

ASSEMBLY BILL

No. 2263

Introduced by Assembly Member Baker
(Coauthors: Assembly Members Brough, Gipson, Lackey, and
Wilk)
(Coauthors: Senators Bates and Nielsen)

February 18, 2016

An act to amend Section 6207 of the Government Code, relating to the protection of victims.

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, as introduced, Baker. Protection of victims: address confidentiality.

The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. The act prohibits a state or local agency from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

Existing law authorizes victims of domestic violence, sexual assault, or stalking to complete an application to be approved by the Secretary of State for the purposes of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provides for confidentiality of identity for that person, subject to specified conditions. Existing law authorizes a program participant to request that state and local agencies use the address designated by the Secretary of State as his or her address, and requires state and local agencies, when creating, modifying, or maintaining a public record, to accept the

address designated by the Secretary of State as a program participant’s substitute address except as specified.

This bill would, in addition, specifically require a county assessor to keep confidential, and prohibit a county assessor from publicly posting, publicly displaying on the Internet, or otherwise making available to the general public, the home address of any program participant without first obtaining the written permission of that individual, consistent with existing provisions of law applicable to the confidentiality of the home address and telephone number of an elected or appointed official. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.

Existing constitutional provisions require a statute that limits the right of public access to meetings or writings of public officials to be adopted with findings demonstrating the interest to be protected by that limitation and the need to protect that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 6207 of the Government Code is amended
- 2 to read:
- 3 6207. (a) A program participant may request that state and
- 4 local agencies use the address designated by the Secretary of State
- 5 as his or her address. When creating a public record, state and local

1 agencies shall accept the address designated by the Secretary of
2 State as a program participant's substitute address, unless the
3 Secretary of State has determined both of the following:

4 (1) The agency has a bona fide statutory or administrative
5 requirement for the use of the address ~~which~~ *that* would otherwise
6 be confidential under this chapter.

7 (2) This address will be used only for those statutory and
8 administrative purposes and shall not be publicly disseminated.

9 (b) A program participant may request that state and local
10 agencies use the address designated by the Secretary of State as
11 his or her address. When modifying or maintaining a public record,
12 excluding the record of any birth, fetal death, death, or marriage
13 registered under Division 102 (commencing with Section 102100)
14 of the Health and Safety Code, state and local agencies shall accept
15 the address designated by the Secretary of State as a program
16 participant's substitute address, unless the Secretary of State has
17 determined both of the following:

18 (1) The agency has a bona fide statutory or administrative
19 requirement for the use of the address ~~which~~ *that* would otherwise
20 be confidential under this chapter.

21 (2) This address will be used only for those statutory and
22 administrative purposes and shall not be publicly disseminated.

23 (c) *A county assessor shall keep confidential, and shall not*
24 *publicly post, publicly display on the Internet, or otherwise make*
25 *available to the general public, the home address of any program*
26 *participant without first obtaining the written permission of that*
27 *individual, consistent with subdivision (a) of Section 6254.21.*

28 (e)

29 (d) A program participant may use the address designated by
30 the Secretary of State as his or her work address.

31 (d)

32 (e) The office of the Secretary of State shall forward all
33 first-class mail and all mail sent by a governmental agency to the
34 appropriate program participants. The office of the Secretary of
35 State may, in its discretion, refuse to handle or forward packages
36 regardless of size or type of mailing.

37 (e)

38 (f) Notwithstanding subdivisions (a) and (b), program
39 participants shall comply with the provisions specified in
40 subdivision (d) of Section 1808.21 of the Vehicle Code if

1 requesting suppression of the records maintained by the Department
2 of Motor Vehicles. Program participants shall also comply with
3 all other provisions of the Vehicle Code relating to providing
4 current address information to the department.

5 SEC. 2. The Legislature finds and declares that Section 1 of
6 this act limits the public's right of access to public documents
7 within the meaning of paragraph (2) of subdivision (b) of Section
8 3 of Article I of the California Constitution. Pursuant to that
9 constitutional provision, the Legislature makes the following
10 findings to demonstrate the interest and the need for protecting
11 that interest:

12 (a) The interest protected by this limitation is the privacy and
13 security of victims of domestic violence, sexual assault, or stalking.

14 (b) The need for protecting that interest is that home address
15 and telephone numbers of victims of domestic violence, sexual
16 assault, or stalking, if released to the public, could result in negative
17 consequences.

18 SEC. 3. The Legislature finds and declares that Section 1 of
19 this act, which amends Section 6207 of the Government Code,
20 furthers, within the meaning of paragraph (7) of subdivision (b)
21 of Section 3 of Article I of the California Constitution, the purposes
22 of that constitutional section as it relates to the right of public
23 access to the meetings of local public bodies or the writings of
24 local public officials and local agencies. Pursuant to paragraph (7)
25 of subdivision (b) of Section 3 of Article I of the California
26 Constitution, the Legislature makes the following findings:

27 Because the act appropriately balances the right to public access
28 to local records with the need for the privacy and safety of victims
29 of domestic violence, sexual assault, or stalking, the act furthers
30 the purpose of Section 3 of Article I of the California Constitution.

31 SEC. 4. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.