 ~~city in matters that routinely place the attorney in personal contact~~
18 ~~with persons under investigation for, charged with, or convicted~~
19 ~~of, committing criminal acts, if that attorney is employed by a city~~
20 ~~attorney.~~
21 ~~(9) A nonsworn police dispatcher.~~
22 ~~(10) A child abuse investigator or social worker, working in~~
23 ~~child protective services within a social services department.~~
24 ~~(11) An active or retired peace officer, as defined in Chapter~~
25 ~~4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal~~
26 ~~Code.~~
27 ~~(12) An employee of the Department of Corrections and~~
28 ~~Rehabilitation, Division of Juvenile Facilities, or the Prison~~
29 ~~Industry Authority specified in Sections 20403 and 20405 of the~~
30 ~~Government Code.~~
31 ~~(13) A nonsworn employee of a city police department, a county~~
32 ~~sheriff's office, the Department of the California Highway Patrol,~~
33 ~~a federal, state, or local detention facility, or a local juvenile hall,~~
34 ~~camp, ranch, or home, who submits agency verification that, in~~
35 ~~the normal course of his or her employment, he or she controls or~~

- 1 supervises inmates or is required to have a prisoner in his or her
2 care or custody.
- 3 ~~(14) A county counsel assigned to child abuse cases.~~
- 4 ~~(15) An investigator employed by the Department of Justice, a~~
5 ~~county district attorney, or a county public defender.~~
- 6 ~~(16) A member of a city council.~~
- 7 ~~(17) A member of a board of supervisors.~~
- 8 ~~(18) A federal prosecutor, criminal investigator, or National~~
9 ~~Park Service Ranger working in this state.~~
- 10 ~~(19) An active or retired city enforcement officer engaged in~~
11 ~~the enforcement of the Vehicle Code or municipal parking~~
12 ~~ordinances.~~
- 13 ~~(20) An employee of a trial court.~~
- 14 ~~(21) A psychiatric social worker employed by a county.~~
- 15 ~~(22) A police or sheriff department employee designated by the~~
16 ~~Chief of Police of the department or the sheriff of the county as~~
17 ~~being in a sensitive position. A designation pursuant to this~~
18 ~~paragraph shall, for purposes of this section, remain in effect for~~
19 ~~three years subject to additional designations that, for purposes of~~
20 ~~this section, shall remain in effect for additional three-year periods.~~
- 21 ~~(23) A state employee in one of the following classifications:~~
- 22 ~~(A) Licensing Registration Examiner, Department of Motor~~
23 ~~Vehicles.~~
- 24 ~~(B) Motor Carrier Specialist 1, Department of the California~~
25 ~~Highway Patrol.~~
- 26 ~~(C) Museum Security Officer and Supervising Museum Security~~
27 ~~Officer.~~
- 28 ~~(24) A nonsworn sheriff's security officer.~~
- 29 ~~(25) (A) The spouse or child of a person listed in paragraphs~~
30 ~~(1) to (24), inclusive, regardless of the spouse's or child's place~~
31 ~~of residence.~~
- 32 ~~(B) The surviving spouse or child of a peace officer, as defined~~
33 ~~in Chapter 4.5 (commencing with Section 830) of Title 3 of Part~~
34 ~~2 of the Penal Code, if the peace officer died in the line of duty.~~
- 35 ~~(C) (i) Subparagraphs (A) and (B) shall not apply if the person~~
36 ~~listed in those subparagraphs was convicted of a crime and is on~~
37 ~~active parole or probation.~~
- 38 ~~(ii) For requests made on or after January 1, 2011, the person~~
39 ~~requesting confidentiality for their spouse or child listed in~~
40 ~~subparagraph (A) or (B) shall declare, at the time of the request~~

1 for confidentiality, whether the spouse or child has been convicted
2 of a crime and is on active parole or probation.

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

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

10 (1) A court.

11 (2) A law enforcement agency.

12 (3) The State Board of Equalization.

13 (4) An attorney in a civil or criminal action that demonstrates
14 to a court the need for the home address, if the disclosure is made
15 pursuant to a subpoena.

16 (5) A governmental agency to which, under any provision of
17 law, information is required to be furnished from records
18 maintained by the department.

19 (e) (1) A record of the department containing a confidential
20 home address shall be open to public inspection, as provided in
21 Section 1808, if the address is completely obliterated or otherwise
22 removed from the record.

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

35 (3) With respect to a retired peace officer, his or her home
36 address shall be withheld from public inspection permanently upon
37 request of confidentiality at the time the information would
38 otherwise be opened. The home address of the surviving spouse
39 or child listed in subparagraph (B) of paragraph (25) of subdivision

1 ~~(a) shall be withheld from public inspection for three years~~
2 ~~following the death of the peace officer.~~

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

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

16 ~~SEC. 2.~~

17 *SECTION 1.* Section 40225 of the Vehicle Code is amended
18 to read:

19 40225. (a) An equipment violation entered on the notice of
20 parking violation attached to the vehicle under Section 40203 shall
21 be processed in accordance with this article. All of the violations
22 entered on the notice of parking violation shall be noticed in the
23 notice of delinquent parking violation delivered pursuant to Section
24 40206, together with the amount of civil penalty.

25 (b) Whether or not a vehicle is in violation of any regulation
26 governing the standing or parking of a vehicle but is in violation
27 of subdivision (a) of Section 5204, a person authorized to enforce
28 parking laws and regulations shall issue a written notice of parking
29 violation, setting forth the alleged violation. The violation shall
30 be processed pursuant to this section.

31 (c) The civil penalty for each equipment violation, including
32 failure to properly display a license plate, is the amount established
33 for the violation in the Uniform Bail and Penalty Schedule, as
34 adopted by the Judicial Council, except that upon proof of the
35 correction to the processing agency, the penalty shall be reduced
36 to twenty-five dollars (\$25). The reduction provided for in this
37 subdivision involving failure to properly display license plates
38 shall only apply if, at the time of the violation, valid license plates
39 were issued for that vehicle in accordance with this code. The civil
40 penalty for each violation of Section 5204 is the amount established

1 for the violation in the Uniform Bail and Penalty Schedule, as
2 adopted by the Judicial Council, except that upon proof of the
3 correction to the processing agency, the penalty shall be reduced
4 to twenty-five dollars (\$25).

5 (d) Fifty percent of any penalty collected pursuant to this section
6 for registration or equipment violations by a processing agency
7 shall be paid to the county for remittance to the State Treasurer
8 and the remaining 50 percent shall be retained by the issuing
9 agency and processing agency subject to the terms of the contract
10 described in Section 40200.5.

11 (e) Subdivisions (a) and (b) do not preclude the recording of a
12 violation of subdivision (a) or (b) of Section 4000 on a notice of
13 parking violation or the adjudication of that violation under the
14 civil process set forth in this article.