

AMENDED IN SENATE JULY 1, 2008
AMENDED IN SENATE JUNE 17, 2008
AMENDED IN SENATE JUNE 2, 2008
AMENDED IN SENATE MAY 8, 2008
AMENDED IN SENATE APRIL 9, 2008
AMENDED IN SENATE JULY 9, 2007
AMENDED IN ASSEMBLY MARCH 28, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 996

**Introduced by Assembly Members Spitzer and Solorio
(Coauthors: Assembly Members Benoit and Huff)**

February 22, 2007

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Spitzer. Department of Motor Vehicles: records. Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired

peace officers, whose home addresses shall be withheld from public inspection permanently, upon request.

This bill would revise the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, toll bridge, or toll road violation.

The bill would also provide that the applicable statutory time periods for processing traffic, parking, toll bridge, or toll road violations are tolled until the DMV provides the law enforcement agency or governmental agency with the confidential home addressee’s information.

This bill would incorporate additional changes in Section 1808.4 of the Vehicle Code, proposed by AB 2039, to be operative only if AB 2039 and this bill are both enacted and become effective on or before January 1, 2009, and this bill is enacted last.

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.
- 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) An attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.
- 15 (8) A city attorney and an attorney who submits verification
16 from his or her public employer that the attorney represents the
17 city in matters that routinely place the attorney in personal contact
18 with persons under investigation for, charged with, or convicted
19 of, committing criminal acts, if that attorney is employed by a city
20 attorney.

- 1 (9) A nonsworn police dispatcher.
- 2 (10) A child abuse investigator or social worker, working in
- 3 child protective services within a social services department.
- 4 (11) An active or retired peace officer, as defined in Chapter
- 5 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
- 6 Code.
- 7 (12) An employee of the Department of Corrections and
- 8 Rehabilitation, Division of Juvenile Facilities, or the Prison
- 9 Industry Authority specified in Sections 20403 and 20405 of the
- 10 Government Code.
- 11 (13) A nonsworn employee of a city police department, a county
- 12 sheriff's office, the Department of the California Highway Patrol,
- 13 a federal, state, or local detention facility, or a local juvenile hall,
- 14 camp, ranch, or home, who submits agency verification that, in
- 15 the normal course of his or her employment, he or she controls or
- 16 supervises inmates or is required to have a prisoner in his or her
- 17 care or custody.
- 18 (14) A county counsel assigned to child abuse cases.
- 19 (15) An investigator employed by the Department of Justice, a
- 20 county district attorney, or a county public defender.
- 21 (16) A member of a city council.
- 22 (17) A member of a board of supervisors.
- 23 (18) A federal prosecutor, criminal investigator, or National
- 24 Park Service Ranger working in this state.
- 25 (19) An active or retired city enforcement officer engaged in
- 26 the enforcement of the Vehicle Code or municipal parking
- 27 ordinances.
- 28 (20) An employee of a trial court.
- 29 (21) A psychiatric social worker employed by a county.
- 30 (22) A police or sheriff department employee designated by the
- 31 Chief of Police of the department or the sheriff of the county as
- 32 being in a sensitive position. A designation pursuant to this
- 33 paragraph shall, for purposes of this section, remain in effect for
- 34 three years subject to additional designations that, for purposes of
- 35 this section, shall remain in effect for additional three-year periods.
- 36 (23) A state employee in one of the following classifications:
- 37 (A) Licensing Registration Examiner, Department of Motor
- 38 Vehicles.
- 39 (B) Motor Carrier Specialist 1, California Highway Patrol.

1 (C) Museum Security Officer and Supervising Museum Security
2 Officer.

3 (24) (A) The spouse or child of a person listed in paragraphs
4 (1) to (23), inclusive, regardless of the spouse's or child's place
5 of residence.

6 (B) The surviving spouse or child of a peace officer, as defined
7 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
8 2 of the Penal Code, if the peace officer died in the line of duty.

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

12 (1) A court.

13 (2) A law enforcement agency.

14 (3) The State Board of Equalization.

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

18 (5) A governmental agency to which, under any provision of
19 law, information is required to be furnished from records
20 maintained by the department, or the information is necessary to
21 process the service and collection of a traffic, parking, toll bridge,
22 or toll road violation.

23 (c) (1) A record of the department containing a confidential
24 home address shall be open to public inspection, as provided in
25 Section 1808 if the address is completely obliterated or otherwise
26 removed from the record. The home address shall be withheld
27 from public inspection for three years following termination of
28 office or employment.

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

36 (3) The department shall inform a person who requests a
37 confidential home address what agency the individual whose
38 address was requested is employed by or the court at which the
39 judge or court commissioner presides.

1 (d) The applicable statutory time periods for processing the
 2 service and collection of traffic, parking, toll bridge, or toll road
 3 violations are tolled until the department provides the law
 4 enforcement agency or governmental agency with the confidential
 5 home addressee’s information.

6 (e) A violation of subdivision (a) by the disclosure of the
 7 confidential home address of a peace officer, as specified in
 8 paragraph (11) of subdivision (a), a nonsworn employee of the
 9 city police department or county sheriff’s office, or the spouses or
 10 children of these persons, including, but not limited to, the
 11 surviving spouse or child listed in subparagraph (B) of paragraph
 12 (24) of subdivision (a), that results in bodily injury to the peace
 13 officer, employee of the city police department or county sheriff’s
 14 office, or the spouses or children of these persons is a felony.

15 *SEC. 1.5. Section 1808.4 of the Vehicle Code is amended to*
 16 *read:*

17 1808.4. (a) ~~The home address of any of~~ *For all of* the following
 18 persons, ~~his or her home address that appears in any~~ *his or her home address* that appears in ~~any~~ *a* record of
 19 the department, is confidential; if the person requests the
 20 confidentiality of that information:

- 21 (1) Attorney General.
- 22 (2) State public defender.
- 23 (3) ~~Members~~ *A member* of the Legislature.
- 24 (4) ~~Judges~~ *A judge* or court ~~commissioners~~ *commissioner*.
- 25 (5) ~~District attorneys~~ *A district attorney*.
- 26 (6) ~~Public defenders~~ *A public defender*.
- 27 (7) ~~Attorneys~~ *An attorney* employed by the Department of
 28 Justice, the office of the State Public Defender, or a county office
 29 of the district attorney or public defender.
- 30 (8) ~~City attorneys~~ *A city attorney* and ~~attorneys~~ *an attorney* who
 31 ~~submit~~ *submits* verification from ~~their~~ *his or her* public employer
 32 that ~~they represent~~ *he or she represents* the city in matters that
 33 routinely place ~~them~~ *him or her* in personal contact with persons
 34 under investigation for, charged with, or convicted of, committing
 35 criminal acts, if ~~those attorneys are~~ *that attorney is* employed by
 36 ~~a city attorneys~~ *an attorney*.
- 37 (9) ~~Nonsworn~~ *A nonsworn* police ~~dispatchers~~ *dispatcher*.
- 38 (10) ~~Child~~ *A child* abuse ~~investigators~~ *investigator* or social
 39 ~~workers~~ *worker*, working in child protective services within a
 40 social services department.

- 1 (11) ~~Active~~ *An active or retired peace-officers officer*, as defined
2 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
3 2 of the Penal Code.
- 4 (12) ~~Employees~~ *An employee of the Department of Corrections,*
5 ~~the Department of the Youth Authority~~ *Corrections and*
6 *Rehabilitation, Division of Juvenile Facilities, or the Prison*
7 *Industry Authority specified in Sections 20403 and 20405 of the*
8 *Government Code.*
- 9 (13) ~~Nonsworn employees~~ *A nonsworn employee of a city police*
10 *department, a county sheriff's office, the Department of the*
11 *California Highway Patrol, a federal, state, and or local detention*
12 ~~facilities facility, and or a local juvenile halls, camps, ranches, and~~
13 ~~homes, hall, camp, ranch, or home, who submit submits~~ *agency*
14 *verification that, in the normal course of their his or her*
15 *employment, they control he or she controls or supervise supervises*
16 *inmates or are is required to have a prisoner in their his or her care*
17 *or custody.*
- 18 (14) ~~County counsels~~ *A county counsel assigned to child abuse*
19 *cases.*
- 20 (15) ~~Investigators~~ *An investigator employed by the Department*
21 *of Justice, a county district attorney, or a county public defender.*
- 22 (16) ~~Members~~ *A member of a city council.*
- 23 (17) ~~Members~~ *A member of a board of supervisors.*
- 24 (18) ~~Federal prosecutors and criminal investigators and~~ *A federal*
25 *prosecutor, criminal investigator, or National Park Service Rangers*
26 *Ranger working in this state.*
- 27 (19) ~~Any~~ *An active or retired city enforcement officer engaged*
28 *in the enforcement of the Vehicle Code or municipal parking*
29 *ordinances.*
- 30 (20) ~~Any~~ *An employee of a trial court.*
- 31 (21) ~~Any~~ *A psychiatric social worker employed by a county.*
- 32 (22) ~~Any~~ *A police or sheriff department employee designated*
33 *by the Chief of Police of the department or the sheriff of the county*
34 *as being in a sensitive position. Any A designation pursuant to this*
35 *paragraph shall, for purposes of this section, remain in effect for*
36 *three years subject to additional designations that, for purposes of*
37 *this section, shall remain in effect for additional three-year periods.*
- 38 (23) ~~State employees~~ *A state employee in one of the following*
39 *classifications:*

1 (A) Licensing Registration Examiner, Department of Motor
2 Vehicles.

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

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

6 (24) (A) The spouse or child of ~~any~~ a person listed in
7 paragraphs (1) to (23), inclusive, regardless of the spouse's or
8 child's place of residence.

9 (B) The surviving spouse or child of a peace officer, as defined
10 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
11 2 of the Penal Code, if the peace officer died in the line of duty.

12 (b) The confidential home address of ~~any of the persons~~ a person
13 listed in subdivision (a) shall not be disclosed to ~~any person~~, except
14 for to any of the following:

15 (1) A court.

16 (2) A law enforcement agency.

17 (3) The State Board of Equalization.

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

21 (5) ~~Any~~ A governmental agency to which, under any provision
22 of law, information is required to be furnished from records
23 maintained by the ~~department~~. *department, or the information is*
24 *necessary to process the service and collection of a traffic, parking,*
25 *toll bridge, or toll road violation.*

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

30 (2) *Following termination of office or employment, a*
31 *confidential home address shall be withheld from public inspection*
32 *for three years, unless the termination is the result of conviction*
33 *of a criminal offense. If the termination or separation is the result*
34 *of the filing of a criminal complaint, a confidential home address*
35 *shall be withheld from public inspection during the time in which*
36 *the terminated individual may file an appeal from termination,*
37 *while an appeal from termination is ongoing, and until the appeal*
38 *process is exhausted, after which confidentiality shall be at the*
39 *discretion of the employing agency if the termination or separation*

1 *is upheld. Upon reinstatement to an office or employment, the*
 2 *protections of this section are available.*

3 (e)

4 (3) ~~Any record of the department containing a confidential home~~
 5 ~~address shall be open to public inspection, as provided in Section~~
 6 ~~1808, if the address is completely obliterated or otherwise removed~~
 7 ~~from the record. The home address shall be withheld from public~~
 8 ~~inspection for three years following termination of office or~~
 9 ~~employment except with~~ *With respect to a retired peace officers,*
 10 ~~whose officer, his or her home addresses address shall be withheld~~
 11 ~~from public inspection permanently upon request of confidentiality~~
 12 ~~at the time the information would otherwise be opened. The home~~
 13 ~~address of the surviving spouse or child listed in subparagraph (B)~~
 14 ~~of paragraph (24) of subdivision (a) shall be withheld from public~~
 15 ~~inspection for three years following the death of the peace officer.~~
 16 ~~The department shall inform any person who requests a confidential~~
 17 ~~home address what agency the individual whose address was~~
 18 ~~requested is employed by or the court at which the judge or court~~
 19 ~~commissioner presides.~~

20 (4) *The department shall inform a person who requests a*
 21 *confidential home address what agency the individual whose*
 22 *address was requested is employed by or the court at which the*
 23 *judge or court commissioner presides.*

24 (d) *The applicable statutory time periods for processing the*
 25 *service and collection of traffic, parking, toll bridge, or toll road*
 26 *violations are tolled until the department provides the law*
 27 *enforcement agency or governmental agency with the confidential*
 28 *home addressee's information.*

29 (d)

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

39 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
 40 *Section 1808.4 of the Vehicle Code proposed by both this bill and*

1 *AB 2039. It shall only become operative if (1) both bills are enacted*
2 *and become effective on or before January 1, 2009, (2) each bill*
3 *amends Section 1808.4 of the Vehicle Code, and (3) this bill is*
4 *enacted after AB 2039, in which case Section 1 of this bill shall*
5 *not become operative.*

O