
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 1093 **Hearing Date:** April 10, 2018
Author: Jackson
Version: February 13, 2018
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Department of Motor Vehicles: Records: Confidentiality*

HISTORY

Source: County Welfare Directors Association of California

Prior Legislation: SB 362 (Galgiani) Held in Senate Appropriations 2017
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: Amador County Department of Social Services; American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO; Butte County; City and County of San Francisco; Contra Costa County Board of Supervisors; Monterey County Department of Social Services; National Association of Social Workers, California Chapter; Nevada County Department of Social Services; Riverside County; San Diego County; San Francisco City and County; San Francisco Commission on Aging Advisory Council; San Francisco Human Services Agency; San Mateo County Board of Supervisors; Santa Clara County; Santa Cruz County Human Services Department; Solano County Health & Social Services; Sonoma County Human Services Department; Tehama County Department of Social Services; Ventura County Board of Supervisors; Yolo County

Opposition: None known

PURPOSE

The purpose of this bill is to add adult abuse investigators or social workers in protective services within a social service department to those who may request an additional level of confidentiality from the Department of Motor Vehicles.

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. Included in the list of specified persons a child abuse investigator or social working in child protective services within a social services department. (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 would add adult abuse investigator or social worker, working in protective services within a social services department to those who can request an additional layer of confidentiality from the DMV.

COMMENTS

1. Need for This Bill

According to the author:

The California Vehicle Code provides certain confidentiality protections for the personal information of individuals listed in DMV's database. With this protection, an individual's personal information can only be fully disclosed to courts, law enforcement, and government agencies, and can be disclosed on a more limited basis to financial institutions, insurance companies, attorneys, vehicle manufacturers and dealers, public utilities, and people performing statistical research.

Notwithstanding these protections, existing law permits an individual to seek the complete suppression of their DMV records for one year initially, and two additional one-year renewals if they provide documentation showing that they face threats of death or great bodily injury, or that they are being stalked. Since complete suppression of DMV records is provided on a limited time basis, there more than 20 categories of law enforcement and other public service workers who, due to the sensitive nature of their professions, warrant full DMV records suppression for duration of their careers.

APS social workers and investigators work with one of the state's most vulnerable communities, assisting seniors and persons with disabilities who are experiencing, often at the hands of a family member or caregiver, emotional, physical or fiscal abuse. APS workers often receive threats and are stalked and intimidated by these same abusers -- simply for doing their jobs -- which severely impacts their ability to work effectively if they do not feel safe.

According to the American Federation of State County and Municipal Employees, social workers are among the most likely to experience a form of workplace violence, including threats and stalking. Multiple County Departments of Social Services have reported that a growing number of APS staff are being harassed and

followed by alleged perpetrators of elder and dependent adult abuse, who are angry at their crimes being discovered and make the worker the target of their anger.

APS workers are regularly photographed by their client's abusers, along with their license plates and cars, in an effort to intimidate these workers from protecting our elders and dependent adults.

Given the growing number of crimes committed against these vulnerable populations, and the important role APS workers perform in uncovering and investigating these crimes, it is critical that they are provided with enhanced confidentiality protections like other public servants in sensitive professions.

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. The Department of Motor Vehicles

There have been a number of bills adding or attempting to add various public employees to the enhanced confidentiality provisions of the Vehicle Code.

According to a Senate Committee on Public Safety analysis for June 11, 1996 of AB 1941 (Bordonaro):

According to a letter dated June 9, 1995 from the Department of Motor Vehicles concerning related measures initially set for hearing last year (AB 191, AB 688, AB 1396) on this issue, AB 1941 "is just one of four bills slated for the Criminal Procedure Committee hearing on June 13 which seek to include various professions within the category of confidential records that have historically been reserved for law enforcement personnel. When names are added to this special category, they cannot be accessed except through a telephone procedure utilized in one particular file security area in the DMV's Sacramento headquarters location. Currently, we estimate that this file contains close to half a million individual records which must be manually entered and individually retrieved when access is authorized.

The DMV has stated that approximately 1000 requests for confidentiality of home addresses are made each week. The Confidential Records Unit of the DMV consists of 12 people and only two of these people review these forms to determine whether the individuals requesting confidentiality are in fact qualified to do so.

According to the DMV, a majority of these requests are granted due to the fact that the DMV restricts the release of the request forms to qualifying agencies and individuals only. The Confidential Records Unit of the DMV updated "5900 records in May 1995 and only 273 applications were rejected."

4. Adult Abuse Investigators

Existing law includes child abuse investigators or social workers, working in child protective services within a social work department to those who can request the additional layer of confidentiality from DMV.

This bill would add adult abuse investigator or social worker, working in protective services within a social services department to those who can request an additional layer of confidentiality from the DMV.

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