

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1917 (Levine) – As Amended March 10, 2022

Policy Committee:	Privacy and Consumer Protection	Vote: 7 - 1
	Judiciary	7 - 2

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits law enforcement from conducting contact tracing, as defined, and authorizes a person to bring a civil action to obtain injunctive relief for a violation of these provisions.

FISCAL EFFECT:

Cost pressures (Trial Court Trust Fund) in the low hundreds of thousands of dollars in increased workload to the extent this bill creates a new civil action for injunctive relief. One hour of court time costs approximately \$1,000. If 20 petitions for injunctive relief are filed statewide requiring an average of 10 hours of court time each, the cost to the courts would be \$200,000. Although courts are not funded on the basis of workload, increased pressure on the courts and staff may create a need for increased funding from the GF or courts to perform existing duties.

COMMENTS:

1) **Purpose.** According to the author:

AB 1917 will ensure that law enforcement will not be conducting contact tracing in communities, to ensure that people feel safe sharing their and their close contacts' personal information to stop the spread of this virus and in potential future pandemics.

2) **Contact Tracing and Privacy.** Contact tracing typically entails interviewing people who are infected by a virus and asking them to identify everyone they had close contact with during the time they may have been infectious, notifying contacts of their potential exposure, referring contacts for testing, monitoring contacts for signs and symptoms of infection and connecting contacts with services they might need during a self-quarantine period. There are currently two forms of contact tracing being used. The first is contact tracing through technology-assisted applications, and the second is manual contact tracing. Many privacy concerns were raised in response to the dramatic increase in technology-assisted contact tracing efforts since the beginning of the COVID-19 pandemic. Officials using these methods have been forced to address serious complaints about certain applications' extensive user data-mining and poor security practices. There have also been privacy concerns with manual contact tracing as well.

According to the Department of Justice in 2021, scam artists pretended to be contact tracers to trick Californians into divulging their private personal information such as Social Security numbers, financial information or health insurance information. Finally, given that COVID-19 hit communities of color hardest, fear of law enforcement may have impeded effective contact tracing. It is arguable it would have been easier to gain community trust if law enforcement were legally prohibited from engaging in contact tracing.

- 3) **Related Legislation.** AB 814 (Levine) is similar to this bill in that it prohibits law enforcement from conducting contact tracing and created a private right of action to enforce a violation of that prohibition. AB 814 was held under submission by the Senate Appropriations Committee.

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