

ASSEMBLY BILL

No. 2097

Introduced by Assembly Member Miller

February 18, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, as introduced, Miller. Vehicles: confidential home addresses: citations.

(1) Existing law makes confidential the home address of any of a list of state officers and employees that appear in the Department of Motor Vehicles records, if an officer or employee requests that his or her address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law requires the department to inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

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

The bill would require a person who has requested the confidentiality of his or her home address to notify the department of motor vehicles of any change in his or her employment address within 10 days.

By creating new crimes, the bill would impose a state-mandated local program.

(2) Existing law requires the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee, and the owner or lessee has not paid the penalty and administrative fee.

This bill would require the department to refuse to renew the registration of a vehicle if the person who has been served pursuant to this section has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation and the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee, and the owner or lessee has not paid the penalty and administrative fee.

(3) 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.
- 10 (5) A district attorney.
- 11 (6) A public defender.

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

1 being in a sensitive position. A designation pursuant to this
2 paragraph shall, for purposes of this section, remain in effect for
3 three years subject to additional designations that, for purposes of
4 this section, shall remain in effect for additional three-year periods.

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

6 (A) Licensing Registration Examiner, Department of Motor
7 Vehicles.

8 (B) Motor Carrier Specialist 1, Department of the California
9 Highway Patrol.

10 (C) Museum Security Officer and Supervising Museum Security
11 Officer.

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

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

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

21 (1) A court.

22 (2) A law enforcement agency.

23 (3) The State Board of Equalization.

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

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

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

34 (2) Following termination of office or employment, a
35 confidential home address shall be withheld from public inspection
36 for three years, unless the termination is the result of conviction
37 of a criminal offense. If the termination or separation is the result
38 of the filing of a criminal complaint, a confidential home address
39 shall be withheld from public inspection during the time in which
40 the terminated individual may file an appeal from termination,

1 while an appeal from termination is ongoing, and until the appeal
2 process is exhausted, after which confidentiality shall be at the
3 discretion of the employing agency if the termination or separation
4 is upheld. Upon reinstatement to an office or employment, the
5 protections of this section are available.

6 (3) With respect to a retired peace officer, his or her home
7 address shall be withheld from public inspection permanently upon
8 request of confidentiality at the time the information would
9 otherwise be opened. The home address of the surviving spouse
10 or child listed in subparagraph (B) of paragraph (24) of subdivision
11 (a) shall be withheld from public inspection for three years
12 following the death of the peace officer.

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

17 *(d) (1) A person who requests the confidentiality of his or her*
18 *home address pursuant to this article shall provide the department*
19 *with a current employment address for purposes of processing the*
20 *service and collection of a traffic, parking, or toll road violation.*
21 *The applicable statutory time periods for processing the service*
22 *and collection of traffic, parking, or toll road violations are tolled*
23 *until the department provides the law enforcement agency,*
24 *governmental agency, or issuing agency with the person's current*
25 *employment address. Notwithstanding Sections 40500 and 40518*
26 *or any other law, the use of a person's current employment*
27 *address, whose home address is confidential, satisfies the*
28 *requirement of the person's home address for purposes of serving*
29 *a notice to appear or a notice of violation pursuant to Article 2*
30 *(commencing with Section 40500) of Chapter 2 of Division 17.*

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

34 *(3) The department shall refuse to renew the registration of a*
35 *vehicle if the person who has been served pursuant to this section*
36 *has been mailed a notice of delinquent parking violation or a*
37 *failure to pay a traffic citation and the processing agency has filed*
38 *or electronically transmitted to the department an itemization of*
39 *the unpaid parking or traffic citation penalty, including the*

1 *administrative fee, and the owner or lessee has not paid the penalty*
2 *and administrative fee.*

3 ~~(d)~~

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

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.