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**AB-1563 Census: interference with the census: California Census Bill of Rights and Responsibilities.**  
(2019-2020)

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**Assembly Bill No. 1563**

**CHAPTER 831**

An act to add Section 12172.8 to the Government Code, and to add Section 529.6 to the Penal Code, relating to the census.

[ Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1563, Santiago. Census: interference with the census: California Census Bill of Rights and Responsibilities.

Existing law requires the Secretary of State to include on the secretary's internet website information designed to educate the public regarding, and encourage participation in, the federal decennial census.

This bill would authorize the Secretary of State to work with the California Census Office and the California Complete Count Committee to promulgate a Census Bill of Rights and Responsibilities no later than February 1, 2020, as specified. The bill would allow the Census Bill of Rights and Responsibilities to be made available on the California Census Office internet website.

Existing law imposes various civil and criminal penalties on persons who falsely represent themselves to be another person under specified circumstances or for specified purposes.

This bill would make it a misdemeanor for any person to falsely represent themselves as a census taker or to falsely assume some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** Section 12172.8 is added to the Government Code, to read:

**12172.8.** (a) It is the intent of the Legislature to affirm and inform every Californian of their right and obligation to participate in the federal decennial census freely and without fear of fraud, intimidation, or harm.

(b) The Secretary of State may work with the California Census Office and the California Complete Count Committee to promulgate a California Census Bill of Rights and Responsibilities no later than February 1, 2020. The Census Bill of Rights and Responsibilities shall affirm the rights of all Californians to all of the following:

- (1) To participate in the federal decennial census free of threat or intimidation.
- (2) To confidentiality of the information provided in the census form.
- (3) To respond to the census by means of the their chosen modality, either electronically, on paper, or by telephone.
- (4) To request language assistance.
- (5) To verify the identity of a census worker.

(c) The Secretary of State shall translate the California Census Bill of Rights in languages other than English, consistent with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(d) The California Census Office may make the California Census Bill of Rights available on its internet website and available for inclusion on city and county census internet websites and census questionnaire assistance center internet websites.

**SEC. 2.** Section 529.6 is added to the Penal Code, to read:

**529.6.** (a) (1) This section shall be known, and may be cited, as the Freedom to Count Act.

(2) It is the intent of the Legislature to ensure that all Californians have access to accurate, timely information about the census and that all Californians have the opportunity to participate in the census freely and without fear of fraud, intimidation, or harm.

(b) A person is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, who does either of the following:

- (1) Falsely represents that they are a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.
- (2) Falsely assumes some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.