

ASSEMBLY BILL

No. 923

Introduced by Assembly Member Swanson

February 26, 2009

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 923, as introduced, Swanson. Department of Motor Vehicles: public records: addresses.

(1) Existing law makes confidential the home address of a list of local, state, and federal officers or employees, and the spouses or children of those officers or employees, that appears in a record of the Department of Motor Vehicles, if the included person requests it to be kept confidential, with certain exemptions for information available to specified governmental agencies and certain attorneys. A violation of the confidentiality requirement is a crime.

This bill would add to that list a veterinarian employed by a zoo, a public animal control agency shelter, or a society for the prevention of cruelty to animals shelter or a humane society shelter contracting with a local public agency for animal care or protection services. The bill also would add constitutional officers of the State Board of Equalization and specified local government code enforcement officers to that list. The bill, by adding persons to be covered by those confidentiality requirements, would expand the scope of a crime, thereby imposing a state-mandated local program.

(2) 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 1808.4 of the Vehicle Code is amended
2 to read:
3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department; is confidential
5 if the person requests the confidentiality of that information:
6 (1) Attorney General.
7 (2) State public defender.
8 (3) A Member of the Legislature.
9 (4) A judge or court commissioner.
10 (5) A district attorney.
11 (6) A public defender.
12 (7) *A constitutional officer of the State Board of Equalization.*
13 ~~(7)~~
14 (8) An attorney employed by the Department of Justice, the
15 office of the State Public Defender, or a county office of the district
16 attorney or public defender.
17 ~~(8)~~
18 (9) A city attorney and an attorney who submits verification
19 from his or her public employer that the attorney represents the
20 city in matters that routinely place the attorney in personal contact
21 with persons under investigation for, charged with, or convicted
22 of, committing criminal acts, if that attorney is employed by a city
23 attorney.
24 ~~(9)~~
25 (10) A nonsworn police dispatcher.
26 ~~(10)~~
27 (11) A child abuse investigator or social worker, working in
28 child protective services within a social services department.
29 ~~(11)~~
30 (12) An active or retired peace officer, as defined in Chapter
31 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
32 Code.
33 ~~(12)~~

1 (13) An employee of the Department of Corrections and
2 Rehabilitation, Division of Juvenile Facilities, or the Prison
3 Industry Authority specified in Sections 20403 and 20405 of the
4 Government Code.

5 ~~(13)~~

6 (14) A nonsworn employee of a city police department, a county
7 sheriff's office, the Department of the California Highway Patrol,
8 a federal, state, or local detention facility, or a local juvenile hall,
9 camp, ranch, or home, who submits agency verification that, in
10 the normal course of his or her employment, he or she controls or
11 supervises inmates or is required to have a prisoner in his or her
12 care or custody.

13 ~~(14)~~

14 (15) A county counsel assigned to child abuse cases.

15 ~~(15)~~

16 (16) An investigator employed by the Department of Justice, a
17 county district attorney, or a county public defender.

18 ~~(16)~~

19 (17) A member of a city council.

20 ~~(17)~~

21 (18) A member of a board of supervisors.

22 ~~(18)~~

23 (19) A federal prosecutor, criminal investigator, or National
24 Park Service Ranger working in this state.

25 ~~(19)~~

26 (20) An active or retired city enforcement officer engaged in
27 the enforcement of the Vehicle Code or municipal parking
28 ordinances.

29 ~~(20)~~

30 (21) An employee of a trial court.

31 ~~(21)~~

32 (22) A psychiatric social worker employed by a county.

33 ~~(22)~~

34 (23) A police or sheriff department employee designated by the
35 Chief of Police of the department or the sheriff of the county as
36 being in a sensitive position. A designation pursuant to this
37 paragraph shall, for purposes of this section, remain in effect for
38 three years subject to additional designations that, for purposes of
39 this section, shall remain in effect for additional three-year periods.

40 ~~(23)~~

1 (24) A state employee in one of the following classifications:
2 (A) Licensing Registration Examiner, Department of Motor
3 Vehicles.

4 (B) Motor Carrier Specialist 1, California Highway Patrol.

5 (C) Museum Security Officer and Supervising Museum Security
6 Officer.

7 (25) (A) *A veterinarian employed by a zoo, a public animal*
8 *control agency shelter, or a society for the prevention of cruelty*
9 *to animals shelter or a humane society shelter contracting with a*
10 *local public agency for animal care or protection services.*

11 (B) *For purposes of this paragraph, “veterinarian” means a*
12 *person licensed as a veterinarian pursuant to the Veterinary*
13 *Medicine Practice Act (Chapter 11 (commencing with Section*
14 *4800) of Division 2 of the Business and Professions Code).*

15 (C) *For purposes of this paragraph, “zoo” has the same*
16 *meaning as defined in Section 2150 of the Fish and Game Code.*

17 (26) (A) *A code enforcement officer employed by a local*
18 *government agency.*

19 (B) *For purposes of this paragraph, “code enforcement officer”*
20 *means a local official responsible for enforcing housing codes and*
21 *maintaining public safety in buildings.*

22 ~~(24)~~

23 (27) (A) The spouse or child of a person listed in paragraphs
24 (1) to ~~(23)~~ (26), inclusive, regardless of the spouse’s or child’s
25 place of residence.

26 (B) The surviving spouse or child of a peace officer, as defined
27 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
28 2 of the Penal Code, if the peace officer died in the line of duty.

29 (b) The confidential home address of a person listed in
30 subdivision (a) shall not be disclosed, except to any of the
31 following:

32 (1) A court.

33 (2) A law enforcement agency.

34 (3) The State Board of Equalization.

35 (4) An attorney in a civil or criminal action that demonstrates
36 to a court the need for the home address, if the disclosure is made
37 pursuant to a subpoena.

38 (5) A governmental agency to which, under any provision of
39 law, information is required to be furnished from records
40 maintained by the department.

1 (c) (1) A record of the department containing a confidential
2 home address shall be open to public inspection, as provided in
3 Section 1808 if the address is completely obliterated or otherwise
4 removed from the record.

5 (2) Following termination of office or employment, a
6 confidential home address shall be withheld from public inspection
7 for three years, unless the termination is the result of conviction
8 of a criminal offense. If the termination or separation is the result
9 of the filing of a criminal complaint, a confidential home address
10 shall be withheld from public inspection during the time in which
11 the terminated individual may file an appeal from termination,
12 while an appeal from termination is ongoing, and until the appeal
13 process is exhausted, after which confidentiality shall be at the
14 discretion of the employing agency if the termination or separation
15 is upheld. Upon reinstatement to an office or employment, the
16 protections of this section are available.

17 (3) With respect to a retired peace officer, his or her home
18 address shall be withheld from public inspection permanently upon
19 request of confidentiality at the time the information would
20 otherwise be opened. The home address of the surviving spouse
21 or child listed in subparagraph (B) of paragraph ~~(24)~~ (27) of
22 subdivision (a) shall be withheld from public inspection for three
23 years following the death of the peace officer.

24 (4) The department shall inform a person who requests a
25 confidential home address what agency the individual whose
26 address was requested is employed by or the court at which the
27 judge or court commissioner presides.

28 (d) A violation of subdivision (a) by the disclosure of the
29 confidential home address of a peace officer, as specified in
30 paragraph ~~(11)~~ (12) of subdivision (a), a nonsworn employee of
31 ~~the a~~ city police department or county sheriff's office, or the
32 spouses or children of these persons, including, but not limited to,
33 the surviving spouse or child listed in subparagraph (B) of
34 paragraph ~~(24)~~ (27) of subdivision (a), that results in bodily injury
35 to the peace officer, employee of the city police department or
36 county sheriff's office, or the spouses or children of these persons
37 is a felony.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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