

**ASSEMBLY BILL**

**No. 487**

---

---

**Introduced by Assembly Member Linder**

February 19, 2013

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 487, as introduced, Linder. Vehicles: confidential home address.

(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 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, 2014, 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, 2015. This bill would require the department to update the record of persons subject to these provisions as his or her vehicle registration becomes due.

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: 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.

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

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

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

8 (A) Licensing Registration Examiner, Department of Motor  
9 Vehicles.

10 (B) Motor Carrier Specialist 1, Department of the California  
11 Highway Patrol.

12 (C) Museum Security Officer and Supervising Museum Security  
13 Officer.

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

17 (B) The surviving spouse or child of a peace officer, as defined  
18 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
19 2 of the Penal Code, if the peace officer died in the line of duty.

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

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

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

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

35 (1) A court.

36 (2) A law enforcement agency.

37 (3) The State Board of Equalization.

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

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

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

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

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

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

31 (d) (1) (A) *A person who requests the confidentiality of his or*  
32 *her home address pursuant to this article shall provide the*  
33 *department with a current employment address for purposes of*  
34 *processing the service and collection of a traffic, parking, or toll*  
35 *road violation.*

36 (B) *The applicable statutory time periods for processing the*  
37 *service and collection of traffic, parking, or toll road violations*  
38 *are tolled until the department provides the law enforcement*  
39 *agency, governmental agency, or issuing agency with the person's*  
40 *current employment address.*

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

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

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

18 ~~(d)~~

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

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

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

39 (A) Make the updated form available to new and current  
40 employees and require, on and after January 1, 2014, that all new

1 *employees requesting confidentiality or employees who have an*  
2 *existing confidentiality application on file with the department*  
3 *complete and return the form with their current employment*  
4 *address to their human resources office.*

5 *(B) Forward all new application forms to the Confidential*  
6 *Records Unit (CRU) of the department upon receipt from the*  
7 *employee and forward the completed updated forms of existing*  
8 *employees who have an application on file with the department to*  
9 *the CRU of the department by April 1, 2015.*

10 *(g) The department shall update the record of the persons*  
11 *subject to this section as his or her vehicle registration becomes*  
12 *due.*

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