

**Amend Vehicle Code Section 1808.4 to add the Board's limited peace officers to the list of public employees and officials whose home addresses are granted enhanced confidentiality by the Department of Motor Vehicles.**

**Source: Investigations Division**

**Existing Law**

Existing law provides that all home addresses in any record of the Department of Motor Vehicles (DMV) are confidential and shall not be disclosed to any person, except to the following: courts, law enforcement agencies, and other governmental agencies, and allows for limited disclosure to financial institutions, insurance companies, attorneys, vehicle manufacturers, vehicle dealers, and persons doing statistical research (Vehicle Code Sections 1808.21, 1808.22, and 1808.23).

Existing law also provides for additional protection of the home addresses of specified public officials and employees (referred to as the Confidential Address Program). Section 1808.4 provides enhanced confidentiality of the home address of a list of local, state, and federal officials and employees, plus the spouse and children of those officials and employees, if the included persons request it be kept confidential. The home address of these persons may only be disclosed to a court, a law enforcement agency, the State Board of Equalization, or any governmental agency to which, under any provision of law, authorizes or requires the DMV to furnish such information.

Peace officers, as defined under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, are included in the list of occupations whose home addresses are held confidential under Vehicle Code Section 1808.4. The Board's Investigation Division staff includes limited peace officers who are authorized under Penal Code Section 830.11 to execute search warrants and make arrests. However, according to the DMV, the Board's limited peace officers do not qualify for additional protection under Section 1808.4.

The Board's Investigation Division is responsible for investigating and prosecuting those individuals who knowingly violate tax and fee laws administered by the Board. In 2003, Assembly Bill 71 (Ch. 890, J. Horton, effective January 1, 2004) provided the Board's investigators with limited peace officer authority. These limited peace officers conduct felony and misdemeanor investigations. Even though they are not full peace officers, they perform similar duties in developing their criminal cases from an initial lead or complaint through the completed prosecution package submitted to the District Attorney's Office for prosecution. They conduct surveillance, interview suspects or third parties, provide court testimony and coordinate with other enforcement agencies in preparing and executing search warrants and making arrests.

The potentially dangerous nature of the limited peace officers' duties and activities should entitle these employees and their families to protection under Section 1808.4. The limited peace officers' duties are similar to those of full

peace officers as their investigations involve personal contact with individuals and organized crime groups suspected of committing criminal acts that subsequently are charged with and convicted of those offenses.

### **This Proposal**

This proposal would amend Section 1808.4 to provide additional safety for the Board's limited peace officers, and their families. Currently, these employees participate in joint investigation activities with the employees of other federal, state and local agencies (the Internal Revenue Service, the Federal Bureau of Alcohol, Tobacco and Firearms, Homeland Security, the California Department of Justice, as well as other tax and law enforcement agencies of this state) who are designated to receive protection from disclosure of their home address.

*Section 1808.4 of the Vehicle Code is amended to read:*

1808.4. (a) The home address of any of the following persons, that appears in any record of the department, is confidential, if the person requests the confidentiality of that information:

- (1) Attorney General.
- (2) State public defender.
- (3) Members of the Legislature.
- (4) Judges or court commissioners.
- (5) District attorneys.
- (6) Public defenders.
- (7) Attorneys employed by the Department of Justice, the office of the State Public Defender, or a county office of the district attorney or public defender.
- (8) City attorneys and attorneys who submit verification from their public employer that they represent the city in matters that routinely place them in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if those attorneys are employed by city attorneys.
- (9) Nonsworn police dispatchers.
- (10) Child abuse investigators or social workers, working in child protective services within a social services department.
- (11) Active or retired peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (12) Employees of the Department of Corrections, the Department of the Youth Authority, or the Prison Industry Authority specified in Sections 20403 and 20405 of the Government Code.
- (13) Nonsworn employees of a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes, who submit agency verification that, in the normal course of their employment, they control or supervise inmates or are required to have a prisoner in their care or custody.
- (14) County counsels assigned to child abuse cases.

(15) Investigators employed by the Department of Justice, a county district attorney, or a county public defender.

(16) Members of a city council.

(17) Members of a board of supervisors.

(18) Federal prosecutors and criminal investigators and National Park Service Rangers working in this state.

(19) Any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.

(20) Any employee of a trial court.

(21) Any psychiatric social worker employed by a county.

(22) Any police or sheriff department employee designated by the Chief of Police of the department or the sheriff of the county as being in a sensitive position. Any designation pursuant to this paragraph shall, for purposes of this section, remain in effect for three years subject to additional designations that, for purposes of this section, shall remain in effect for additional three-year periods.

(23) State employees in the following classifications:

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

(B) Motor Carrier Specialist 1, California Highway Patrol.

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

(D) Persons employed by the State Board of Equalization who are designated as limited peace officers pursuant to Penal Code section 830.11 by the State Board of Equalization's Executive Director.

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

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

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

(1) A court.

(2) A law enforcement agency.

(3) The State Board of Equalization.

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

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

(c) Any record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record. The home address shall be withheld from public inspection for three years following termination of office or employment except with respect to retired peace

officers, whose home addresses shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer. The department shall inform any 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.

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