

AMENDED IN ASSEMBLY APRIL 20, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1310

Introduced by Assembly Member Granlund

February 26, 1999

~~An act to amend Section 146e of, and to add Sections 241.8, 243.9, and 245.6 to, An act to add Sections 241.8 and 243.9 to the Penal Code, and to amend Section 1808.4 of the Vehicle Code, relating to code enforcement officials.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1310, as amended, Granlund. Code enforcement officials.

~~(1) Existing law makes it a misdemeanor for any person or public entity to maliciously disclose, with specified intent, the home address or telephone number of specified peace officers, an employee of a city police department or county sheriff's office, or the spouse or children of these persons who live with these persons. In addition, existing law makes a violation of this provision that results in bodily injury to these persons a felony.~~

~~This bill would apply these provisions to a code enforcement official, as defined. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.~~

~~(2) Existing law prohibits certain acts of assault or violence against specified classes of persons, including school~~

employees and sports officials, and prescribes punishment, as specified, for the commission of these acts.

This bill would provide these prohibitions for the protection of code enforcement officials, as defined. Because the bill would create new crimes, it would impose a state-mandated local program.

(3)

(2) Under existing law, the home address of specified public officials or public employees and the spouse or child of any of these persons, that appears in any record of the Department of Motor Vehicles, is confidential, if the person requests the confidentiality of that information.

This bill would apply this confidentiality provision to any active or retired employee of a public agency with enforcement authority for specified codes or regulations.

(4)

(3) 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 no reimbursement is required by this act for a specified reason.

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 146c of the Penal Code is~~
2 ~~amended to read:~~
3 ~~146c. (a) Every person who maliciously, and with the~~
4 ~~intent to obstruct justice or the due administration of the~~
5 ~~laws, publishes, disseminates, or otherwise discloses the~~
6 ~~residence address or telephone number of any peace~~
7 ~~officer, nonsworn police dispatcher, or employee of a city~~
8 ~~police department or county sheriff's office, or a code~~
9 ~~enforcement official, as defined in subdivision (e) of~~
10 ~~Section 245.6, or that of the spouse or children of these~~
11 ~~persons, whether living with them or not, while~~
12 ~~designating the peace officer or nonsworn police~~
13 ~~dispatcher or relative of these persons as such, without~~



1 ~~the authorization of the employing agency, is guilty of a~~
2 ~~misdemeanor.~~

3 ~~(b) A violation of subdivision (a) with regard to any~~
4 ~~peace officer, employee of a city police department or~~
5 ~~county sheriff's office, or a code enforcement official, as~~
6 ~~defined in subdivision (c) of Section 245.6, or the spouse~~
7 ~~or children of these persons that results in bodily injury~~
8 ~~to the peace officer, employee of the city police~~
9 ~~department or county sheriff's office, or the spouse or~~
10 ~~children of these persons is a felony.~~

11 ~~SEC. 2.—~~

12 *SECTION 1.* Section 241.8 is added to the Penal Code,
13 to read:

14 241.8. When an assault is committed against a code
15 enforcement official engaged in the performance of his
16 or her duties, or in retaliation for an act performed in the
17 course of his or her duties, during working hours or at any
18 other time, and the person committing the offense knows
19 or reasonably should know the victim is a code
20 enforcement official, the assault is punishable by
21 imprisonment in a county jail not exceeding one year, or
22 by a fine not exceeding two thousand dollars (\$2,000), or
23 by both the fine and imprisonment.

24 For purposes of this section, "code enforcement
25 official" has the same meaning as defined in subdivision
26 (c) of Section 245.6.

27 ~~SEC. 3.—~~

28 *SEC. 2.* Section 243.9 is added to the Penal Code, to
29 read:

30 243.9. (a) When a battery is committed against a
31 code enforcement official engaged in the performance of
32 his or her duties, or in retaliation for an act performed in
33 the course of his or her duties, during working hours or
34 at any other time, and the person committing the offense
35 knows or reasonably should know that the victim is a code
36 enforcement official, the battery is punishable by
37 imprisonment in a county jail not exceeding one year, or
38 by a fine not exceeding two thousand dollars (\$2,000), or
39 by both the fine and imprisonment. However, if any
40 injury is inflicted on the victim, the battery shall be



1 punishable by imprisonment in a county jail for not more
2 than one year, or by a fine of not more than two thousand
3 dollars (\$2,000), or by imprisonment in the state prison
4 for 16 months, or two or three years.

5 (b) For purposes of this section, “code enforcement
6 official” has the same meaning as defined in subdivision
7 (c) of Section 245.6.

8 ~~SEC. 4. Section 245.6 is added to the Penal Code, to~~
9 ~~read:~~

10 ~~245.6. (a) Every person who commits an assault with~~
11 ~~a deadly weapon or instrument, other than a firearm, or~~
12 ~~by any means likely to produce great bodily injury upon~~
13 ~~the person of a code enforcement official, and who knows~~
14 ~~or reasonably should know that the victim is a code~~
15 ~~enforcement official engaged in the performance of his~~
16 ~~or her duties, when that code enforcement official is~~
17 ~~engaged in the performance of his or her duties, shall be~~
18 ~~punished by imprisonment in the state prison for three,~~
19 ~~four, or five years, or in a county jail not exceeding one~~
20 ~~year.~~

21 ~~(b) Every person who commits an assault with a~~
22 ~~firearm upon the person of a code enforcement official,~~
23 ~~and who knows or reasonably should know that the victim~~
24 ~~is a code enforcement official, engaged in the~~
25 ~~performance of his or her duties, when the code~~
26 ~~enforcement official is engaged in the performance of his~~
27 ~~or her duties, shall be punished by imprisonment in the~~
28 ~~state prison for four, six, or eight years, or in a county jail~~
29 ~~for not less than six months and not exceeding one year.~~

30 ~~This subdivision shall not be construed to preclude or~~
31 ~~in any way limit the applicability of Section 245 in any~~
32 ~~criminal prosecution.~~

33 ~~(c) As used in this section, “code enforcement official”~~
34 ~~means any regular employee of a public agency vested~~
35 ~~with enforcement authority for health, safety,~~
36 ~~construction, building, housing, property maintenance or~~
37 ~~zoning requirements, or any employee with authority to~~
38 ~~enforce any provision or any state, district, or municipal~~
39 ~~code dealing with public nuisances, abandoned junk~~
40 ~~vehicle abatement, or any public inspector, investigator,~~



1 ~~or official whose primary duties include enforcement of~~
2 ~~any city, district, county, state code, or regulation.~~

3 ~~SEC. 5.—~~

4 *SEC. 3.* Section 1808.4 of the Vehicle Code is amended
5 to read:

6 1808.4. (a) The home address of any of the following
7 persons, that appears in any record of the department, is
8 confidential, if the person requests the confidentiality of
9 that information:

- 10 (1) Attorney General.
- 11 (2) State public defender.
- 12 (3) Members of the Legislature.
- 13 (4) Judges or court commissioners.
- 14 (5) District attorneys.
- 15 (6) Public defenders.
- 16 (7) Attorneys employed by the Department of Justice,
17 the office of the State Public Defender, or a county office
18 of the district attorney or public defender.
- 19 (8) City attorneys and attorneys who submit
20 verification from their public employer that they
21 represent the city in matters that routinely place them in
22 personal contact with persons under investigation for,
23 charged with, or convicted of, committing criminal acts,
24 if those attorneys are employed by city attorneys.
- 25 (9) Nonsworn police dispatchers.
- 26 (10) Child abuse investigators or social workers,
27 working in child protective services within a social
28 services department.
- 29 (11) Active or retired peace officers, as defined in
30 Chapter 4.5 (commencing with Section 830) of Title 3 of
31 Part 2 of the Penal Code.
- 32 (12) Employees of the Department of Corrections, the
33 Department of the Youth Authority, or the Prison
34 Industry Authority specified in Sections 20017.77 and
35 20017.79 of the Government Code.
- 36 (13) Nonsworn employees of a city police department,
37 a county sheriff's office, the Department of the California
38 Highway Patrol, federal, state, and local detention
39 facilities, and local juvenile halls, camps, ranches, and
40 homes, who submit agency verification that, in the



1 normal course of their employment, they control or
2 supervise inmates or are required to have a prisoner in
3 their care or custody.

4 (14) County counsels assigned to child abuse cases.

5 (15) Investigators employed by the Department of
6 Justice, a county district attorney, or a county public
7 defender.

8 (16) Members of a city council.

9 (17) Members of a board of supervisors.

10 (18) Federal prosecutors and criminal investigators
11 and National Park Service Rangers working in this state.

12 (19) Any active or retired city enforcement officer
13 engaged in the enforcement of the Vehicle Code or
14 municipal parking ordinances.

15 (20) (A) The spouse or child of any person listed in
16 paragraphs (1) to (19), inclusive, regardless of the
17 spouse's or child's place of residence.

18 (B) The surviving spouse or child of a peace officer, as
19 defined in Chapter 4.5 (commencing with Section 830) of
20 Title 3 of Part 2 of the Penal Code, if the peace officer died
21 in the line of duty.

22 (21) Any active or retired employee of a public agency
23 vested with enforcement authority for health, safety,
24 construction, building, housing, property maintenance or
25 zoning requirements, or any employee with authority to
26 enforce any provision of any state, district, or municipal
27 code dealing with public nuisances, abandoned junk
28 vehicle abatement, or any public inspector, investigator,
29 or official whose primary duties include enforcement of
30 any city, county, state code, or regulation.

31 (b) The confidential home address of any of the
32 persons listed in subdivision (a) shall not be disclosed to
33 any person, except a court, a law enforcement agency, the
34 State Board of Equalization, or any governmental agency
35 to which, under any provision of law, information is
36 required to be furnished from records maintained by the
37 department.

38 (c) Any record of the department containing a
39 confidential home address shall be open to public
40 inspection, as provided in Section 1808, if the address is



1 completely obliterated or otherwise removed from the
 2 record. The home address shall be withheld from public
 3 inspection for three years following termination of office
 4 or employment except with respect to retired peace
 5 officers, whose home addresses shall be withheld from
 6 public inspection permanently upon request of
 7 confidentiality at the time the information would
 8 otherwise be opened. The home address of the surviving
 9 spouse or child listed in subparagraph (B) of paragraph
 10 (20) of subdivision (a) shall be withheld from public
 11 inspection for three years following the death of the
 12 peace officer. The department shall inform any person
 13 who requests a confidential home address what agency
 14 the individual whose address was requested is employed
 15 by or the court at which the judge or court commissioner
 16 presides.

17 (d) A violation of subdivision (a) by the disclosure of
 18 the confidential home address of a peace officer, as
 19 specified in paragraph (11) of subdivision (a), a
 20 nonsworn employee of the city police department or
 21 county sheriff’s office, or the spouses or children of these
 22 persons, including, but not limited to, the surviving
 23 spouse or child listed in subparagraph (B) of paragraph
 24 (20) of subdivision (a), that results in bodily injury to the
 25 peace officer, employee of the city police department or
 26 county sheriff’s office, or the spouses or children of these
 27 persons is a felony.

28 ~~SEC. 6.—~~

29 *SEC. 4.* No reimbursement is required by this act
 30 pursuant to Section 6 of Article XIII B of the California
 31 Constitution because the only costs that may be incurred
 32 by a local agency or school district will be incurred
 33 because this act creates a new crime or infraction,
 34 eliminates a crime or infraction, or changes the penalty
 35 for a crime or infraction, within the meaning of Section
 36 17556 of the Government Code, or changes the definition
 37 of a crime within the meaning of Section 6 of Article
 38 XIII B of the California Constitution.

O

