



**STATE BOARD OF EQUALIZATION
STAFF LEGISLATIVE BILL ANALYSIS**

DRAFT

Date Introduced:	02/25/09	Bill No:	<u>AB 592</u>
Tax:	Administration	Author:	Lowenthal
Related Bills:	AB 923 (Swanson)	Position:	Support as Sponsor

BILL SUMMARY

This Board of Equalization (Board) sponsored bill would 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.

ANALYSIS

CURRENT 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 Board, 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 Investigations 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.

PROPOSED LAW

This bill would amend Vehicle Code Section 1808.4 to include a Board employee who is designated by the executive director of the Board, pursuant to Penal Code Section 830.11 to exercise limited authority and powers of a peace officer, to the list of public employees whose home addresses are granted heightened confidentiality by the DMV.

The bill would become effective on January 1, 2010.

This staff analysis is provided to address various administrative, cost, revenue and policy issues; it is not to be construed to reflect or suggest the Board's formal position.

COMMENTS

1. **Sponsor and purpose.** This bill is sponsored by the Board in order to provide additional safety for the Board’s limited peace officers who participate in joint criminal investigation activities with the employees of other federal, state, and local agencies (i.e., the Internal Revenue Services, 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.

2. **The Board’s Investigations Division’s limited peace officers are authorized to execute search warrants and make arrests.** The Board’s Investigations 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.

The Board currently has 100 employees who have been designated by the Board’s Executive Director as limited peace officers pursuant to Penal Code Section 830.11.

3. **Related legislation.** AB 923 (Swanson) would add the Board Members, as well as certain veterinarians and code enforcement officers, to the list of public employees and officials whose home addresses are granted enhanced confidentiality by the DMV.

COST ESTIMATE

This bill would not impact the Board’s administrative costs.

REVENUE ESTIMATE

This bill would not impact the state’s or local government’s revenues.

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