

## Memorandum 2013-34

**2013 Legislative Program (Status Report)**

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The attached table summarizes the current status of the Commission's<sup>1</sup> 2013 legislative program.

The staff expects to prepare a written supplement to this memorandum, to discuss developing issues relating to the pending legislation. The supplement will be distributed closer to the August meeting date.

## POSSIBLE NEW COMMISSION STUDY

Senator Alex Padilla has introduced Senate Concurrent Resolution 54, which would assign a new study to the Commission. A copy of the resolution is attached. Under that resolution, the Commission would be charged with revising statutes that govern

access by state and local government agencies to customer information from communications service providers in order to do all of the following:

(a) Update statutes to reflect 21st Century mobile and Internet-based technologies.

(b) Protect customers' constitutional rights, including, but not limited to, the rights of privacy and free speech, and the freedom from unlawful searches and seizures.

(c) Enable state and local government agencies to protect public safety.

(d) Clarify the process communications service providers are required to follow in response to requests from state and local agencies for customer information or in order to take action that would affect a customer's service, with a specific description of whether a subpoena, warrant, court order, or other process or documentation is required....

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

If SCR 54 is enacted, the Commission will need to reallocate its resources to fit the new study into its current program of work. Although SCR 54 does not set a deadline for completion of the study, such a direct assignment from the Legislature should always be considered a high priority.

Respectfully submitted,

Brian Hebert  
Executive Director

# Status of 2013 Commission Legislative Program

As of July 11, 2013

		AB 567	AB 383	SB 745	SB 752						
	<b>Introduced</b>	2/20/13	2/14/13	2/22/13	2/22/13						
	<b>Last Amended</b>	—	5/28/13	6/25/13	6/24/13						
<b>First House</b>	Policy Committee	4/2/13	4/2/13	4/23/13	4/16/13						
	Second Committee	—	—		5/7/13						
	Passed House	4/8/13	4/8/13	5/2/13	5/16/13						
<b>Second House</b>	Policy Committee	6/4/13	6/25/13	6/19/13	7/2/13						
	Second Committee	—	—	7/3/13							
	Passed House	6/10/13	7/1/13								
<b>Concurrence</b>		—	7/3/13								
<b>Governor</b>	Received Approved	6/14/13									
		6/24/13									
<b>Secretary of State</b>	Date Chapter #	6/24/13									
		15									

**Bill List:** AB 567 (Wagner): Exemptions from Enforcement of Money Judgments  
 AB 383 (Wagner): Maintenance of the Codes (includes Deadly Weapons Clean-Up)  
 SB 745 (Committee on Transportation and Housing) CID Cleanup  
 SB 752 (Roth) Commercial and Industrial CIDs

Also of Interest:  
 SCR 54 (Padilla): CLRC Study of Government Access to Communication Records

**KEY**

*Italics:* Future or speculative

“—”: Not applicable

\*: Double referral, not fiscal

[date]: Deadline

**Introduced by Senator Padilla**

June 24, 2013

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Senate Concurrent Resolution No. 54—Relative to the California Law Revision Commission.

LEGISLATIVE COUNSEL’S DIGEST

SCR 54, as introduced, Padilla. California Law Revision Commission: referral for study.

Existing law requires the California Law Revision Commission to study any topic referred to it for study by concurrent resolution of the Legislature.

This measure would require the commission to report to the Legislature recommendations to revise statutes governing access by state and local government agencies to customer information from communications service providers, as specified.

Fiscal committee: yes.

1       WHEREAS, Widespread use of 21st Century mobile and  
2 Internet-based communications technologies and services enable  
3 service providers to monitor, collect, and retain large quantities of  
4 information regarding customers, including when and with whom  
5 a customer communicates or transacts business, location data, and  
6 the content of communications; and

7       WHEREAS, Government requests to communications service  
8 providers for customer information have increased dramatically  
9 in recent years, especially by law enforcement agencies; and

10       WHEREAS, California statutes governing access to customer  
11 information lack clarity and uniform definitions as to the legal  
12 standard for government agencies to obtain customer information

1 from communications service providers, and many were enacted  
2 prior to the advent of wireless mobile services and the Internet;  
3 and

4 WHEREAS, Revising and updating these statutes is necessary  
5 to reflect modern technologies and clarify the rights and  
6 responsibilities of customers, communications service providers,  
7 and government agencies seeking access to customer information;  
8 now, therefore, be it

9 *Resolved by the Senate of the State of California, the Assembly*  
10 *thereof concurring*, That the California Law Revision Commission  
11 shall report to the Legislature recommendations to revise statutes  
12 governing access by state and local government agencies to  
13 customer information from communications service providers in  
14 order to do all of the following:

15 (a) Update statutes to reflect 21st Century mobile and  
16 Internet-based technologies.

17 (b) Protect customers’ constitutional rights, including, but not  
18 limited to, the rights of privacy and free speech, and the freedom  
19 from unlawful searches and seizures.

20 (c) Enable state and local government agencies to protect public  
21 safety.

22 (d) Clarify the process communications service providers are  
23 required to follow in response to requests from state and local  
24 agencies for customer information or in order to take action that  
25 would affect a customer’s service, with a specific description of  
26 whether a subpoena, warrant, court order, or other process or  
27 documentation is required; and be it further

28 *Resolved*, That the Secretary of the Senate transmit copies of  
29 this resolution to the author for appropriate distribution.