

Date of Hearing: April 6, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 222 (Achadjian) – As Amended March 23, 2015

SUBJECT: Vehicle records: confidential home address

SUMMARY: Adds certain employees of the Department of State Hospitals (DSH) and the California Department of Corrections and Rehabilitation (CDCR) to the list of persons who can request that their home address be held confidential by the Department of Motor Vehicles (DMV).

EXISTING LAW:

- 1) Lists 23 classes of persons, primarily in law enforcement fields, plus the spouses and children of those persons, that may request that their home addresses be held confidential by DMV. The home addresses of these persons may only be disclosed to a court; a law enforcement agency; the State Board of Equalization (BOE); an attorney in a civil or criminal action who demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena; and any governmental agency legally required to be furnished the information.
- 2) Makes confidential the home addresses of all individuals contained within DMV records. These provisions similarly allow for disclosure to courts, law enforcement agencies, and other governmental agencies, but also allow for limited disclosure to financial institutions, insurance companies, attorneys, vehicle manufacturers, and persons doing statistical research.
- 3) Grants DMV the authority to suppress all records for at least one year for persons who are under threat of death or bodily injury. Under these circumstances, the entire record, including the address, is rendered inaccessible.

FISCAL EFFECT: Unknown

COMMENTS: Until 1989, DMV records were considered public records unless state law specifically made them confidential, as was the case for the addresses of peace officers and certain other officials thought to be at risk. Because home addresses were not considered confidential, any person who gave a reason that DMV deemed legitimate and could present to DMV a person's driver's license number or license plate number could obtain address information on that individual.

In 1989, actress Rebecca Schaeffer was stalked and killed. The murderer obtained her address from a private investigation agency doing business in Arizona. The private investigation agency acquired her address through a subcontractor agent in California, who obtained it from DMV. In

response, the Legislature enacted AB 1779 (Roos), Chapter 1213, Statutes of 1989, which made all home addresses in DMV records confidential, with limited exceptions. AB 1779 left in place existing confidentiality provisions that applied only to peace officers and certain other officials. The list of those to whom the pre-AB 1779 confidentiality provisions apply, generally referred to as the confidential records program (CRP), now includes 23 classes of persons. DMV is not aware of any instances since the implementation of AB 1779 where confidential home address information has been used for physical harm or for violent criminal purposes.

AB 222 proposes to add certain employees of the DSH and CDCR, including psychiatric technicians, to the list of those persons eligible to request that DMV hold their addresses confidential via the CRP. According to the sponsor, the California Association of Psychiatric Technicians, while most employees of CDCR are already eligible for the CRP, psychiatric technicians are not. In addition, DSH, which also employs psychiatric technicians, treats many of the same serious and violent offenders as CDCR at its facilities. The author and sponsor state that many psychiatric technicians have been threatened and even stalked by paroling inmates and discharged patients, and in several cases the inmate or patient was able to obtain a psychiatric technician's home address.

Given that DMV records are universally confidential, with limited exceptions, and the fact that DMV is not aware of any instances since the implementation of AB 1779 in which DMV home address information has been used for physical harm or for violent criminal purposes, the need for this bill is unclear. While it may appear that the CRP provides a greater level of confidentiality than is available to the general public, functionally the level of confidentiality is the same. People seeking confidential information about others generally do not look to DMV records for personal data since those records are so carefully protected and the same information is much more easily obtainable via the internet and social media. While there is no doubt that many state employees, including psychiatric technicians, work with potentially dangerous populations and have faced serious threats as a result of their work, there is no reason to believe adding them to the list of persons eligible for the CRP will afford them a greater level of protection.

Prior legislation: Over the past 12 years, there have been a number of bills proposing to expand the list of those eligible to apply for the CRP, only one of which was chaptered, including:

AB 2687 (Bocanegra), Chapter 273, Statutes of 2014, added Licensing Program Analysts with the Department of Social Services to the list.

SB 767 (Lieu) of 2014, would have added code enforcement officers and would have required eligible persons requesting confidentiality for their spouse or child to disclose whether the spouse or child had been convicted of a crime and or was on mandatory supervision or post release community supervision at the time of the request for confidentiality. SB 767 was referred to this committee but was not heard at the request of the author.

AB 1270 (Eggman) of 2013, would have added code enforcement officers and their spouses and children. AB 1270 was held in the Assembly Appropriations Committee on the suspense file.

AB 923 (Swanson) of 2009, would have added BOE members, code enforcement officers, and certain veterinarians. AB 923 was held in the Assembly Appropriations Committee on the suspense file.

AB 592 (Lowenthal) of 2009, would have added BOE staff who are designated to exercise limited peace officer authority and duties. AB 592 was held in the Assembly Appropriations Committee on the suspense file.

AB 1958 (Swanson) of 2008, would have added firefighters, code enforcement officers, and certain veterinarians. AB 1958 was held in the Assembly Appropriations Committee on the suspense file.

AB 1311 (Berryhill) of 2007, would have added community service and public service officers employed by police departments. AB 1311 was referred to this committee but was not heard at the request of the author.

AB 1706 (Strickland) of 2005, would have added fraud investigators, park rangers, emergency dispatchers, and DMV employees who test new drivers. AB 1706 was referred to this committee but was not heard at the request of the author.

AB 2012 (Chu) of 2004, would have added court-appointed attorneys, their investigators, and social workers assigned to child abuse cases. These provisions were eventually amended out of the bill.

AB 130 (Campbell) of 2003 and AB 246 (Cox) of 2003, both bills would have added members of Congress. Both bills were referred to this committee but neither was heard.

Other legislative efforts have aimed to address program and public safety abuses associated with the CRP. For example, AB 3 (Miller) of 2011 and AB 2097 (Miller) of 2010 would have required CRP participants to update their records in order improve the ability to identify toll evaders. AB 3 was held on the suspense file in the Assembly Appropriations Committee and AB 2097 was held on the suspense in the Senate Appropriations Committee. Additionally, SB 938 (Huff), Chapter 280, Statutes of 2010, removed CRP confidentiality protections for certain individuals who have been convicted of crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Psychiatric Technicians (Sponsor)
California College and University Police Chiefs

Opposition

None on file

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