

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 17, 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 June 5, 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 17, 2008, amendments would remove sanctions against a person or entity that unintentionally remotely reads identification documents using radio waves and would specify that the unintentional remote reading of the identification document does not apply to the provisions of this bill under specific circumstances. The “This Bill” discussion is revised, and the remainder of the department’s analysis of the bill as amended June 5, 2008 still applies.

POSITION

Pending.

Board Position:	Legislative Director	Date
<input type="checkbox"/> S	Brian Putler	7/8/08
<input type="checkbox"/> NA		
<input type="checkbox"/> NP		
<input type="checkbox"/> SA		
<input type="checkbox"/> O		
<input type="checkbox"/> NAR		
<input type="checkbox"/> N		
<input type="checkbox"/> OUA		
<input checked="" type="checkbox"/> PENDING		

THIS BILL

This bill would make it a misdemeanor to intentionally read 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 not subject to the provisions of the bill if it does not do any of the following:

- Disclose the data to another party.
- Use the data for any purpose without the consent of the person to whom the data pertains.
- Store the data without the consent of the person to whom the data pertains.

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 the Franchise Tax Board's operations or programs.

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