

SUMMARY ANALYSIS OF AMENDED BILL

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

Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: June 5, 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

January 7, 2008, 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 June 5, 2008, amendments would do the following:

- Provide that a person or entity that unintentionally reads an identification document is subject to criminal sanctions only if that person or entity subsequently stores or discloses what is read to a third party without the owner’s knowledge or consent.
- Redefine data subject to this bill’s provisions to mean any information stored or transmitted on an identification document in machine readable form.
- Remove the following:
 - Provisions excepting inadvertent reading or collection of data from a contactless identification document system.
 - Provisions defining personal information and unique personal identifiers.
 - Provisions relating to the disclosure of operational system keys.
 - Provisions double jointing portions of the bill to SB 30 of the 2007-08 Regular Session.

Board Position:

S NA NP
 SA O NAR
 N OUA PENDING

Legislative Director

Date

Brian Putler

6/19/08

Except for changes to the "Effective/Operative Date" and "This Bill" discussion, the remainder of the department's analysis of the bill as amended January 7, 2008, 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.

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.

A person or entity that unintentionally remotely reads a person's identification document using radio waves is subject to the sanctions under this bill only if the person or entity knows it unintentionally read the document and thereafter:

1. Intentionally discloses what it read to a third party for the purpose of allowing a third party to read a person's identification document without that person's knowledge or consent, or
2. Intentionally stores what it read for the purpose of reading a person's identification document without that person's knowledge or consent.

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 or a fine of not more than \$1,500 or both.

This 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.

LEGISLATIVE STAFF CONTACT

Legislative Analyst
Deborah Barrett
(916) 845-4301
Deborah.Barrett@ftb.ca.gov

Revenue Manager
Rebecca Schlussler
(916) 845-5986
rebecca.schlussler@ftb.ca.gov

Legislative Director
Brian Putler
(916) 845-6333
Brian.Putler@ftb.ca.gov