

AMENDED IN ASSEMBLY MARCH 30, 2016

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~~, *Cristina Garcia*, Gipson,**  
**and Lackey)**  
(Coauthor: Senator Galgiani)

February 18, 2016

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An act to ~~amend Sections 6207 and 6215.5 of~~ *add Section 6215.10* to the Government Code, relating to ~~the protection of victims.~~ *address confidentiality.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, as amended, Baker. Protection of ~~victims:~~ *reproductive health care service providers:* 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, 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.~~

*This bill would prohibit a person, business, or association from publicly posting or displaying on the Internet the home address of a program participant who has made a written demand to not disclose his or her address, and would prohibit a person, business, or association from knowingly posting the home address of a program participant, or*

*of the program participant’s residing spouse or child, on the Internet knowing that person is a program participant and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.*

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

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6215.10 is added to the Government Code,  
2 to read:

3 6215.10. (a) A person, business, or association shall not  
4 publicly post or publicly display on the Internet the home address  
5 of a program participant who has made a written demand of that  
6 person, business, or association to not disclose the home address  
7 of the program participant.

8 (b) A person, business, or association shall not knowingly post  
9 the home address of a program participant, or of the program  
10 participant’s residing spouse or child, on the Internet knowing  
11 that person is a program participant and intending to cause  
12 imminent great bodily harm that is likely to occur or threatening  
13 to cause imminent great bodily harm to that individual.

14 SECTION 1. ~~Section 6207 of the Government Code is amended~~  
15 ~~to read:~~

16 ~~6207. (a) A program participant may request that state and~~  
17 ~~local agencies use the address designated by the Secretary of State~~  
18 ~~as his or her address. When creating a public record, state and local~~  
19 ~~agencies shall accept the address designated by the Secretary of~~  
20 ~~State as a program participant’s substitute address, unless the~~  
21 ~~Secretary of State has determined both of the following:~~

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

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

27 ~~(b) A program participant may request that state and local~~  
28 ~~agencies use the address designated by the Secretary of State as~~  
29 ~~his or her address. When modifying or maintaining a public record,~~  
30 ~~excluding the record of any birth, fetal death, death, or marriage~~  
31 ~~registered under Division 102 (commencing with Section 102100)~~

1 of the Health and Safety Code, state and local agencies shall accept  
 2 the address designated by the Secretary of State as a program  
 3 participant's substitute address, unless the Secretary of State has  
 4 determined both of the following:

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

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

10 (e) A county assessor shall keep confidential, and shall not  
 11 publicly post, publicly display on the Internet, or otherwise make  
 12 available to the general public, the home address of any program  
 13 participant without first obtaining the written permission of that  
 14 individual, consistent with subdivision (a) of Section 6254.21.

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

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

22 (f) Notwithstanding subdivisions (a) and (b), program  
 23 participants shall comply with the provisions specified in  
 24 subdivision (d) of Section 1808.21 of the Vehicle Code if  
 25 requesting suppression of the records maintained by the Department  
 26 of Motor Vehicles. Program participants shall also comply with  
 27 all other provisions of the Vehicle Code relating to providing  
 28 current address information to the department.

29 SEC. 2. Section 6215.5 of the Government Code is amended  
 30 to read:

31 6215.5. (a) A program participant may request that state and  
 32 local agencies use the address designated by the Secretary of State  
 33 as his or her address. When creating a public record, state and local  
 34 agencies shall accept the address designated by the Secretary of  
 35 State as a program participant's substitute address, unless the  
 36 Secretary of State has determined both of the following:

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

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

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

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

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

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

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

24 ~~(e) The office of the Secretary of State shall forward all~~  
25 ~~first-class mail and all mail sent by a governmental agency to the~~  
26 ~~appropriate program participants. The office of the Secretary of~~  
27 ~~State may, in its discretion, refuse to handle or forward packages~~  
28 ~~regardless of size or type of mailing.~~

29 ~~(f) Notwithstanding subdivision (a), program participants shall~~  
30 ~~comply with the provisions specified in subdivision (d) of Section~~  
31 ~~1808.21 of the Vehicle Code if requesting suppression of the~~  
32 ~~records maintained by the Department of Motor Vehicles. Program~~  
33 ~~participants shall also comply with all other provisions of the~~  
34 ~~Vehicle Code relating to providing current address information to~~  
35 ~~the department.~~

36 ~~SEC. 3. The Legislature finds and declares that Sections 1 and~~  
37 ~~2 of this act limit the public's right of access to public documents~~  
38 ~~within the meaning of paragraph (2) of subdivision (b) of Section~~  
39 ~~3 of Article I of the California Constitution. Pursuant to that~~  
40 ~~constitutional provision, the Legislature makes the following~~

1 findings to demonstrate the interest and the need for protecting  
2 that interest:

3 (a) The interest protected by this limitation is the privacy and  
4 security of victims of domestic violence, sexual assault, or stalking,  
5 and reproductive health care services providers, employees,  
6 volunteers, and patients.

7 (b) The need for protecting that interest is that home address  
8 and telephone numbers of victims of domestic violence, sexual  
9 assault, or stalking, and reproductive health care services providers,  
10 employees, volunteers, and patients, if released to the public, could  
11 result in negative consequences.

12 SEC. 4. The Legislature finds and declares that Sections 1 and  
13 2 of this act, which amend Sections 6207 and 6215.5 of the  
14 Government Code, further, within the meaning of paragraph (7)  
15 of subdivision (b) of Section 3 of Article I of the California  
16 Constitution, the purposes of that constitutional section as it relates  
17 to the right of public access to the meetings of local public bodies  
18 or the writings of local public officials and local agencies. Pursuant  
19 to paragraph (7) of subdivision (b) of Section 3 of Article I of the  
20 California Constitution, the Legislature makes the following  
21 findings:

22 Because the act appropriately balances the right to public access  
23 to local records with the need for the privacy and safety of victims  
24 of domestic violence, sexual assault, or stalking, and reproductive  
25 health care services providers, employees, volunteers, and patients,  
26 the act furthers the purpose of Section 3 of Article I of the  
27 California Constitution.

28 SEC. 5. If the Commission on State Mandates determines that  
29 this act contains costs mandated by the state, reimbursement to  
30 local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.