

AMENDED IN ASSEMBLY APRIL 19, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1993

Introduced by Assembly Member Irwin

February 16, 2016

An act to ~~add Section 1502.7 to the Corporations Code, and to add~~
Section 1524.4 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1993, as amended, Irwin. Corporate law enforcement contacts.

Existing law authorizes a court or magistrate to issue a warrant for the search of a place and the seizure of property or things identified in the warrant ~~where~~ *if* there is probable cause to believe that specified grounds exist. Existing law also establishes procedures for certain California corporations when served with a warrant issued by a court in another state.

This bill would require, by July 1, 2017, service providers to provide, among other things, an exclusive process for emergency disclosure requests. The bill would require those corporations to file a statement with the ~~Secretary of State~~ *Attorney General* identifying a corporate law enforcement contact or contacts, as specified. The bill would ~~require the Secretary of State, on or before October 1, 2017, and annually thereafter, to transmit to the Attorney General, in the manner prescribed by the Attorney General, a copy of the current statement for each~~

corporation, and would require the Attorney General to distribute to local law enforcement agencies information describing how to access each of the corporate law enforcement contacts created from the statements that he or she receives from the Secretary of State. *receives*.

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 1502.7 is added to the Corporations Code,~~
2 ~~to read:~~
3 ~~1502.7. (a) Every corporation described in subdivision (a) of~~
4 ~~Section 1524.4 of the Penal Code shall file, within 90 days after~~
5 ~~the filing of its original articles and annually thereafter during the~~
6 ~~applicable filing period, a statement identifying the corporate law~~
7 ~~enforcement contact or contacts designated pursuant to Section~~
8 ~~1524.4 of the Penal Code.~~
9 ~~(b) For the purposes of this section, the applicable filing period~~
10 ~~for a corporation shall be the calendar month during which its~~
11 ~~original articles were filed and the immediately preceding five~~
12 ~~calendar months. The Secretary of State shall provide a notice to~~
13 ~~each corporation to comply with this section approximately three~~
14 ~~months prior to the close of the applicable filing period. The notice~~
15 ~~shall state the due date for compliance and shall be sent to the last~~
16 ~~address of the corporation according to the records of the Secretary~~
17 ~~of State or to the last electronic mail address according to the~~
18 ~~records of the Secretary of State if the corporation has elected to~~
19 ~~receive notices from the Secretary of State by electronic mail. The~~
20 ~~failure of the corporation to receive the notice is not an excuse for~~
21 ~~failure to comply with this section.~~
22 ~~(c) The Secretary of State may destroy or otherwise dispose of~~
23 ~~any statement filed pursuant to this section after it has been~~
24 ~~superseded by the filing of a new statement.~~
25 ~~(d) On or before October 1, 2017, and annually thereafter, the~~
26 ~~Secretary of State shall transmit to the Attorney General, in the~~
27 ~~manner prescribed by the Attorney General, a copy of the current~~
28 ~~statement made pursuant to this section for each corporation.~~
29 ~~(e) If a corporate law enforcement contact is no longer employed~~
30 ~~by the corporation, the corporation shall forthwith file a statement~~

1 identifying any new corporate law enforcement contact designated
2 pursuant to Section 1524.4 of the Penal Code.

3 ~~SEC. 2.~~

4 *SECTION 1.* Section 1524.4 is added to the Penal Code, to
5 read:

6 1524.4. (a) This section applies to a corporation operating in
7 California that is a service provider, as defined in subdivision (j)
8 of Section 1546, that generates customer data for 1,000,000 or
9 more people annually. This section does not apply to a service
10 provider that does not offer services to the general public.

11 (b) (1) A corporation described in subdivision (a) shall
12 designate a corporate law enforcement contact that is, or contacts
13 that are, responsible for the requirements established pursuant to
14 paragraph (1) of subdivision (c). Those requirements may be
15 fulfilled by means of an Internet Web portal, telecommunications,
16 or any combination of those communication methods. If a corporate
17 law enforcement contact is no longer employed by the corporation,
18 the corporation shall forthwith designate any new corporate law
19 enforcement contact or contacts.

20 (2) *Every corporation described in subdivision (a) shall, at least*
21 *annually, file a statement with the Attorney General identifying*
22 *the corporate law enforcement contact or contacts designated*
23 *pursuant to paragraph (1). If a corporation designates any new*
24 *corporate law enforcement contact or contacts pursuant to*
25 *paragraph (1), the corporation shall forthwith file a statement*
26 *with the Attorney General identifying the new corporate law*
27 *enforcement contact or contacts.*

28 (c) (1) By July 1, 2017, service providers shall, at a minimum,
29 provide the following through their law enforcement contact or
30 contacts:

31 (A) An exclusive process for emergency disclosure requests.

32 (B) Exclusive access and service for law enforcement personnel.

33 (C) An ability to comply with a law enforcement request for
34 information regardless of the location of the data.

35 (D) Continual availability of the law enforcement contact or
36 contacts.

37 (E) The authority to make decisions regarding warrants and the
38 disclosure of information and data.

39 (2) The Attorney General shall, annually, distribute information
40 describing how to access each of the corporate law enforcement

1 contacts created from the statements that he or she receives from
2 ~~the Secretary of State pursuant to Section 1502.7 of the~~
3 ~~Corporations Code pursuant to paragraph (2) of subdivision (b)~~
4 to local law enforcement agencies.

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