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**AB-419 Criminal procedure: victim and witness privacy.** (2021-2022)

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**Assembly Bill No. 419**

**CHAPTER 91**

An act to amend Section 1054.2 of the Penal Code, relating to criminal procedure.

[ Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 419, Davies. Criminal procedure: victim and witness privacy.

Existing law prohibits an attorney from disclosing to a defendant, members of the defendant's family, or anyone else, the address or telephone number of a victim or witness whose name is disclosed to the attorney through discovery, unless specifically permitted to do so by the court after a hearing and a showing of good cause. Existing law makes a willful violation of these provisions a misdemeanor.

This bill would further prohibit the disclosure of any personal identifying information, as defined, of the victim or witness. The bill would also remove the provision making a willful violation of these provisions a misdemeanor.

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

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

**SECTION 1.** Section 1054.2 of the Penal Code is amended to read:

**1054.2.** (a) (1) Except as provided in paragraph (2), no attorney shall disclose or permit to be disclosed to a defendant, members of the defendant's family, or anyone else, the personal identifying information of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1, other than the name of the victim or witness, unless specifically permitted to do so by the court after a hearing and a showing of good cause.

(2) Notwithstanding paragraph (1), an attorney may disclose or permit to be disclosed the personal identifying information of a victim or witness to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case if that disclosure is required for that preparation. Persons provided this information by an attorney shall be informed by the attorney that further dissemination of the information, except as provided by this section, is prohibited.

(b) If the defendant is acting as their own attorney, the court shall endeavor to protect the personal identifying information of a victim or witness by providing for contact only through a private investigator licensed by the Department of Consumer Affairs and appointed by the court or by imposing other reasonable restrictions, absent a showing of good cause as determined by the court.

(c) For the purposes of this section, personal identifying information has the same definition as in Section 530.55, except that it does not include name, place of employment, or an equivalent form of identification.

