

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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 amended, Miller. Vehicles: confidential home address.

Existing

(1) *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~~ *require a person who requests the confidentiality of his or her home address to provide the department with a current employment address for purposes of processing the service and collection of a traffic, parking, or toll road violation. The bill would require that the applicable statutory time periods for processing the service and collection of traffic, parking, or toll road violations be tolled until the department provides the law enforcement agency, governmental agency, or issuing agency with the person's current employment address. The bill would also require a person who has requested the confidentiality of his or her home address to notify the department of any change in his or her employment address within 10 days.*

The bill would require the department to update the form to request confidentiality of the person's home address to include the requirement that the person requesting confidentiality provide a current employment address and would also require the department to distribute and make available copies of the updated form to the human resources office of each agency that employs any of the eligible persons listed pursuant to these provisions.

The bill would require the human resources office of a new employee requesting confidentiality or an employee who has an existing confidentiality application on file with the department to make the updated form available to new and current employees and to require, on and after January 1, 2013, that all new employees requesting confidentiality or employees who have an existing application on file with the department complete and return the form with their current employment address to their human resources office. The bill would also require the human resources office to forward all new application forms to the Confidential Records Unit (CRU) of the department upon receipt from the new employee and forward the completed updated forms of existing employees who have an application on file with the department to the CRU of the department by April 1, 2014.

By creating new crimes, the bill would impose 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: ~~no~~-yes.
State-mandated local program: ~~no~~-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.

- 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) The spouse or child of a person listed in paragraphs
- 17 (1) to (23), inclusive, regardless of the spouse's or child's place
- 18 of residence.
- 19 (B) The surviving spouse or child of a peace officer, as defined
- 20 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
- 21 2 of the Penal Code, if the peace officer died in the line of duty.
- 22 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
- 23 listed in those subparagraphs was convicted of a crime and is on
- 24 active parole or probation.
- 25 (ii) For requests made on or after January 1, 2011, the person
- 26 requesting confidentiality for their spouse or child listed in
- 27 subparagraph (A) or (B) shall declare, at the time of the request
- 28 for confidentiality, whether the spouse or child has been convicted
- 29 of a crime and is on active parole or probation.
- 30 (iii) Neither the listed person's employer nor the department
- 31 shall be required to verify, or be responsible for verifying, that a
- 32 person listed in subparagraph (A) or (B) was convicted of a crime
- 33 and is on active parole or probation.
- 34 (b) The confidential home address of a person listed in
- 35 subdivision (a) shall not be disclosed, except to any of the
- 36 following:
- 37 (1) A court.
- 38 (2) A law enforcement agency.
- 39 (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) (1) (A) *A person who requests the confidentiality of his or*
35 *her home address pursuant to this article shall provide the*
36 *department with a current employment address for purposes of*
37 *processing the service and collection of a traffic, parking, or toll*
38 *road violation.*

39 (B) *The applicable statutory time periods for processing the*
40 *service and collection of traffic, parking, or toll road violations*

1 are tolled until the department provides the law enforcement
2 agency, governmental agency, or issuing agency with the person's
3 current employment address.

4 (C) Notwithstanding Sections 40500 and 40518 or any other
5 law, the use of a person's current employment address, whose
6 home address is confidential, satisfies the requirement of the
7 person's home address for purposes of serving a notice to appear
8 or a notice of violation pursuant to Article 2 (commencing with
9 Section 40500) of Chapter 2 of Division 17.

10 (2) A person who has requested the confidentiality of his or her
11 home address shall notify the department of any change in his or
12 her employment address within 10 days.

13 (3) The department shall refuse to renew the registration of a
14 vehicle if the person who has been served pursuant to this
15 subdivision has been mailed a notice of delinquent parking
16 violation or a failure to pay a traffic citation and the processing
17 agency has filed or electronically transmitted to the department
18 an itemization of the unpaid parking or traffic citation penalty,
19 including the administrative fee, and the owner or lessee has not
20 paid the penalty and administrative fee.

21 ~~(d)~~

22 (e) A violation of subdivision (a) by the disclosure of the
23 confidential home address of a peace officer, as specified in
24 paragraph (11) of subdivision (a), a nonsworn employee of the
25 city police department or county sheriff's office, or the spouses or
26 children of these persons, including, but not limited to, the
27 surviving spouse or child listed in subparagraph (B) of paragraph
28 (24) of subdivision (a), that results in bodily injury to the peace
29 officer, employee of the city police department or county sheriff's
30 office, or the spouses or children of these persons is a felony.

31 (f) (1) The department shall update the form to request
32 confidentiality of the person's home address to include the
33 requirement that the person requesting confidentiality provide a
34 current employment address pursuant to paragraph (1) or (2) of
35 subdivision (d) and shall distribute and make available copies of
36 the updated form to the human resources office of each agency
37 that employs any of the eligible persons listed pursuant to
38 subdivision (a) of this section.

1 (2) *The human resources office of a new employee requesting*
2 *confidentiality or an employee who has an existing confidentiality*
3 *application on file with the department shall do all of the following:*

4 (A) *Make the updated form available to new and current*
5 *employees and require, on and after January 1, 2013, that all new*
6 *employees requesting confidentiality or employees who have an*
7 *existing confidentiality application on file with the department*
8 *complete and return the form with their current employment*
9 *address to their human resources office.*

10 (B) *Forward all new application forms to the Confidential*
11 *Records Unit (CRU) of the department upon receipt from the*
12 *employee and forward the completed updated forms of existing*
13 *employees who have an application on file with the department to*
14 *the CRU of the department by April 1, 2014.*

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