

SUMMARY ANALYSIS OF AMENDED BILL

Author: Simitian Analyst: Deborah Barrett Bill Number: SB 31

Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: January 7, 2008

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Identification Documents/Privacy

- 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 April 17, 2007,
- STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would make it a crime to read or attempt to read personal identification documents using radio waves without the owner’s knowledge and consent.

SUMMARY OF AMENDMENTS

The January 7, 2008, amendments made the following changes:

- Reduced the applicable penalty for reading personal identification documents without the owner’s knowledge and consent or disclosing operational system keys from \$5,000 to \$1,500.
- Added an exception to the prohibition established under this bill for circumstances where the inadvertent reading of the identification document occurs through an act of good faith security research, experimentation, or in testing security flaws within a system.
- Made operation of specified provisions of the bill contingent upon enactment of SB 30 on or before January 1, 2009, and SB 30 becoming effective on or before that date.

Board Position:	Legislative Director	Date
<input type="checkbox"/> S	Brian Putler	1/31/08
<input type="checkbox"/> NA		
<input type="checkbox"/> NP		
<input type="checkbox"/> SA		
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<input type="checkbox"/> NAR		
<input type="checkbox"/> N		
<input type="checkbox"/> OUA		
<input checked="" type="checkbox"/> PENDING		

The “Effective/Operative Date” and “This Bill” discussions have been revised. The remainder of the department’s analysis of the bill as amended April 17, 2007, still applies.

EFFECTIVE/OPERATIVE DATE

This bill would be effective and operative January 1, 2009, and would apply to violations occurring on or after that date. The sanctions for disclosing operational system keys would be operative only if SB 30 of the 2007-08 regular legislative session is also enacted and effective on or before January 1, 2009.

POSITION

Pending.

THIS BILL

This bill would make it a misdemeanor to read intentionally or attempt to read a person’s identification documents remotely using radio waves without the owner’s knowledge and prior consent. The crime established under this bill would be punishable by imprisonment in a county jail for up to one year, a fine of not more than \$1,500, or both.

The bill would exempt certain instances of reading identification documents by radio waves for purposes that range from providing medical services to law enforcement efforts. Because the department does not use radio waves in its daily operations, these exemptions are not discussed in this analysis. This bill would not impact FTB’s operations or programs.

This bill would make it a crime for any person or entity that knowingly discloses or causes to be disclosed certain operational system keys identified under the Civil Code. The crime established under this bill would be punishable by imprisonment in a county jail for up to one year, a fine of not more than \$1,500, or both.

LEGISLATIVE STAFF CONTACT

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