
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 1311 **Hearing Date:** April 19, 2016
Author: Glazer
Version: April 5, 2016
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Vehicles: Confidential Home Address*

HISTORY

Source: California State Sheriffs' Association

Prior Legislation: SB 372 (Galgiani) 2015 this version held in Senate Appropriations
SB 767 (Lieu) (as amended in the Assembly) failed Assembly
Transportation, 2014
AB 2687 (Bocanegra) – Ch. 273, Stats. 2014
AB 1270 (Eggman) – failed Assembly Appropriations, 2013
AB 923 (Swanson) – failed Assembly Appropriations, 2009
AB 529 (Lowenthal) – failed Assembly Appropriations, 2009
AB 1958 (Swanson) – failed Assembly Appropriations, 2008
AB 1311 (Berryhill) – not heard Assembly Transportation, 2007
AB 1706 (Strickland) – failed Assembly Transportation, 2005
AB 2012 (Chu) – section amended out of the bill, 2004
AB 130 (Campbell) – not heard Assembly Transportation, 2003
AB 246 (Cox) – not heard Assembly Transportation, 2003
AB 1775 (Ortiz) – no vote in Senate Public Safety, 2002
AB 84 (Hertzberg) – Ch. 809, Stats. 2001
AB 1029 (Oropeza) – Ch. 486, Stats. 2001
AB 151 (Longville) – vetoed, 2000
AB 298 (Battin) – held in Assembly Transportation, 2000
AB 1310 (Granlund) – vetoed, 2000
AB 1358 (Shelley) – Ch. 808, Stats. 2000
AB 1864 (Correa) – held Assembly Appropriations, 2000
SB 171 (Knight) – vetoed, 1998
AB 1941 (Bordonaro) – Ch. 880, Stats. 1996
AB 191(Cannella) – died in Sen. Committee on Criminal Procedure, 1996
AB 3033 (Baca) – died in Sen. Committee on Criminal Procedure, 1996
AB 3391 (Ducheny) – never heard, 1996
AB 688 (Frusetta) – died in Sen. Committee on Criminal Procedure, 1996
AB 1396 (Poochigian) – died in Sen. Committee on Criminal Procedure,
1996

Support: Unknown

Opposition: None known

NOTE: Analysis reflects amendments the author agreed to accept in the Transportation and Housing Committee which will be taken in this Committee.

PURPOSE

The purpose of this bill is to provides that DMV shall discontinue holding a home address under the enhanced confidentiality provision if a child or spouse of a person of someone eligible for enhanced confidentiality is convicted of a felony in this state or is convicted of an offense in another jurisdiction that if committed in California would be a felony.

Under existing law the residential addresses of certain public employees and their families are confidential. (Vehicle Code §§ 1808.4 and 1808.6 - began in 1977.)

Existing law states that all residence addresses in any record of the Department of Motor Vehicles (DMV) are confidential and shall not be disclosed to any person, except a court, law enforcement agency, or other governmental agency, or as authorized in section 1808.22 of the Vehicle Code. (Vehicle Code §§ 1808.21 - added in 1989.)

Existing law states that any person may seek suppression of any DMV registration or driver's license record if he or she can show that he or she is the subject of stalking or a threat of death or great bodily injury. The suppression will be for a period of one year renewable for two more one year periods. (Vehicle Code § 1808.21(d).)

Existing law provides that the home address of specified persons which appear in the records of DMV is confidential upon the request of the person and that it not be disclosed except as specified. (Vehicle Code §§ 1808.4 and 1808.6.)

Existing law provides that the willful, unauthorized disclosure of this information as it relates to specified law enforcement (peace officers, employees of city police departments, and county sheriffs' offices and their families) that results in the bodily injury to the individual or individuals whose specified information was confidential, is a felony. (Vehicle Code §§ 1808.4.)

Existing law provides that the release of such confidential information, for all other persons specified, is a misdemeanor and punishable by a fine of up to \$5,000 and/or by up to one year in a county jail. (Vehicle Code § 1808.45.)

This bill provides that DMV shall discontinue holding a home address under the enhanced confidentiality provision if a child or spouse of a person of someone eligible for enhanced confidentiality is convicted of a felony in this state or is convicted of an offense in another jurisdiction that if committed in California would be a felony.

COMMENTS

1. Need for This Bill

According to the author:

Vehicle Code Section 1808.4 allows persons who fall into certain statutorily designated employment classes (e.g. judges, public sector attorneys, peace officers,

and local elected officials) to have their home addresses shielded from inspection, including when a peace officer queries DMV databases for information by running a person's license plate. In addition to the persons who hold the specific jobs referenced in statute, the protection extends to their spouse or child, regardless of where the spouse or child resides.

While this protection is necessary for people who work in positions that put them in harm's way, it is too difficult to remove this status – even in situations where public safety may be at risk. When a peace officer stops a car and receives incomplete information or information that provides a false sense of security, officer safety is jeopardized. Despite their authority to authorize confidentiality, law enforcement agencies are unable to rescind this status.

Home address license plate confidentiality cannot be discontinued until at least three years have passed from the person's termination of employment that originally qualified him or her for this status, unless the person is convicted of a crime. This problem is exacerbated by the fact that the program covers children and spouses of protected officers.

Certain individuals should not be permitted to continue to enjoy this protection for as long as current law allows because of inappropriate activity that falls short of a criminal conviction.

2. Background of DMV Confidentiality

Vehicle Code section 1808.4 was added by statute in 1977 to provide confidentiality of home addresses to specified public employees and their families.

In 1989, Vehicle Code section 1808.21 was added to make all residence addresses contained within the Department of Motor Vehicle files confidential. Vehicle Code section 1808.21(a) states the following:

The residence address in any record of the department is confidential and cannot be disclosed to any person except a court, law enforcement agency, or other governmental agency, or as authorized in Section 1808.22 or 1808.23.

This section was further amended in 1994 to allow individuals under specific circumstances to request that their entire records be suppressed. Any individual who is the subject of stalking or who is experiencing a threat of death or great bodily injury to his or her person may request their entire record to be suppressed under this section.

Upon suppression of a record, each request for information about that record has to be authorized by the subject of the record or verified as legitimate by other investigative means by the DMV before the information is released.

A record is suppressed for a one-year period. At the end of the one year period, the suppression is continued for a period determined by the department and if the person submits verification acceptable to the department that he or she continues to have reasonable cause to believe that he or she is the subject of stalking or that there exists a threat of death or great bodily injury to his or her person.

DMV has long maintained that all residence addresses are suppressed and only persons authorized by statute can access this information.

Under sections 1808.4 and 1808.6 the home addresses of specific individuals are suppressed and can only be accessed through the Confidential Records Unit of the Department of Motor Vehicles while under section 1808.21, the residence address portion of all individuals' records are suppressed but can be accessed by a court, law enforcement agency, or other governmental agency or other authorized persons.

3. Removal from enhanced confidentiality if a felony is committed

As noted above, while everyone's DMV information is confidential there are some categories of people who receive enhanced confidentiality. This additional confidentiality extends to the qualified person's spouse and child and there is no current mechanism to remove the spouse or child for any reason.

As proposed to be amended, by amendments agreed upon in the Transportation and Housing Committee, this bill provides that DMV shall discontinue the enhanced confidentiality of the child or spouse of a qualified person if that child or spouse is convicted of a felony.

4. Support

According to the sponsor the California Sheriffs' Association:

Existing law, Vehicle Code Section 1808.4, provides specific home address confidentiality for records held by the DMV. Even though all DMV records are now confidential, Section 1808.4 allows persons who fall into certain statutorily designated employment classes (e.g. judges, public attorneys, peace officers, and local elected officials) to have their home addresses shielded from inspection, including when a peace officer queries DMV databases for information by running a person's license plate. In addition to the persons who hold the specific jobs referenced in VC 1808.4, the protection extends to any such officer's spouse or child, regardless of where the spouse or child resides.

While this protection is necessary for certain people who work in positions that put them in harm's way, there are limited ways to end this protection. An officer or law enforcement employee's child or spouse who is convicted of a felony should not continue to receive this protection, and SB 1311 makes this change. As proposed to be amended, the bill comports with existing provisions that end or prevent this special protection if an officer is terminated because of a criminal conviction or a family member is on active parole or probation.

6. Amendments to be Taken in Committee

The following amendments will be taken in Committee, as agreed upon in the Transportation and Housing Committee:

- Delete page 5 lines 1-11 and lines 26- 30
- Insert on page 4 line 5:

(D) The department shall discontinue holding a home address confidential pursuant to subdivision (a) if a person specified in subparagraph (A) or (B) who is the child or spouse of a person described in paragraph (9), (11), (13), or (22) is convicted of a felony in this state or is convicted of an offense in another jurisdiction that, if committed in California, would be a felony.

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