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**AB-3168 Department of Motor Vehicles: confidential records.** (2023-2024)

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**Assembly Bill No. 3168**

**CHAPTER 225**

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

[ Approved by Governor September 12, 2024. Filed with Secretary of State September 12, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 3168, Gipson. Department of Motor Vehicles: confidential records.

Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities. Existing law requires that following termination of office or employment, a confidential home address be withheld from public inspection for 3 years, unless the termination is the result of conviction of a criminal offense. Existing law provides that if a termination or separation from office or employment is the result of the filing of a criminal complaint, the confidential home address shall be withheld from public inspection during the time in which the terminated individual may file an appeal from termination, while an appeal from termination is ongoing, and until the appeal process is exhausted. If the termination or separation is upheld, existing law grants employing agencies with discretion to maintain the confidentiality of the terminated individual's home address.

This bill would authorize an employing agency to request that the department remove the confidentiality protections described above following the termination of employment if no appeal to the termination is filed or if the termination or separation is upheld. The bill would require an employing agency in its request to certify that no appeal to the termination has been filed or that the termination or separation has been upheld. If the terminated individual files an appeal from termination, this bill would require that the individual's home address be withheld from public inspection while the appeal from termination is ongoing and until the appeal process is exhausted. The bill would require the department to comply with these requests within 45 days of receipt. The bill would specify that these provisions shall not apply to terminations of employment resulting from the filing of a criminal complaint. This bill would make conforming changes.

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

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

**SECTION 1.** Section 1808.4 of the Vehicle Code is amended to read:

**1808.4.** (a) For all of the following persons, the person's home address that appears in a record of the department is confidential if the person requests the confidentiality of that information:

(1) Attorney General.

- (2) State Public Defender.
- (3) A Member of the Legislature.
- (4) An active or retired judge or court commissioner.
- (5) A district attorney.
- (6) A public defender.
- (7) An attorney 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) A city attorney, city prosecutor, or an attorney who submits verification from their public employer that the attorney represents the city in matters that routinely place the attorney in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if that attorney is employed by a city attorney or city prosecutor.
- (9) A nonsworn police dispatcher.
- (10) A child abuse investigator or social worker, working in child protective services within a social services department.
- (11) An active or retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (12) An employee of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or the Prison Industry Authority specified in Sections 20403 and 20405 of the Government Code.
- (13) A nonsworn employee of a city police department, a county sheriff's office, the Department of the California Highway Patrol, a federal, state, or local detention facility, or a local juvenile hall, camp, ranch, or home, who submits agency verification that, in the normal course of the employee's employment, the employee controls or supervises inmates or is required to have a prisoner in the employee's care or custody.
- (14) A county counsel assigned to child abuse cases.
- (15) An investigator employed by the Department of Justice, a county district attorney, or a county public defender.
- (16) A member of a city council.
- (17) A member of a board of supervisors.
- (18) A federal prosecutor, criminal investigator, or National Park Service Ranger working in this state.
- (19) An active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.
- (20) An employee of a trial court.
- (21) A psychiatric social worker employed by a county.
- (22) A 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. A 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) A state employee in one of the following classifications:
  - (A) Licensing-Registration Examiner, Department of Motor Vehicles.
  - (B) Motor Carrier Specialist I, Department of the California Highway Patrol.
  - (C) Museum Security Officer and Supervising Museum Security Officer.
  - (D) Licensing Program Analyst, State Department of Social Services.
- (24) (A) The spouse or child of a 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.

(C) The surviving spouse or child of a judge or court commissioner, if the judge or court commissioner died in the performance of their duties.

(D) (i) Subparagraphs (A), (B), and (C) do not apply if the person listed in those subparagraphs was convicted of a crime and is on active parole or probation.

(ii) For requests made on or after January 1, 2011, the person requesting confidentiality for their spouse or child listed in subparagraph (A), (B), or (C) shall declare, at the time of the request for confidentiality, whether the spouse or child has been convicted of a crime and is on active parole or probation.

(iii) Neither the listed person's employer nor the department shall be required to verify, or be responsible for verifying, that a person listed in subparagraph (A), (B), or (C) was convicted of a crime and is on active parole or probation.

(E) (i) The department shall discontinue holding a home address confidential pursuant to this subdivision for a person specified in subparagraph (A), (B), or (C) who is the child or spouse of a person described in paragraph (4), (9), (11), (13), or (22) if the child or spouse is convicted of a felony in this state or is convicted of an offense in another jurisdiction that, if committed in California, would be a felony.

(ii) The department shall comply with this subparagraph upon receiving notice of a disqualifying conviction from the agency that employs or formerly employed the parent or spouse of the convicted person, or as soon as the department otherwise becomes aware of the disqualifying conviction.

(b) The confidential home address of a person listed in subdivision (a) shall not be disclosed, except to 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) A governmental agency to which, under any law, information is required to be furnished from records maintained by the department.

(c) (1) A 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.

(2) Following termination of office or employment, a confidential home address shall be withheld from public inspection for three years, unless the termination is the result of conviction of a criminal offense or a request to remove confidentiality protections has been made by an employing agency pursuant to paragraph (6). If the termination or separation is the result of the filing of a criminal complaint, a confidential home address shall be withheld from public inspection during the time in which the terminated individual may file an appeal from termination, while an appeal from termination is ongoing, and until the appeal process is exhausted, after which confidentiality shall be at the discretion of the employing agency if the termination or separation is upheld. Upon reinstatement to an office or employment, the protections of this section are available.

(3) With respect to a retired peace officer, the peace officer's home address 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.

(4) The department shall inform a 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.

(5) With respect to a retired judge or court commissioner, the retired judge or court commissioner's home address 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 (C) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three years following the death of the judge or court commissioner.

(6) Following a termination of employment, the terminated individual's employing agency may request that the department remove the confidentiality protections of this section for the terminated individual if no appeal to the termination is filed or if the

termination or separation is upheld. The employing agency shall certify in its request to the department that no appeal to the termination has been filed or that the termination or separation has been upheld. If the terminated individual files an appeal from termination, the individual's confidential home address shall be withheld from public inspection while the appeal from termination is ongoing and until the appeal process is exhausted. The department shall comply with a request made pursuant to this paragraph within 45 days of receipt. This paragraph shall not apply to terminations of employment resulting from the filing of a criminal complaint.

(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, a judge or court commissioner, as specified in paragraph (4) of subdivision (a), or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) or (C) 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, judge or court commissioner, or the spouses or children of these persons is a felony.