

**RESOLUTION 5-08-2002**

**DIGEST**

Domestic Partners: Confidentiality of DMV Records

Amends Vehicle Code section 1808.4 to make the home address of specified public officers' registered domestic partners confidential.

**RESOLUTIONS COMMITTEE RECOMMENDATION**

APPROVE IN PRINCIPLE

Reasons:

This resolution amends Vehicle Code section 1808.4 to make the home address of specified public officers' registered domestic partners confidential. This resolution should be approved because such confidentiality is already available to spouses and children of public officers and this resolution merely extends the same right to registered domestic partners.

In 2001 the Legislature passed a broad range of legislation which amended several different statutes to provide parity between the rights of domestic partners and married couples, particularly in connection with insurance and other benefits. To that end, the Legislature amended a number of code sections to add the term "domestic partner" in each place where the term "spouse" appeared. This resolution would make the same change to a section of the Vehicle Code.

Under the Vehicle Code, DMV records of home addresses are normally open to the public. However, addresses of certain public officials (such as judges, city council members, police officers, etc.) are withheld as confidential for obvious safety reasons. Under Vehicle Code section 1808.4, those officials' spouses' and children's addresses are classified "confidential" as well – again, for obvious safety reasons. Because this resolution seeks to add registered domestic partners to this list and thus effectuate the underlying purpose of both the domestic partner registry law and the confidentiality provisions of the current law, it should be approved.

**SECTION/COMMITTEE REPORT**

**FAMILY LAW SECTION EXECUTIVE COMMITTEE**

Recommendation: Approve in Principle

Reasons: The Committee agrees with the reasoning set forth by the proponent.

**TEXT OF RESOLUTION**

RESOLVED that the Conference of Delegates recommends that legislation be sponsored to amend Vehicle Code section 1808.4 to read as follows:

- 1    §1808.4
- 2           (a) The home address of any of the following persons, that appears in any record of the department,
- 3    is confidential, if the person requests the confidentiality of that information:
- 4           (1) Attorney General.
- 5           (2) State public defender.
- 6           (3) Members of the Legislature.
- 7           (4) Judges or court commissioners.
- 8           (5) District attorneys.
- 9           (6) Public defenders.
- 10          (7) Attorneys employed by the Department of Justice, the office of the State Public Defender, or a
- 11    county office of the district attorney or public defender.
- 12          (8) City attorneys and attorneys who submit verification from their public employer that they
- 13    represent the city in matters that routinely place them in personal contact with persons under investigation
- 14    for, charged with, or convicted of, committing criminal acts, if those attorneys are employed by city
- 15    attorneys.
- 16          (9) Nonsworn police dispatchers.

17 (10) Child abuse investigators or social workers, working in child protective services within a  
18 social services department.

19 (11) Active or retired peace officers, as defined in Chapter 4.5 (commencing with Section 830) of  
20 Title 3 of Part 2 of the Penal Code.

21 (12) Employees of the Department of Corrections, the Department of the Youth Authority, or the  
22 Prison Industry Authority specified in Sections 20403 and 20405 of the Government Code.

23 (13) Nonsworn employees of a city police department, a county sheriff's office, the Department of  
24 the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps,  
25 ranches, and homes, who submit agency verification that, in the normal course of their employment, they  
26 control or supervise inmates or are required to have a prisoner in their care or custody.

27 (14) County counsels assigned to child abuse cases.

28 (15) Investigators employed by the Department of Justice, a county district attorney, or a county  
29 public defender.

30 (16) Members of a city council.

31 (17) Members of a board of supervisors.

32 (18) Federal prosecutors and criminal investigators and National Park Service Rangers working in  
33 this state.

34 (19) Any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code  
35 or municipal parking ordinances.

36 (20) Any employee of a trial court.

37 (21) Any psychiatric social worker employed by a county.

38 (22) Any police or sheriff department employee designated by the Chief of Police of the department  
39 or the sheriff of the county as being in a sensitive position. Any designation pursuant to this paragraph shall,  
40 for purposes of this section, remain in effect for three years subject to additional designations that, for  
41 purposes of this section, shall remain in effect for additional three-year periods.

42 (23) State employees in the following classifications:

43 (A) Licensing Registration Examiner, Department of Motor Vehicles.

44 (B) Motor Carrier Specialist 1, California Highway Patrol.

45 (C) Museum Security Officer and Supervising Museum Security Officer.

46 (24) (A) The spouse, domestic partner, or child of any person listed in paragraphs (1) to (23),  
47 inclusive, regardless of the spouse's, domestic partner's, or child's place of residence.

48 (B) The surviving spouse, domestic partner, or child of a peace officer, as defined in Chapter 4.5  
49 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in the line of  
50 duty.

51 (b) The confidential home address of any of the persons listed in subdivision (a) shall not be  
52 disclosed to any person, except for any of the following:

53 (1) A court.

54 (2) A law enforcement agency.

55 (3) The State Board of Equalization.

56 (4) An attorney in a civil or criminal action that demonstrates to a court the need for the home  
57 address, if the disclosure is made pursuant to a subpoena.

58 (5) Any governmental agency to which, under any provision of law, information is required to be  
59 furnished from records maintained by the department.

60 (c) Any record of the department containing a confidential home address shall be open to public  
61 inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from  
62 the record. The home address shall be withheld from public inspection for three years following termination  
63 of office or employment except with respect to retired peace officers, whose home addresses shall be  
64 withheld from public inspection permanently upon request of confidentiality at the time the information  
65 would otherwise be opened. The home address of the surviving spouse, domestic partner, or child listed in  
66 subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public inspection for three  
67 years following the death of the peace officer. The department shall inform any person who requests a  
68 confidential home address what agency the individual whose address was requested is employed by or the  
69 court at which the judge or court commissioner presides.

70 (d) A violation of subdivision (a) by the disclosure of the confidential home address of a peace  
71 officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department  
72 or county sheriff's office, or the spouses, domestic partners, or children of these persons, including, but not

73 limited to, the surviving spouse, domestic partner, or child listed in subparagraph (B) of paragraph (24) of  
74 subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or  
75 county sheriff's office, or the spouses, domestic partners, or children of these persons is a felony.  
76 (e) For purposes of this section, the term "domestic partner" means a domestic partner as defined  
77 in Section 297 of the Family Code, who is registered with the Secretary of State as provided by Section 298  
78 of the Family Code.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Los Angeles County Bar Association

STATEMENT OF REASONS:

Existing Law: Grants confidential status to Department of Motor Vehicles records of the home addresses of specified officials, their spouses and children, but does not provide confidentiality to domestic partners.

This Resolution: Amends Vehicle Code section 1808.4 to include state-registered domestic partners among those entitled to confidentiality of their home address in DMV records, along with the spouses and children of specified officials.

The Problem: The existing law is intended to help protect the confidentiality of the DMV's home address records for specified officials who may be targeted for retaliation as a result of their official responsibilities. The law correctly recognizes that retaliating persons may target the official's family as well. Unfortunately, the law provides confidentiality rights only for spouses and children, thereby leaving the domestic partners of such officials unnecessarily exposed to danger. Such confidentiality provisions should apply equally to registered domestic partners.

IMPACT STATEMENT

This proposed resolution does not affect any other law, statute or rule.

AUTHOR AND/OR PERMANENT CONTACT: Duncan Crabtree-Ireland, 5757 Wilshire Blvd 8<sup>th</sup> Fl, Los Angeles CA 90036, 323/549-6043, fax 603/691-2431, direland@sag.org

RESPONSIBLE FLOOR DELEGATE: Duncan Crabtree-Ireland