

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 6, 2011  
POSITION: Oppose

BILL NUMBER: AB 906  
AUTHOR: C. Galgiani

**BILL SUMMARY: Protection of Crime Victims and Witnesses: Confidential**

This bill would add witnesses who testified in a murder trial to the group of individuals eligible to participate in the Secretary of State’s (SOS) Safe at Home Program (Program) (which provides address protection, name change confidentiality, and confidential voter registration for specified individuals). This bill would specify what applicants must include with their application (including a reasonable enrollment fee) and allow the SOS to assess an annual fee to defray reasonable costs of maintaining the Program for witnesses. This bill also would require the Program manager to terminate the certification of a murder witness participant upon the conviction of misdemeanor or felony, as provided.

**FISCAL SUMMARY**

The SOS reports that it could incur significant additional General Fund costs to implement this bill. Because the SOS would be working with a new set of eligibility criteria, additional preparation and training would be needed. While it is not clear how many additional participants would be added to the Program, the SOS estimates approximately \$200,000 annually would be needed to provide two additional staff to address the increased workload and to fund other costs including (but not limited to) additional printing and postage costs for between 1 to 685 new enrollees. The current Program has 2,735 participants and a budget of approximately \$1 million General Fund. Additionally, the SOS reports that it is unclear how they would obtain the necessary information to determine whether criminal convictions for murder witness participants have occurred. If they must request court records from all 58 counties and the Department of Corrections and Rehabilitation and then compare that information with enrollees in their database, the SOS could incur significant additional costs (as this process could be very labor-intensive). Finance notes that although new fees would be charged to murder witness participants (and deposited in the General Fund) for Program costs, fee revenues would be dependent on how many people actually enroll and what is determined to be a “reasonable” fee. Finance also notes that it appears unlikely that fee revenues would fully offset increased Program costs, resulting in potentially significant additional General Fund costs.

Any local government cost resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime. To the extent that witness participants register (or reregister) to vote and become vote-by-mail voters (if they weren’t already one), this bill could increase the cost of existing mandates related to vote-by-mail voters if suspension of the election mandates that the Legislature has approved for suspension in 2011-12 is not extended.

**COMMENTS**

The Department of Finance is opposed to this bill because it would likely result in significant additional General Fund costs that are not included in the 2011-12 Budget.

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Analyst/Principal (0222) J. Fitzpatrick	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

C. Galgiani

July 6, 2011

AB 906

**COMMENTS (Cont'd)**

Existing law:

- Establishes the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking program and the Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients program, collectively known as the Program.
- Permits a person who is a victim of domestic violence, sexual assault, or stalking, or who is a reproductive health care services provider, employee, volunteer, or patient, and who fears for his or her safety or the safety of his or her family, to participate in the Program by applying to the SOS, as provided.
- Requires every state or local agency, with limited exceptions, to accept the substitute address designated by the SOS when creating a public record.
- Requires the SOS to forward all first-class mail sent by governmental agencies to the appropriate Program participants.
- Permits a Program participant to have his or her residence address, telephone number, and e-mail address appearing on the participant's voter registration card, or on any list, index, or roster of registered voters, declared confidential. Any person granted confidentiality under this provision must provide a valid mailing address and must become a permanent vote-by-mail voter for all subsequent elections, or until the elections official is notified otherwise by the SOS (or in writing by the voter).
- Requires any records or documents pertaining to a Program participant to be retained and held confidential for a period of three years after termination of certification and then destroyed.
- Permits the Program manager to terminate a Program participant's certification for, among other things, the participant's use of false information in the application process.
- Provides that a person who makes a false statement in an application for the Program is guilty of a misdemeanor.

This bill, among other things, would permit witnesses who testified in a murder trial to enroll in the Program and would require the Program manager to terminate the certification of a murder witness participant and invalidate his or her authorization card upon the participant's conviction of a misdemeanor or felony (if it was committed on or after the date of the participant's application).

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code	
	LA	(Dollars in Thousands)								
	CO	PROP	2011-2012		2012-2013		2013-2014			
RV	98	FC	FC	FC	FC					
1420/Sec Ste Fees	RV	No	-----	See Fiscal Summary	-----			0001		
0890/Secty State	SO	No	-----	See Fiscal Summary	-----			0001		
8885/Comm St Mndt	SO	No	-----	See Fiscal Summary	-----			0001		