

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1493**

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**Introduced by Assembly Member Cooper**

February 27, 2015

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An act to amend Section 7470 of the Government Code, relating to governmental investigations; add Chapter 5.9 (commencing with Section 13849) to Title 6 of Part 4 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 1493, as amended, Cooper. ~~Governmental investigations: financial records.~~ *California High Technology Crimes Task Force.*

*Existing law establishes various crime task forces, and establishes the High Technology Theft Apprehension and Prosecution Program, which is a program to provide financial and technical assistance to law enforcement and district attorney agencies relative to specified high technology crimes.*

*This bill would establish the California High Technology Crimes Task Force to, among other tasks, analyze existing statutes for adequacy in addressing identity theft, Internet crimes, and credit card fraud, develop recommendations to prevent and prosecute those crimes, and identify funding sources for those purposes and to assist victims of those crimes. The bill would require the task force to report to the Legislature on those matters on or before December 31, 2017.*

~~Existing law generally prohibits an officer, employee, or agent of a state or local agency, in connection with a civil or criminal investigation, from requesting or receiving copies of, or the information contained in, the financial records of a customer from a financial institution unless~~



1 (b) *The task force shall consist of the following members:*

2 (1) *A designee of the California District Attorneys Association.*

3 (2) *A designee of the California State Sheriffs' Association.*

4 (3) *A designee of the California Police Chiefs Association.*

5 (4) *A designee of the Department of the California Highway*  
6 *Patrol.*

7 (5) *A designee of the Federal Bureau of Investigation.*

8 (6) *A designee of the Attorney General.*

9 (7) *A representative of the California cellular telephone*  
10 *industry.*

11 (8) *A representative of the California Internet industry.*

12 (9) *A representative of the California cable industry.*

13 (10) *A representative of the California movie industry.*

14 (11) *A representative of the California banking industry.*

15 (c) *The task force shall conduct a study to accomplish the*  
16 *objectives of subdivision (a) and shall report the findings of the*  
17 *study to the Legislature, in compliance with Section 9795 of the*  
18 *Government Code, on or before December 31, 2017.*

19 ~~SECTION 1.—Section 7470 of the Government Code is amended~~  
20 ~~to read:~~

21 ~~7470.—(a) Except as provided in Section 7480, an officer,~~  
22 ~~employee, or agent of a state or local agency or department thereof,~~  
23 ~~in connection with a civil or criminal investigation of a customer,~~  
24 ~~whether or not an investigation is being conducted pursuant to~~  
25 ~~formal judicial or administrative proceedings, shall not request or~~  
26 ~~receive copies of, or the information contained in, the financial~~  
27 ~~records of a customer from a financial institution unless the~~  
28 ~~financial records are described with particularity and are consistent~~  
29 ~~with the scope and requirements of the investigation giving rise~~  
30 ~~to the request and any of the following apply:~~

31 ~~(1) The customer has authorized disclosure to such officer,~~  
32 ~~employee or agent of such state or local agency or department~~  
33 ~~thereof in accordance with Section 7473.~~

34 ~~(2) The financial records are disclosed in response to an~~  
35 ~~administrative subpoena or summons that meets the requirements~~  
36 ~~of Section 7474.~~

37 ~~(3) The financial records are disclosed in response to a search~~  
38 ~~warrant that meets the requirements of Section 7475.~~

1     ~~(4) The financial records are disclosed in response to a judicial~~  
2     ~~subpoena or subpoena duces tecum that meets the requirements~~  
3     ~~of Section 7476.~~

4     ~~(b) Nothing in this section or in Sections 7473, 7474, 7475, and~~  
5     ~~7476 shall require a financial institution to inquire or determine~~  
6     ~~that those seeking disclosure have duly complied with the~~  
7     ~~requirements set forth therein, provided only that the customer~~  
8     ~~authorization, administrative subpoena or summons, search~~  
9     ~~warrant, or judicial subpoena or order served on or delivered to a~~  
10    ~~financial institution pursuant to these sections shows compliance~~  
11    ~~on its face.~~

12    ~~(c) The financial institution shall maintain for a period of five~~  
13    ~~years a record of all examinations or disclosures of the financial~~  
14    ~~records of a customer pursuant to this chapter, including the~~  
15    ~~identity of the person examining the financial records, the state or~~  
16    ~~local agency or department thereof that he or she represents, and~~  
17    ~~a copy of the customer authorization, subpoena, summons or search~~  
18    ~~warrant providing for the examination or disclosure or a copy of~~  
19    ~~the certification received pursuant to subdivision (b) of Section~~  
20    ~~7480. A record maintained pursuant to this subdivision shall be~~  
21    ~~available, within five days of request, during normal business hours~~  
22    ~~for review by the customer at the office or branch where the~~  
23    ~~customer's account was located when examined or disclosed. A~~  
24    ~~copy of the record shall be furnished to the customer upon request~~  
25    ~~and payment of the reasonable cost thereof.~~

26    ~~(d) Except as provided in Section 7480, this section is not~~  
27    ~~intended to preclude a state or local law enforcement agency from~~  
28    ~~initiating contact with a financial institution if there is reason to~~  
29    ~~believe that the institution is a victim of a crime. After this contact~~  
30    ~~by a law enforcement agency, if the financial institution believes~~  
31    ~~it is a victim of a crime, it may, in its discretion, disclose relevant~~  
32    ~~financial records pursuant to subdivision (c) of Section 7471.~~