

SUMMARY ANALYSIS OF AMENDED BILL

Author: Simitian Analyst: Deborah Barrett Bill Number: SB 768
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: August 17, 2006
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Identity Information Protection Act of 2006

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY.
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED September 2, 2005, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would limit state agencies’ usage of devices utilizing radio waves to remotely read identification documents.

SUMMARY OF AMENDMENTS

The August 17, 2006, amendments added provisions requiring the California Research Bureau to provide a report to the Legislature on the security and privacy of government issued remotely readable identification documents. In addition, the August 17, 2006, amendments provide for repeal by December 31, 2012, or when regulations are enacted or promulgated pursuant to later legislation, whichever is earlier. The August 17, 2006, amendments have no impact to the department’s operations or programs; however, revisions to the “This Bill” portion of the department’s analysis are provided below. The remainder of the department’s analysis of this bill as amended September 2, 2005, is still applicable.

POSITION

Pending

Board Position:	Legislative Director	Date
<input type="checkbox"/> S	Brian Puterl	8/28/06
<input type="checkbox"/> NA		
<input type="checkbox"/> SA		
<input type="checkbox"/> N		
<input type="checkbox"/> NP		
<input type="checkbox"/> O		
<input type="checkbox"/> NAR		
<input checked="" type="checkbox"/> PENDING		

THIS BILL

This bill would establish the Identity Information Protection Act of 2006. This bill would require that until December 31, 2012, state, county, or municipal governments, or agencies thereof, that creates or issue identification documents that use radio waves to transmit data or enable data to be read remotely, to meet certain requirements. Depending on the type of information transmitted, various access control protocols including encryption, detachable shield devices, or secondary verification procedures are specified in this bill's provisions.

Provisions of this bill are not applicable to identification documents that are part of a contactless integrated system that is operational and in use prior to January 2007. Two exceptions that are applicable to this department are those identification cards that are issued to a person for the limited purpose of facilitating secured access by the identification document holder to a secured public building or parking area, and those identification cards that do not utilize radio waves for transmission of personal information. There are numerous other uses that are excepted from this bill's restrictions that do not pertain to this department and are not discussed in this analysis.

This bill prohibits the disclosure of operational system keys to unauthorized third parties and requires agencies with subject devices to adopt procedures restricting access to the operation system keys. This bill contains provisions for disclosure of location information derived from the identification document to safety or emergency response agencies. This bill provides for sanctions against a person or state entity that knowingly or willfully remotely reads or attempts to remotely read a person's identification document without the knowledge of that person. The punishment could consist of either imprisonment in a county jail for up to one year, or a fine of not more than \$5000, or both the imprisonment and the fine. This bill also provides remedies for individuals for the purpose of stopping or preventing violations of the bill's provisions by a governmental agency.

This bill requires the California Research Bureau to convene an advisory board of specified representatives to make recommendations, provide technical advice, answer bureau questions, and outline the strengths and weaknesses of potential approaches to privacy and security proposals for government issued identification documents. This bill requires the California Research Bureau to report to the Legislature on security and privacy for government issued remotely readable identification documents within 270 days of a request from the Office of the President Pro Tempore of the Senate, or the Office of the Speaker of the Assembly, or before June 30, 2007, whichever is earlier.

This bill contains intent language that its provisions are considered to be interim measures to be replaced by a statewide legislative or regulatory framework in the most timely and expeditious fashion possible following the issuance of recommendation by the California Research Bureau.

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