

ASSEMBLY BILL

No. 2366

Introduced by Assembly Member Eng

February 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2366, as introduced, Eng. Department of Motor Vehicles: confidential records.

Existing law makes confidential the home address of any of a list of persons that appears in the Department of Motor Vehicles' records, if the person requests it to be kept confidential, with certain exemptions for information available to specified governmental agencies. The list of persons includes, among others, a nonsworn police dispatcher.

This bill would add a nonsworn sheriff's security officer to that list of persons.

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

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.

- 1 (3) A Member of the Legislature.
- 2 (4) A judge or court commissioner.
- 3 (5) A district attorney.
- 4 (6) A public defender.
- 5 (7) An attorney employed by the Department of Justice, the
- 6 office of the State Public Defender, or a county office of the district
- 7 attorney or public defender.
- 8 (8) A city attorney and an attorney who submits verification
- 9 from his or her public employer that the attorney represents the
- 10 city in matters that routinely place the attorney in personal contact
- 11 with persons under investigation for, charged with, or convicted
- 12 of, committing criminal acts, if that attorney is employed by a city
- 13 attorney.
- 14 (9) A nonsworn police dispatcher.
- 15 (10) A child abuse investigator or social worker, working in
- 16 child protective services within a social services department.
- 17 (11) An active or retired peace officer, as defined in Chapter
- 18 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
- 19 Code.
- 20 (12) An employee of the Department of Corrections and
- 21 Rehabilitation, Division of Juvenile Facilities, or the Prison
- 22 Industry Authority specified in Sections 20403 and 20405 of the
- 23 Government Code.
- 24 (13) A nonsworn employee of a city police department, a county
- 25 sheriff's office, the Department of the California Highway Patrol,
- 26 a federal, state, or local detention facility, or a local juvenile hall,
- 27 camp, ranch, or home, who submits agency verification that, in
- 28 the normal course of his or her employment, he or she controls or
- 29 supervises inmates or is required to have a prisoner in his or her
- 30 care or custody.
- 31 (14) A county counsel assigned to child abuse cases.
- 32 (15) An investigator employed by the Department of Justice, a
- 33 county district attorney, or a county public defender.
- 34 (16) A member of a city council.
- 35 (17) A member of a board of supervisors.
- 36 (18) A federal prosecutor, criminal investigator, or National
- 37 Park Service Ranger working in this state.
- 38 (19) An active or retired city enforcement officer engaged in
- 39 the enforcement of the Vehicle Code or municipal parking
- 40 ordinances.

1 (20) An employee of a trial court.

2 (21) A psychiatric social worker employed by a county.

3 (22) A police or sheriff department employee designated by the
4 Chief of Police of the department or the sheriff of the county as
5 being in a sensitive position. A designation pursuant to this
6 paragraph shall, for purposes of this section, remain in effect for
7 three years subject to additional designations that, for purposes of
8 this section, shall remain in effect for additional three-year periods.

9 (23) A state employee in one of the following classifications:

10 (A) Licensing Registration Examiner, Department of Motor
11 Vehicles.

12 (B) Motor Carrier Specialist 1, Department of the California
13 Highway Patrol.

14 (C) Museum Security Officer and Supervising Museum Security
15 Officer.

16 (24) *A nonsworn sheriff's security officer.*

17 ~~(24)~~

18 (25) (A) The spouse or child of a person listed in paragraphs
19 (1) to ~~(23)~~ (24), inclusive, regardless of the spouse's or child's
20 place of residence.

21 (B) The surviving spouse or child of a peace officer, as defined
22 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
23 2 of the Penal Code, if the peace officer died in the line of duty.

24 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
25 listed in those subparagraphs was convicted of a crime and is on
26 active parole or probation.

27 (ii) For requests made on or after January 1, 2011, the person
28 requesting confidentiality for their spouse or child listed in
29 subparagraph (A) or (B) shall declare, at the time of the request
30 for confidentiality, whether the spouse or child has been convicted
31 of a crime and is on active parole or probation.

32 (iii) Neither the listed person's employer nor the department
33 shall be required to verify, or be responsible for verifying, that a
34 person listed in subparagraph (A) or (B) was convicted of a crime
35 and is on active parole or probation.

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

39 (1) A court.

40 (2) A law enforcement agency.

1 (3) The State Board of Equalization.

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

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

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

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

24 (3) With respect to a retired peace officer, his or her home
25 address shall be withheld from public inspection permanently upon
26 request of confidentiality at the time the information would
27 otherwise be opened. The home address of the surviving spouse
28 or child listed in subparagraph (B) of paragraph ~~(24)~~ (25) of
29 subdivision (a) shall be withheld from public inspection for three
30 years following the death of the peace officer.

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

35 (d) A violation of subdivision (a) by the disclosure of the
36 confidential home address of a peace officer, as specified in
37 paragraph (11) of subdivision (a), a nonsworn employee of the
38 city police department or county sheriff's office, or the spouses or
39 children of these persons, including, but not limited to, the
40 surviving spouse or child listed in subparagraph (B) of paragraph

1 (~~24~~) (25) of subdivision (a), that results in bodily injury to the
2 peace officer, employee of the city police department or county
3 sheriff's office, or the spouses or children of these persons is a
4 felony.

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