

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 130

Introduced by Assembly Member Jeffries

January 20, 2009

An act to amend ~~Section 530.5 of the Penal Code, relating to identity theft~~ Sections 102230, 102231, 103525, 103525.5, 103526, 103526.5, and 103527 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 130, as amended, Jeffries. ~~Identity theft.~~ *Vital records: marriage records.*

(1) *Existing law prescribes specified personal information to be included on birth, death, and marriage certificates. Under existing law, a certified copy of a birth or death record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a statement sworn under penalty of perjury that the applicant is an authorized person. If an applicant for a birth or death record does not meet the requirements for an authorized person, the State Registrar, local registrar, or county recorder may only issue an informational certified copy of a birth or death record that contains a legend stating "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY."*

Existing law also requires that each certified copy of a birth or death record contain specified information and be printed on sensitized paper with specified features.

Existing law also requires an applicant for a certified copy of a birth or death record to pay, in addition to other fees applicable to the receipt of a copy of a birth or death record from the State Registrar, local

registrar or county recorder a fee of \$1, to be used for the development of safety and security measures to protect against the fraudulent use of these records and defray the cost to local officials of any required security measures.

This bill would also make these provisions applicable to a request for a certified copy of a marriage record, and would make conforming changes. By changing the definition of the crime of perjury, and by imposing new duties on local officials, this bill would create a state-mandated local program.

(2) Existing law requires the State Registrar to appoint a Vital Records Protection Advisory Committee to study and make recommendations to protect individual privacy, inhibit identity theft, and prevent fraud involving birth and death certificates while providing needed access to the information contained in those records by persons seeking it for a legitimate purpose.

This bill would add marriage records to the list of vital records under the committee's consideration for study and recommendations.

(3) Existing law requires the State Registrar to maintain comprehensive indices of registered certificates. Under existing law, comprehensive birth and death record indices, as prescribed, must be kept confidential and are exempt from disclosure under the California Public Records Act. Existing law also prohibits specified uses of birth and death record files. Violation of these provisions is a misdemeanor.

This bill would apply these provisions to comprehensive marriage indices. By changing the definition of a crime, and by imposing new duties on local officials, this bill would create a state-mandated local program.

(4) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law establishes various offenses in connection with the unlawful acquisition or use of personal identifying information. Some of these offenses are punishable only as misdemeanors, however most~~

~~may be prosecuted as misdemeanors or as felonies punishable by imprisonment in the state prison for 16 months or 2 or 3 years.~~

~~This bill would provide that a 2nd or subsequent commission of any of these offenses would be punishable by a fine, by imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years.~~

~~By providing that certain misdemeanors are punishable as a felony, thereby increasing the duties of local prosecutors, this bill would impose a state-mandated local program.~~

~~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 102230 of the Health and Safety Code is
2 amended to read:
3 102230. (a) (1) The State Registrar shall arrange and
4 permanently preserve the certificates in a systematic manner and
5 shall prepare and maintain comprehensive and continuous indices
6 of all certificates registered.
7 (2) The birth and, death, and marriage record indices prepared
8 pursuant to paragraph (1) and all comprehensive birth and, death,
9 and marriage record indices prepared or maintained by local
10 registrars and county recorders shall be kept confidential and shall
11 be exempt from disclosure under the California Public Records
12 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
13 of Title 1 of the Government Code).
14 (3) Notwithstanding paragraph (2), the State Registrar, at his
15 or her discretion, may release comprehensive birth and death record
16 indices to any government agency. Local registrars and county
17 recorders, when requested, shall release their comprehensive birth
18 and, death, and marriage record indices to the State Registrar. A
19 government agency that obtains indices pursuant to this paragraph
20 may shall not sell or release the index or any portion of its contents
21 to any other person except as necessary for official government

1 business and shall not post the indices or any portion thereof on
2 the Internet.

3 (b) (1) The State Registrar shall prepare and maintain separate
4 noncomprehensive indices of all California birth and death records
5 for public release.

6 (2) For purposes of this section, noncomprehensive birth record
7 indices for public release shall be comprised of first, middle, and
8 last name, sex, date of birth, and place of birth.

9 (3) For purposes of this section, noncomprehensive death record
10 indices for public release shall be comprised of first, middle, and
11 last name, sex, date of birth, place of birth, place of death, date of
12 death, and father's last name.

13 (4) Requesters of the birth or death record indices prepared
14 pursuant to this subdivision shall provide proof of identity,
15 complete a form, and sign the form under penalty of perjury. The
16 form shall include all of the following:

17 (A) The proposed use of the birth or death record indices.

18 (B) A disclaimer crediting any analyses, interpretations, or
19 conclusions reached regarding the birth or death record indices to
20 the author and not to the State Department of ~~Health Services~~
21 *Public Health*.

22 (C) Assurance that technical descriptions of the birth or death
23 record indices are consistent with those provided by the State
24 Department of ~~Health Services~~ *Public Health*.

25 (D) Assurance that the requester shall not sell, assign, or
26 otherwise transfer the birth or death record indices.

27 (E) Assurance that the requester shall not use the birth or death
28 record indices for fraudulent purposes.

29 (5) Birth and death record indices obtained pursuant to this
30 subdivision, and any portion thereof, shall not be used for
31 fraudulent purposes.

32 (c) (1) The State Registrar shall prepare and maintain separate
33 noncomprehensive indices of all California birth and death records
34 for purposes of law enforcement or preventing fraud.

35 (2) For purposes of this section, noncomprehensive birth record
36 indices for the purpose of preventing fraud shall be comprised of
37 first, middle, and last name, sex, date of birth, place of birth, and
38 mother's maiden name.

39 (3) For purposes of this section, noncomprehensive death record
40 indices for the purpose of preventing fraud shall be comprised of

1 first, middle, and last name, place of death, mother's maiden name,
2 sex, social security number, date of birth, place of birth, date of
3 death, and father's last name.

4 (4) The birth and death record indices prepared pursuant to this
5 subdivision shall be made available to financial institutions, as
6 defined in ~~15 U.S.C. Sec. 6827(4)(A) and (B)~~ *Section 6827(4)(A)*
7 *and (B) of Title 15 of the United States Code*, its representatives
8 or contractors, consumer credit reporting agencies, as defined in
9 subdivision (d) of Section 1785.3 of the Civil Code, its
10 representatives or contractors, those entities providing information
11 services for purposes of law enforcement or preventing fraud,
12 officers of the court for the sole purpose of verifying a death, and
13 to persons or entities acting on behalf of law enforcement agencies
14 or the court, or pursuant to a court order.

15 (5) The birth and death record indices prepared pursuant to this
16 subdivision may be released to any government agency.

17 (6) Requesters of the birth or death record indices prepared
18 pursuant to this subdivision shall provide proof of identity,
19 complete a form, and sign the form under penalty of perjury. The
20 form shall include all of the following:

21 (A) An agreement not to release or allow public access to the
22 birth or death record indices, and an agreement not to post the
23 indices on the Internet, except as permitted by this subdivision.

24 (B) The proposed use of the birth or death record indices.

25 (C) The names of all persons within the organization, if
26 applicable, who will have access to the birth or death record
27 indices.

28 (D) A disclaimer crediting any analyses, interpretations, or
29 conclusions reached regarding the birth or death record indices to
30 the author and not to the State Department of ~~Health Services~~
31 *Public Health*.

32 (E) Assurance that technical descriptions of the birth or death
33 record indices are consistent with those provided by the State
34 Department of ~~Health Services~~ *Public Health*.

35 (F) Assurance that the requester shall not sell, assign, or
36 otherwise transfer the birth or death record indices, except as
37 permitted by this subdivision.

38 (G) Assurance that the requester shall not use the birth or death
39 record indices for fraudulent purposes.

(7) (A) Birth and death record indices, and any portion thereof, obtained pursuant to this section, shall not be used for fraudulent purposes and shall not be posted on the Internet.

(B) Notwithstanding subparagraph (A), individual information contained in birth and death record indices may be posted on the Internet if all of the following requirements are met:

(i) The individual information is posted on ~~a~~ *an Internet* Web site that is protected by a password.

(ii) The individual information is posted on ~~a~~ *an Internet* Web site that is available to subscribers only for a fee.

(iii) The individual information is not posted for public display.

(iv) The individual information is available to subscribers pursuant to a contractual agreement.

(v) The individual information is posted for purposes of law enforcement or preventing fraud.

(d) Mail-in requests from nongovernmental agencies for birth and death record indices requested pursuant to subdivisions (b) and (c) shall include a notarized statement attesting to the identity of the requester.

(e) Noncomprehensive birth and death record indices pursuant to subdivisions (b) and (c) shall be updated annually.

(f) All birth and death record indices provided pursuant to this section shall be made available subject to cost recovery provisions of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(g) Any noncomprehensive birth ~~and~~, death, *and marriage* record indices created by local registrars or county recorders shall be subject to the conditions for release required by this section.

(h) A person or entity that obtains a birth or death record index, or any portion thereof, from a requester who has obtained the index in accordance with paragraph (6) of subdivision (c) may not sell, assign, or otherwise transfer that index, or any portion thereof, to any third party.

(i) Paragraphs (2) and (3) of subdivision (a) and subdivisions (b) to (h), inclusive, shall be implemented only to the extent that funds for these purposes are appropriated by the Legislature in the annual Budget Act or other statute.

SEC. 2. Section 102231 of the Health and Safety Code is amended to read:

1 102231. (a) Notwithstanding any other ~~provision of law~~, birth
2 data files, birth data files for public release, death data files for
3 public release, ~~and~~ death data files for purposes of law enforcement
4 or preventing fraud, *and marriage data files* prepared and
5 maintained by the State Registrar, local registrars, and county
6 recorders shall only be released as follows:

7 (1) Birth data files containing personal identifiers shall be
8 subject to the same restrictions as the confidential portion of a
9 birth certificate and shall only be released under the terms and
10 conditions specified in Section 102430.

11 (2) Birth data files for public release shall not contain the
12 mother's maiden name.

13 (3) Death data files for public release shall not contain the
14 mother's maiden name and social security number.

15 (4) Death data files for purposes of law enforcement or
16 preventing fraud shall include the mother's maiden name and social
17 security number. Death data files prepared pursuant to this
18 subdivision may be released to governmental agencies and to those
19 entities described in paragraph (4) of subdivision (c) of Section
20 102230.

21 (5) Death data files containing personal identifying information
22 may be released to persons expressing a valid scientific interest,
23 as determined by the appropriate committee constituted for the
24 protection of human subjects that is approved by the United States
25 Department of Health and Human Services and has a general
26 assurance pursuant to Part 46 (commencing with Section 46.101)
27 of Title 45 of the Code of Federal Regulations.

28 (6) *Marriage data files shall only be released to persons in the*
29 *manner described in paragraphs (4) and (5) of subdivision (a) and*
30 *in subdivision (a) of Section 103526.*

31 (b) Requesters of birth ~~and~~, death, *and marriage* data files
32 pursuant to this section shall provide proof of identity, complete
33 a form, and sign the form under penalty of perjury. The form shall
34 include all of the following:

35 (1) An agreement not to release the birth ~~or~~, death, *or marriage*
36 data files and not to post the files on the Internet, except as
37 permitted by this subdivision.

38 (2) An agreement not to provide public access to data files
39 obtained pursuant to paragraphs (1) and (4) of subdivision (a).

40 (3) The proposed use of the data file.

1 (4) For data files obtained pursuant to paragraphs (1) and (4)
2 of subdivision (a), the names of all persons within the organization,
3 if applicable, who will have access to the data files.

4 (5) A disclaimer that credits any analyses, interpretations, or
5 conclusions reached regarding the birth or death data files to the
6 author and not to the State Department of ~~Health Services~~ *Public*
7 *Health*.

8 (6) Assurance that technical descriptions of the data files are
9 consistent with those provided by the State Department of ~~Health~~
10 *Services Public Health*.

11 (7) Assurance that the requester shall not sell, assign, or
12 otherwise transfer the data files, except as permitted by subdivision
13 (e).

14 (8) Assurance that the requester shall not use the data files for
15 fraudulent purposes.

16 (c) Mail-in requests for birth ~~and~~, death, *and marriage* data files
17 pursuant to this section shall include a notarized statement attesting
18 to the identity of the requester.

19 (d) Birth ~~and~~, death, *and marriage* data files provided pursuant
20 to this section shall be made available subject to cost recovery
21 provisions of the California Public Records Act (Chapter 3.5
22 (commencing with Section 6250) of Division 7 of Title 1 of the
23 Government Code).

24 (e) (1) Birth ~~and~~, death, *and marriage* data files, and any portion
25 thereof, obtained pursuant to this section, shall not be used for
26 fraudulent purposes and shall not be posted on the Internet.

27 (2) Notwithstanding paragraph (1), individual information
28 contained in death data files obtained pursuant to paragraph (4) of
29 subdivision (a) may be posted on the Internet if all of the following
30 requirements are met:

31 (A) The information is posted on ~~a~~ *an Internet* Web site that is
32 protected by a password.

33 (B) The information is posted on ~~a~~ *an Internet* Web site that is
34 available to subscribers only for a fee.

35 (C) The information is not posted for public display.

36 (D) The information is available to subscribers pursuant to a
37 contractual agreement.

38 (E) The information is posted for purposes of law enforcement
39 or preventing fraud.

1 (f) A person or entity that obtains a birth-~~or~~, death, *or marriage*
2 data file, or any portion thereof, from a requester who has obtained
3 the data file in accordance with subdivision (b) may not sell, assign,
4 or otherwise transfer that data file, or any portion thereof, to any
5 third party.

6 (g) This section shall be implemented only to the extent that
7 funds for these purposes are appropriated by the Legislature in the
8 annual Budget Act or other statute.

9 *SEC. 3. Section 103525 of the Health and Safety Code is*
10 *amended to read:*

11 103525. (a) The State Registrar, local registrar, or county
12 recorder shall, upon request and payment of the required fee, supply
13 to any applicant a certified copy of the record of any birth, fetal
14 death, death, marriage, or marriage dissolution registered with the
15 official.

16 When the original forms of certificates of live birth furnished
17 by the State Registrar contain a printed section at the bottom
18 containing medical and social data or labeled "Confidential
19 Information for Public Health Use Only," that section shall not be
20 reproduced in a certified copy of the record except as specifically
21 authorized in Section 102430.

22 (b) Notwithstanding subdivision (a) or any other ~~provision of~~
23 ~~law, commencing July 1, 2003,~~ the State Registrar, local registrar,
24 or county recorder shall provide certified copies of birth ~~and~~, death,
25 *and marriage* records only as authorized under Section 103526 or
26 103526.5.

27 *SEC. 4. Section 103525.5 of the Health and Safety Code is*
28 *amended to read:*

29 103525.5. (a) (1) Until January 1, 2006, in addition to the
30 fees prescribed by Sections 103625 and 103626, an applicant for
31 a certified copy of a birth or death record shall pay an additional
32 fee of two dollars (\$2). Commencing January 1, 2006, this fee
33 shall be reduced to one dollar (\$1).

34 (2) *Commencing January 1, 2010, in addition to the fees*
35 *prescribed by Sections 103625 and 103626, an applicant for a*
36 *certified copy of a marriage record shall pay an additional fee of*
37 *one dollar (\$1).*

38 (b) Until January 1, 2006, each local registrar or county recorder
39 collecting the fee pursuant to this section shall transmit one dollar
40 and sixty-five cents (\$1.65) of the fee to the State Registrar by the

1 10th day of the month following the month in which the fee was
2 received. Commencing January 1, 2006, each local registrar or
3 county recorder collecting the fee pursuant to this section shall
4 transmit sixty-five cents (\$.65) of the fee to the State Registrar by
5 the 10th day of the month in which the fee was received. These
6 funds, and fees collected by the State Registrar pursuant to this
7 section, shall be used by the State Registrar, upon appropriation
8 by the Legislature, to develop safety and security measures to
9 protect against fraudulent use of birth~~and~~, death, *and marriage*
10 records, including, but not limited to, computerizing records,
11 redacting and removing signatures as required by law, and
12 electronically distributing redacted records to local registrars and
13 county recorders for their use in complying with Sections 103526
14 and 103526.5.

15 (c) Thirty-five cents (\$0.35) of the fee specified in subdivision
16 (a) shall be retained by the public official charged with the
17 collection of the fee to defray the costs of the additional security
18 features required by Sections 103526 and 103526.5.

19 (d) The entire amount of the fee collected pursuant to
20 subdivision (a) by the State Registrar shall be retained and used
21 by the State Registrar, upon appropriation by the Legislature, for
22 the purpose specified in subdivision (b). The entire amount of the
23 fee collected by the local registrar or county recorder pursuant to
24 subdivision (c) shall be retained and used by that official for the
25 purpose specified in subdivision (c).

26 *SEC. 5. Section 103526 of the Health and Safety Code is*
27 *amended to read:*

28 103526. (a) If the State Registrar, local registrar, or county
29 recorder receives a written or faxed request for a certified copy of
30 a birth~~or~~, death, *or marriage* record pursuant to Section 103525,
31 or a military service record pursuant to Section 6107 of the
32 Government Code, that is accompanied by a notarized statement
33 sworn under penalty of perjury, or a faxed copy of a notarized
34 statement sworn under penalty of perjury, that the requester is an
35 authorized person, as defined in this section, that official may
36 furnish a certified copy to the applicant in accordance with Section
37 103525 and in accordance with Section 6107 of the Government
38 Code. If a written request for a certified copy of a military service
39 record is submitted to a county recorder by fax, the county recorder
40 may furnish a certified copy of the military record to the applicant

1 in accordance with Section 103525. A faxed notary
2 acknowledgment accompanying a faxed request received pursuant
3 to this subdivision for a certified copy of a birth-~~or~~, death, *or*
4 *marriage* record or a military service record shall be legible and,
5 if the notary's seal is not photographically reproducible, show the
6 name of the notary, the county of the notary's principal place of
7 business, the notary's telephone number, the notary's registration
8 number, and the notary's commission expiration date typed or
9 printed in a manner that is photographically reproducible below,
10 or immediately adjacent to, the notary's signature in the
11 acknowledgment. If a request for a certified copy of a birth-~~or~~,
12 death, *or marriage* record is made in person, the official shall take
13 a statement sworn under penalty of perjury that the requester is
14 signing his or her own legal name and is an authorized person, and
15 that official may then furnish a certified copy to the applicant.

16 (b) In all other circumstances, the certified copy provided to the
17 applicant shall be an informational certified copy and shall display
18 a legend that states "INFORMATIONAL, NOT A VALID
19 DOCUMENT TO ESTABLISH IDENTITY." The legend shall
20 be placed on the certificate in a manner that will not conceal
21 information.

22 (c) For purposes of this section, an "authorized person" is any
23 of the following:

24 (1) The registrant or a parent or legal guardian of the registrant.

25 (2) A party entitled to receive the record as a result of a court
26 order, or an attorney or a licensed adoption agency seeking the
27 birth record in order to comply with the requirements of Section
28 3140 or 7603 of the Family Code.

29 (3) A member of a law enforcement agency or a representative
30 of another governmental agency, as provided by law, who is
31 conducting official business.

32 (4) A child, grandparent, grandchild, sibling, spouse, or domestic
33 partner of the registrant.

34 (5) An attorney representing the registrant or the registrant's
35 estate, or any person or agency empowered by statute or appointed
36 by a court to act on behalf of the registrant or the registrant's estate.

37 (6) Any agent or employee of a funeral establishment who acts
38 within the course and scope of his or her employment and who
39 orders certified copies of a death certificate on behalf of any

1 individual specified in paragraphs (1) to (5), inclusive, of
2 subdivision (a) of Section 7100.

3 (d) Any person who asks the agent or employee of a funeral
4 establishment to request a death certificate on his or her behalf
5 warrants the truthfulness of his or her relationship to the decedent,
6 and is personally liable for all damages occasioned by, or resulting
7 from, a breach of that warranty.

8 (e) Notwithstanding any other ~~provision of law~~:

9 (1) Any member of a law enforcement agency or a representative
10 of a state or local government agency, as provided by law, who
11 orders a copy of a record to which subdivision (a) applies in
12 conducting official business may not be required to provide the
13 notarized statement required by subdivision (a).

14 (2) An agent or employee of a funeral establishment who acts
15 within the course and scope of his or her employment and who
16 orders death certificates on behalf of individuals specified in
17 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100
18 shall not be required to provide the notarized statement required
19 by subdivision (a).

20 (f) Informational certified copies of birth and death certificates
21 issued pursuant to subdivision (b) shall only be printed from the
22 single statewide database prepared by the State Registrar and shall
23 be electronically redacted to remove any signatures for purposes
24 of compliance with this section. Local registrars and county
25 recorders shall not issue informational certified copies of birth and
26 death certificates from any source other than the statewide database
27 prepared by the State Registrar. This subdivision shall become
28 operative on July 1, 2007, but only after the statewide database
29 becomes operational and the full calendar year of the birth and
30 death indices and images is entered into the statewide database
31 and is available for the respective year of the birth or death
32 certificate for which an informational copy is requested. The State
33 Registrar shall provide written notification to local registrars and
34 county recorders as soon as a year becomes available for issuance
35 from the statewide database.

36 *SEC. 6. Section 103526.5 of the Health and Safety Code is*
37 *amended to read:*

38 103526.5. (a) Each certified copy of a birth-~~or~~, death, *or*
39 *marriage* record issued pursuant to Section 103525 shall include
40 the date issued, the name of the issuing officer, the signature of

1 the issuing officer, whether that is the State Registrar, local
2 registrar, county recorder, or county clerk, or an authorized
3 facsimile thereof, and the seal of the issuing office.

4 (b) All certified copies of birth~~and~~, death, *and marriage* records
5 issued pursuant to Section 103525 shall be printed on chemically
6 sensitized security paper that measures 8½ inches by 11 inches
7 and that has the following features:

- 8 (A) Intaglio print.
- 9 (B) Latent image.
- 10 (C) Fluorescent, consecutive numbering with matching barcode.
- 11 (D) Microprint line.
- 12 (E) Prismatic printing.
- 13 (F) Watermark.
- 14 (G) Void pantograph.
- 15 (H) Fluorescent security threads.
- 16 (I) Fluorescent fibers.
- 17 (J) Any other security features deemed necessary by the State
18 Registrar.

19 (c) The State Registrar, local registrars, county recorders, and
20 county clerks shall take precautions to ensure that uniform and
21 consistent standards are used statewide to safeguard the security
22 paper described in subdivision (b), including, but not limited to,
23 the following measures:

- 24 (1) Security paper shall be maintained under secure conditions
25 so as not to be accessible to the public.
- 26 (2) A log shall be kept of all visitors allowed in the area where
27 security paper is stored.
- 28 (3) All spoilage shall be accounted for and subsequently
29 destroyed by shredding on the premises.

30 *SEC. 7. Section 103527 of the Health and Safety Code is*
31 *amended to read:*

32 103527. (a) The State Registrar shall appoint a Vital Records
33 Protection Advisory Committee to study and make
34 recommendations to protect individual privacy, inhibit identity
35 theft, and prevent fraud involving birth~~and~~, death, *and marriage*
36 certificates while providing needed access to birth~~and~~, death, *and*
37 *marriage* record information to those seeking it for legitimate
38 purposes. The committee shall have the following duties:

- 39 (1) Review and make recommendations as to the adequacy of
40 procedures to safeguard individual privacy and prevent fraud,

1 while ensuring appropriate access to birth~~and~~, death, *and marriage*
2 records.

3 (2) Make recommendations to the State Registrar as to items
4 that should be redacted from informational certified copies of birth
5 ~~and~~, death, *and marriage* certificates issued pursuant to Section
6 103526.

7 (3) Make recommendations to the State Registrar regarding
8 fraud prevention measures concerning vital records.

9 (b) The committee shall include representatives from private
10 and governmental entities that use vital records as identity or legal
11 documents, consumers, law enforcement officials, genealogists,
12 and organizations that research vital records for legal or social
13 purposes. The State Registrar shall make every effort to ensure
14 that committee membership also represents the community at large.

15 (c) (1) Except as provided in paragraph (2), membership on
16 the committee shall be for a term of three years.

17 (2) Appointments shall be made on a staggered basis to allow
18 for a change of one-third of the membership on an annual basis.
19 One-third of the initial committee membership shall be appointed
20 to one-year terms, and one-third of the initial committee
21 membership shall be appointed to two-year terms.

22 *SEC. 8. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution for certain*
24 *costs that may be incurred by a local agency or school district*
25 *because, in that regard, this act creates a new crime or infraction,*
26 *eliminates a crime or infraction, or changes the penalty for a crime*
27 *or infraction, within the meaning of Section 17556 of the*
28 *Government Code, or changes the definition of a crime within the*
29 *meaning of Section 6 of Article XIII B of the California*
30 *Constitution.*

31 *However, if the Commission on State Mandates determines that*
32 *this act contains other costs mandated by the state, reimbursement*
33 *to 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.*

36 ~~SECTION 1. Section 530.5 of the Penal Code is amended to~~
37 ~~read:~~

38 ~~530.5. (a) Every person who willfully obtains personal~~
39 ~~identifying information, as defined in subdivision (b) of Section~~
40 ~~530.55, of another person, and uses that information for any~~

1 unlawful purpose, including to obtain, or attempt to obtain, credit,
2 goods, services, real property, or medical information without the
3 consent of that person, is guilty of a public offense, and upon
4 conviction therefor, shall be punished by a fine, by imprisonment
5 in a county jail not to exceed one year, or by both a fine and
6 imprisonment, or by imprisonment in the state prison.

7 (b) In any case in which a person willfully obtains personal
8 identifying information of another person, uses that information
9 to commit a crime in addition to a violation of subdivision (a), and
10 is convicted of that crime, the court records shall reflect that the
11 person whose identity was falsely used to commit the crime did
12 not commit the crime.

13 (c) (1) Every person who, with the intent to defraud, acquires
14 or retains possession of the personal identifying information, as
15 defined in subdivision (b) of Section 530.55, of another person is
16 guilty of a public offense, and upon conviction therefor, shall be
17 punished by a fine, by imprisonment in a county jail not to exceed
18 one year, or by both a fine and imprisonment.

19 (2) Every person who, with the intent to defraud, acquires or
20 retains possession of the personal identifying information, as
21 defined in subdivision (b) of Section 530.55, of 10 or more other
22 persons is guilty of a public offense, and upon conviction therefor,
23 shall be punished by a fine, by imprisonment in a county jail not
24 to exceed one year, or by both a fine and imprisonment, or by
25 imprisonment in the state prison.

26 (d) (1) Every person who, with the intent to defraud, sells,
27 transfers, or conveys the personal identifying information, as
28 defined in subdivision (b) of Section 530.55, of another person is
29 guilty of a public offense, and upon conviction therefor, shall be
30 punished by a fine, by imprisonment in a county jail not to exceed
31 one year, or by both a fine and imprisonment, or by imprisonment
32 in the state prison.

33 (2) Every person who, with actual knowledge that the personal
34 identifying information, as defined in subdivision (b) of Section
35 530.55, of a specific person will be used to commit a violation of
36 subdivision (a), sells, transfers, or conveys that same personal
37 identifying information is guilty of a public offense, and upon
38 conviction therefor, shall be punished by a fine, by imprisonment
39 in the state prison, or by both a fine and imprisonment.

1 ~~(e) Every person who commits mail theft, as defined in Section~~
2 ~~1708 of Title 18 of the United States Code, is guilty of a public~~
3 ~~offense, and upon conviction therefor shall be punished by a fine,~~
4 ~~by imprisonment in a county jail not to exceed one year, or by both~~
5 ~~a fine and imprisonment. Prosecution under this subdivision shall~~
6 ~~not limit or preclude prosecution under any other provision of law,~~
7 ~~including, but not limited to, subdivisions (a) to (c), inclusive, of~~
8 ~~this section.~~

9 ~~(f) A second or subsequent violation of this section shall be~~
10 ~~punished by a fine, by imprisonment in a county jail not to exceed~~
11 ~~one year, or by both a fine and imprisonment, or by imprisonment~~
12 ~~in the state prison for two, three, or four years.~~

13 ~~(g) An interactive computer service or access software provider,~~
14 ~~as defined in subsection (f) of Section 230 of Title 47 of the United~~
15 ~~States Code, shall not be liable under this section unless the service~~
16 ~~or provider acquires, transfers, sells, conveys, or retains possession~~
17 ~~of personal information with the intent to defraud.~~

18 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
23 ~~for a crime or infraction, within the meaning of Section 17556 of~~
24 ~~the Government Code, or changes the definition of a crime within~~
25 ~~the meaning of Section 6 of Article XIII B of the California~~
26 ~~Constitution.~~