

AMENDED IN ASSEMBLY APRIL 12, 2016
AMENDED IN ASSEMBLY MARCH 30, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1993

Introduced by Assembly Member Irwin

February 16, 2016

An act to add Section 1502.7 to the Corporations Code, and to add Section 1524.4 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1993, as amended, Irwin. Corporate law enforcement contacts.

Existing law authorizes a court or magistrate to issue a warrant for the search of a place and the seizure of property or things identified in the warrant where there is probable cause to believe that specified grounds exist. Existing law also establishes procedures for certain California corporations when served with a warrant issued by a court in another state.

This bill would require, by July 1, 2017, service providers to provide, among other things, an exclusive process for emergency disclosure requests. The bill would require those corporations to file a statement with the Secretary of State identifying a corporate law enforcement ~~contact~~, *contact or contacts*, as specified. The bill would require the Secretary of State, on or before October 1, 2017, and annually thereafter, to transmit to the Attorney General, in the manner prescribed by the Attorney General, a copy of the current statement for each corporation, and would require the Attorney General to distribute to local law enforcement agencies information describing how to access each of the

corporate law enforcement contacts created from the statements that he or she receives from the Secretary of State. ~~The bill would require a corporation subject to these provisions to respond to a properly served warrant.~~

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 1502.7 is added to the Corporations Code,
2 to read:

3 1502.7. (a) Every corporation described in subdivision (a) of
4 Section 1524.4 of the Penal Code shall file, within 90 days after
5 the filing of its original articles and annually thereafter during the
6 applicable filing period, a statement identifying the corporate law
7 enforcement contact *or contacts* designated pursuant to Section
8 1524.4 of the Penal Code.

9 (b) For the purposes of this section, the applicable filing period
10 for a corporation shall be the calendar month during which its
11 original articles were filed and the immediately preceding five
12 calendar months. The Secretary of State shall provide a notice to
13 each corporation to comply with this section approximately three
14 months prior to the close of the applicable filing period. The notice
15 shall state the due date for compliance and shall be sent to the last
16 address of the corporation according to the records of the Secretary
17 of State or to the last electronic mail address according to the
18 records of the Secretary of State if the corporation has elected to
19 receive notices from the Secretary of State by electronic mail. The
20 failure of the corporation to receive the notice is not an excuse for
21 failure to comply with this section.

22 (c) The Secretary of State may destroy or otherwise dispose of
23 any statement filed pursuant to this section after it has been
24 superseded by the filing of a new statement.

25 (d) On or before October 1, 2017, and annually thereafter, the
26 Secretary of State shall transmit to the Attorney General, in the
27 manner prescribed by the Attorney General, a copy of the current
28 statement made pursuant to this section for each corporation.

29 (e) ~~If the~~ a corporate law enforcement contact is no longer
30 employed by the corporation, the corporation shall forthwith file

1 a statement identifying ~~the~~ *any* new corporate law enforcement
2 contact designated pursuant to Section 1524.4 of the Penal Code.

3 SEC. 2. Section 1524.4 is added to the Penal Code, to read:

4 1524.4. (a) This section applies to a corporation operating in
5 California that is a service provider, as defined in subdivision (j)
6 of Section 1546, that generates customer data for 1,000,000 or
7 more people annually. This section does not apply to a service
8 provider that does not offer services to the general public.

9 (b) ~~(1)~~ A corporation described in subdivision (a) shall designate
10 a corporate law enforcement contact that ~~is~~ *is, or contacts that are,*
11 responsible for the requirements established pursuant to paragraph
12 (1) of subdivision (c). Those requirements may be fulfilled by
13 means of an Internet Web portal, telecommunications, or any
14 combination of those communication methods. ~~If the~~ *a* corporate
15 law enforcement contact is no longer employed by the corporation,
16 the corporation shall forthwith designate ~~a~~ *any* new corporate law
17 enforcement ~~contact.~~ *contact or contacts.*

18 ~~(2) When properly served with a search warrant issued by a~~
19 ~~California court, a corporation described in subdivision (a) shall~~
20 ~~provide to the peace officer to whom the search warrant was issued~~
21 ~~pursuant to subdivision (a) of Section 1528, all records sought~~
22 ~~pursuant to that warrant, including those records maintained or~~
23 ~~located outside this state.~~

24 (c) (1) By July 1, 2017, service providers shall, at a minimum,
25 provide the following through their law enforcement ~~contact:~~
26 *contact or contacts:*

27 (A) An exclusive process for emergency disclosure requests.

28 (B) Exclusive access and service for law enforcement personnel.

29 (C) An ability to comply with a law enforcement request for
30 information regardless of the location of the data.

31 (D) Continual availability of the law enforcement ~~contact.~~
32 *contact or contacts.*

33 (E) The authority to make decisions regarding warrants and the
34 disclosure of information and data.

35 (2) The Attorney General shall, annually, distribute information
36 describing how to access each of the corporate law enforcement
37 contacts created from the statements that he or she receives from

1 the Secretary of State pursuant to Section 1502.7 of the
2 Corporations Code to local law enforcement agencies.

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