

ASSEMBLY BILL

No. 2192

Introduced by Assembly Member Miller

February 23, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as introduced, Miller. Vehicles: confidential home address.

Existing law makes confidential the home addresses of specified governmental officers and employees and certain other persons that appear in the Department of Motor Vehicles records, if the officer, employee, or other person requests that his or her address be kept confidential, with certain exemptions for information available to specified governmental agencies.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
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~~ *chief of police* of the department or the sheriff of
5 the county as being in a sensitive position. A designation pursuant
6 to this paragraph shall, for purposes of this section, remain in effect
7 for three years subject to additional designations that, for purposes
8 of this section, shall remain in effect for additional three-year
9 periods.

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

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

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

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

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

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

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

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

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

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

38 (1) A court.

39 (2) A law enforcement agency.

40 (3) The State Board of Equalization.

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

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

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

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

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

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

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

- 1 officer, employee of the city police department or county sheriff's
- 2 office, or the spouses or children of these persons is a felony.

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