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AB-2263 Protection of victims of domestic violence, sexual assault, or stalking, and reproductive health care service providers: address confidentiality. (2015-2016)

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Assembly Bill No. 2263

CHAPTER 881

An act to add Sections 6209.5, 6215.10, and 6215.12 to the Government Code, relating to address confidentiality.

[Approved by Governor September 30, 2016. Filed with Secretary of State September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, Baker. Protection of victims of domestic violence, sexual assault, or stalking, and reproductive health care service providers: address confidentiality.

Existing law authorizes victims of domestic violence, sexual assault, or stalking, and reproductive health care services providers, employees, volunteers, and patients, to complete an application to be approved by the Secretary of State for the purposes of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provides for confidentiality of identity for that person, subject to specified conditions. Existing law authorizes a program participant to request that state and local agencies use the address designated by the Secretary of State as his or her address, and requires state and local agencies, when creating, modifying, or maintaining a public record, to accept the address designated by the Secretary of State as a program participant's substitute address, except as specified.

This bill would require the Secretary of State to provide each program participant a notice in clear and conspicuous font that contains specified information, including that the program participant is authorized by law to request to use his or her address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.

This bill, with certain exceptions, would prohibit a person, business, or association from publicly posting or displaying on the Internet the home address of a program participant who is a reproductive health care services provider, employee, volunteer, or patient and who has made a written demand to not disclose his or her address, and would prohibit a person, business, or association from knowingly posting the home address of a program participant, or of the program participant's residing spouse or child, on the Internet knowing that person is a program participant and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6209.5 is added to the Government Code, to read:

6209.5. The Secretary of State shall provide each program participant a notice in clear and conspicuous font that contains all of the following information:

(a) The program participant is authorized by law to request to use his or her address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.

(b) The program participant may create a revocable living trust and place his or her real property into the trust to protect his or her residential street address from disclosure in real property transactions.

(c) The program participant may obtain a change of his or her legal name to protect his or her anonymity.

(d) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, domestic violence prevention organizations, state and local agencies, or other nonprofit organizations that may be able to assist program participants.

SEC. 2. Section 6215.10 is added to the Government Code, to read:

6215.10. (a) A person, business, or association shall not publicly post or publicly display on the Internet the home address of a program participant who has made a written demand of that person, business, or association to not disclose the home address of the program participant.

(b) A person, business, or association shall not knowingly post the home address of a program participant, or of the program participant's residing spouse or child, on the Internet knowing that person is a program participant and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

(c) This section shall not apply to an interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to a program participant.

SEC. 3. Section 6215.12 is added to the Government Code, to read:

6215.12. The Secretary of State shall provide each program participant a notice in clear and conspicuous font that contains all of the following information:

(a) The program participant is authorized by law to request to use his or her address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.

(b) The program participant may create a revocable living trust and place his or her real property into the trust to protect his or her residential street address from disclosure in real property transactions.

(c) The program participant may obtain a change of his or her legal name to protect his or her anonymity.

(d) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, state and local agencies, or other nonprofit organizations that may be able to assist program participants.