

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 5.0 – Requesting Information from the Department

Vehicle Code section 1808.4 identifies the occupations that allow for a home address to be held as confidential, including law enforcement personnel, court employees, the Attorney General, a Member of the Legislature, and other high profile government officials, as well as many rank and file government employees for whom the release of their home address may pose a security risk. The purpose of the confidential address program is to protect individuals from physical harm, harassment, or stalking, should their address become available to members of the public who may be dissatisfied with the official action the person undertook as part of their employment with the identified government agencies and bodies.

§ 360.00. Confidential Records.

The department proposes to adopt Section 360.00 to make clear that a person employed by an agency of the State of California in the civil service classification of Administrative Law Judge qualifies for participation in the confidential records program.

Vehicle Code section 1808.4(a)(4) allows an address of an active or retired judge or court commissioner to be held as confidential. The department occasionally receives requests that the addresses of Administrative Law Judges also be held confidential.

In interpreting Vehicle Code section 1808.4, the department considered whether the term “judge” was amenable to interpretation or whether it was unambiguous. The provision at issue is 1808.4(a)(4) which states: “For all of the following persons, the person’s home address that appears in a record of the department is confidential if the person requests confidentiality of that information: ... An active or retired judge or court commissioner.” This provision to be interpreted notably is not limited to trial court judges. The department finds this lack of modification to require interpretation. The department takes note of the legislature’s use the generic term “judge”, modified only by the terms “active or retired” which could equally apply to Administrative Law Judges. Given the wide range of civil and criminal enforcement personnel afforded the address suppression, and the lack of narrowing language to direct the department to limit the term “judge” to trial or Superior Court judges, the department interprets and makes specific in this proposal the meaning of the word “judge” to include administrative law judges.

Because the term ‘judge’ is undefined in the Vehicle Code, the department proposes to adopt Section 360.00 to make clear that a person employed by an agency of the State of California in the civil service classification of Administrative Law Judge qualifies for participation in the confidential records program.

**DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE
SECTIONS 11346.2(b)(3) THROUGH (b)(S)**

Studies, Reports or Documents - Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department's Response - Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Businesses - Gov. Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small businesses.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business - Gov. Code Sec. 11346.2(b)(5)

- This regulation will not have an adverse economic impact on businesses. This proposed action only impacts Administrative Law Judges employed by an agency of the State of California.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

Cost or Savings to Any State Agency

- None

Other Non-Discretionary Cost or Savings to Local Agencies

- None

Costs or Savings in Federal Funding to the State

- None

Cost Impact on Representative Private Persons or Businesses

- None. The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

- None

Local Agency/School District Mandates

- The proposed regulatory action will not impose any costs on local agencies or school districts that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Small Business Impact

- This proposed action will not impact small businesses. The confidential address program is accessible to qualifying individuals. The program has no impact on businesses and the adoption of Section 360.00 will also have no impact on small businesses.

Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

- The department has made the initial determination that this action will not have a significant statewide adverse economic impact directly affecting business nor will it impact the ability of California businesses to compete with businesses in other states. This proposed rule impacts individuals, not businesses.

ECONOMIC IMPACT ANALYSIS (Government Code Section 11346.3(b))

The department has made the following determination related to this proposed regulatory action:

Creation or Elimination of Jobs Within the State of California

- This action will not create or eliminate jobs within California. The proposed rule impacts individuals employed by Administrative Law Judges in an agency of the State of California.

Creation or Elimination of Businesses Within the State of California

- This action will not create or eliminate businesses within California. The proposed rule impacts individuals employed by Administrative Law Judges in an agency of the State of California. There is no impact to businesses.

Expansion of Businesses Currently Doing Business Within the State of California

- This action will not expand businesses currently doing business in California. The proposed rule impacts individuals employed by Administrative Law Judges in an agency of the State of California. There is no impact to businesses.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

- This action will benefit worker safety and the health and welfare of California residents by making confidential the address of Administrative Law Judges working for the State of California. Holding their address as confidential will protect Administrative Law

Initial Statement of Reasons
Confidential Addresses

Judges from potential harassment or harm from a member of the public who may be dissatisfied with an action taken by the Administrative Law Judge as part of their employment. This proposed action is unlikely to benefit the state's environment.