
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 3168 **Hearing Date:** June 18, 2024
Author: Gipson
Version: March 21, 2024
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Department of Motor Vehicles: confidential records*

HISTORY

Source: California State Sheriff's Association
Sacramento County Sheriff

Prior Legislation: AB 2322 (Daly) Ch. 914, Stats. of 2018
SB 1131 (Galgiani) Held Senate Appropriations 2016
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
AB 1931 (Conroy) Ch. 77, Stats. 1994
AB 3454 (Speier) Ch. 395, Stats. 1994

AB 3161 (Frazee) Ch. 838, Stats. 1994
AB 1268 (Martinez) Ch. 1268, Stats. 1993
AB 2367 (Polanco) Ch. 1291, Stats. 1993
SB 274 (Committee on Transportation) Ch. 1292, Stats. 1993
SB 602 (1992) Chaptered
AB 1779 (1989) Chaptered

Support: Unknown

Opposition: None known

Assembly Floor Vote: 71 - 0

PURPOSE

The purpose of this bill is to authorize the Department of Motor Vehicles (DMV) to remove confidentiality protections following the termination of office or employment, if an employing agency requests to have the confidentiality protections removed.

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 a retired peace officer shall have his or her home address permanently withheld from public inspection upon the initial request of confidentiality and it shall not be opened after they retired. (Vehicle Code § 1880.4 (c)(3))

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 authorizes the DMV to remove confidentiality protections following termination of an office or employment if no appeal to the termination is filed, or if the termination or separation is upheld, unless the termination results from the filing of a criminal complaint.

This bill withholds from public inspection the individual's confidential home address if the terminated individual files an appeal, while the appeal from termination is ongoing, and until the appeal process is exhausted.

This bill requires DMV to comply with an individual's request within 30 days of receipt.

COMMENTS

1. Need for This Bill

According to the author:

Assembly Bill 3168 seeks to ensure that agencies have the ability to remove enhanced license plate confidentiality following employment termination. Currently, specified employees and officials in sensitive positions have additional protections to guard against the release of their home addresses to the public. Being given this confidential license plate is a privilege, and it is important that we hold these people accountable for their actions. If they have been terminated, they should no longer be given the privileges that come with their former position.

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. The general public can not.

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.

In addition, peace officers' records shall be suppressed even after they retire if they request this additional confidentiality.

3. Removal upon termination

This bill provides that following a termination of employment of a person who qualifies for additional address suppression under Penal Code Section 1808.4, the terminated individual's employing agency may request that the department remove the confidentiality protections for the terminated individual if no appeal to the termination is filed or if the termination or separation is upheld.

If the terminated individual files an appeal from termination, the individual's confidential home address shall be withheld from public inspection while the appeal from termination is ongoing and until the appeal process is exhausted. The department shall comply with a request made pursuant to this paragraph within 30 days of receipt. This paragraph shall not apply to terminations of employment resulting from the filing of a criminal complaint.

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