



CaliforniaCivilLiberties.org

California Civil Liberties Advocacy  
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Monday, March 6, 2017

Assemblymember David Chiu  
State Capitol  
Room 4112  
Sacramento, CA 94249

RE: Assembly Bill 342

Dear Assemblymember Chiu,

The California Civil Liberties Advocacy (CCLA) is writing to **OPPOSE** Assembly Bill 342.

The members of the CCLA strongly feel that the authors of this bill have the sincere traffic safety interests at heart. Nonetheless, we would like to believe that most of the legislation that comes across the desk is well-intentioned. It is not the *intent* that we here address but the *effect*, especially the long-term effects that this legislation may have in view of advancing policies that continue to erode the privacy rights of ordinary citizens with each passing year.

First of all, we commend the authors for including language aimed at protecting low-income communities. But we also would like to point the out the futility of such language since low-income citizens are those who are most adversely affected by traffic fines. Wealthier violators are able to pay fines more easily, or even hire an attorney to fight their tickets (not to mention the ability to pay the bail before going to court). Lower-income people do not have the luxury of being able to afford a lawyer, and even those who are legally savvy often cannot afford to pay the bail before trial and opt, instead, to make payment arrangements. Others cannot afford to pay their fines at all. When people's licenses are suspended (or their vehicle registration is suspended in this case) this disastrously affects economic opportunities, the ability to find or keep stable employment, or maintain their credit ratings. Due to all of the aforementioned, it has been noted by journalists and legal scholars alike that cities tend to target low-income neighborhoods as a means for generating revenue. (Sharma, *Lawyer Calls Traffic Fines Punishment Of The Poor* (Jan. 30, 2017) KPBS, San Diego.)

Next, we again commend the bill's authors for including language intended to protect peoples' legitimate privacy interests. Unfortunately, the our state lawmakers continually fail to grasp the notion that this nation's framers intended to protect the peoples' privacy *from the government*. While the bill states that records may not be retained for more than 60 days after

*"Indifference to personal liberty is but the precursor of the state's hostility to it."*  
— Justice Kennedy, U.S. Supreme Court

disposition (120 for administrative records) it appears that the bill fails to address how long these records will be stored if a violator fails to respond to the notice of violation or pay the fine. There appears to be no mechanism that will prevent municipalities from encouraging law enforcement to use their discretion to actively monitor such vehicles (and their owners) by utilizing existing surveillance technologies, which could result in more discriminate traffic stops, more routine traffic fines, or even intimidation and harassment.

Finally, if the author wishes to work with the CCLA, then we also wish to see language regulating the use (or, rather, prohibiting the use) of ASE vis-à-vis streets and locations that might fall under the definition of an illegal "speed trap" pursuant to California Vehicle Code, section 40802. It is unfortunate that many California drivers are ticketed in locations that meet the criteria provided for in section 40802, but if municipalities begin utilizing ASE in areas known to fall under that definition, then it is only logical to conclude that they will experience a boost in revenues at the expense of drivers who could have avoided a fine altogether.

For all of the aforementioned reasons, the CCLA **OPPOSES** AB 342. We hope the authors will be amenable to working with us on amendments.

Respectfully,



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