

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2263**

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

February 18, 2016

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An act to amend ~~Section 6207~~ *Sections 6207 and 6215.5* of the Government Code, relating to the protection of victims.

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, as amended, 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~~ *stalking, and reproductive health care services providers, employees, volunteers, and patients*, 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:

1 6207. (a) A program participant may request that state and  
2 local agencies use the address designated by the Secretary of State  
3 as his or her address. When creating a public record, state and local  
4 agencies shall accept the address designated by the Secretary of  
5 State as a program participant's substitute address, unless the  
6 Secretary of State has determined both of the following:

7 (1) The agency has a bona fide statutory or administrative  
8 requirement for the use of the address that would otherwise be  
9 confidential under this chapter.

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

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

21 (1) The agency has a bona fide statutory or administrative  
22 requirement for the use of the address that would otherwise be  
23 confidential under this chapter.

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

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

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

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

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. Section 6215.5 of the Government Code is amended*  
6 *to read:*

7 6215.5. (a) A program participant may request that state and  
8 local agencies use the address designated by the Secretary of State  
9 as his or her address. When creating a public record, state and local  
10 agencies shall accept the address designated by the Secretary of  
11 State as a program participant's substitute address, unless the  
12 Secretary of State has determined both of the following:

13 (1) The agency has a bona fide statutory or administrative  
14 requirement for the use of the address that would otherwise be  
15 confidential under this chapter.

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

18 (b) A program participant may request that state and local  
19 agencies use the address designated by the Secretary of State as  
20 his or her address. When modifying or maintaining a public record,  
21 excluding the record of any birth, fetal death, death, or marriage  
22 registered under Division 102 (commencing with Section 102100)  
23 of the Health and Safety Code, state and local agencies shall accept  
24 the address designated by the Secretary of State as a program  
25 participant's substitute address, unless the Secretary of State has  
26 determined both of the following:

27 (1) The agency has a bona fide statutory or administrative  
28 requirement for the use of the address that would otherwise be  
29 confidential under this chapter.

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

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

37 (e)

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

40 (d)

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

6 (e)

7 (f) Notwithstanding subdivision (a), program participants shall  
8 comply with the provisions specified in subdivision (d) of Section  
9 1808.21 of the Vehicle Code if requesting suppression of the  
10 records maintained by the Department of Motor Vehicles. Program  
11 participants shall also comply with all other provisions of the  
12 Vehicle Code relating to providing current address information to  
13 the department.

14 ~~SEC. 2.~~

15 ~~SEC. 3.~~ The Legislature finds and declares that ~~Section 1 of~~  
16 ~~this act limits Sections 1 and 2 of this act~~ limit the public's right  
17 of access to public documents within the meaning of paragraph  
18 (2) of subdivision (b) of Section 3 of Article I of the California  
19 Constitution. Pursuant to that constitutional provision, the  
20 Legislature makes the following findings to demonstrate the interest  
21 and the need for protecting that interest:

22 (a) The interest protected by this limitation is the privacy and  
23 security of victims of domestic violence, sexual assault, or ~~stalking,~~  
24 ~~stalking, and reproductive health care services providers,~~  
25 ~~employees, volunteers, and patients.~~

26 (b) The need for protecting that interest is that home address  
27 and telephone numbers of victims of domestic violence, sexual  
28 assault, or stalking, ~~and reproductive health care services~~  
29 ~~providers, employees, volunteers, and patients,~~ if released to the  
30 public, could result in negative consequences.

31 ~~SEC. 3.~~

32 ~~SEC. 4.~~ The Legislature finds and declares that ~~Section 1 of~~  
33 ~~this act, which amends Section 6207~~ Sections 1 and 2 of this act,  
34 ~~which amend Sections 6207 and 6215.5 of the Government Code,~~  
35 ~~further, further,~~ within the meaning of paragraph (7) of  
36 subdivision (b) of Section 3 of Article I of the California  
37 Constitution, the purposes of that constitutional section as it relates  
38 to the right of public access to the meetings of local public bodies  
39 or the writings of local public officials and local agencies. Pursuant  
40 to paragraph (7) of subdivision (b) of Section 3 of Article I of the

1 California Constitution, the Legislature makes the following  
2 findings:

3 Because the act appropriately balances the right to public access  
4 to local records with the need for the privacy and safety of victims  
5 of domestic violence, sexual assault, or stalking, *and reproductive*  
6 *health care services providers, employees, volunteers, and patients,*  
7 the act furthers the purpose of Section 3 of Article I of the  
8 California Constitution.

9 ~~SEC. 4.~~

10 SEC. 5. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.