
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 1917 (Levine) - Personal information: contact tracing

Version: March 10, 2022

Urgency: No

Hearing Date: August 1, 2022

Policy Vote: JUD. 9 - 2, PUB. S. 4 - 1

Mandate: No

Consultant: Matthew Fleming

Bill Summary: AB 1917 would prohibit 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 Impact: Unknown, potentially significant cost pressures due to increased court workload to adjudicate civil actions for injunctive relief that are filed as a result of this measure (Special Fund – Trial Court Trust Fund, General Fund).

Background: Contact tracing is a critical component in fighting the spread of infectious diseases. It has been traditionally conducted by public health officials to identify those infected, those who have come into contact with the infected individuals, and working with all parties to disrupt the spread of the disease. Given the worldwide COVID-19 pandemic, the importance of contact tracing has been brought to light.

This bill places protective limitations on contact tracing in California. It prohibits the involvement of law enforcement agencies in contact tracing with limited exceptions for contact tracing within law enforcement agencies and jails and prisons. The bill authorizes a civil action seeking injunctive relief for a violation of its provisions and provides for reasonable attorney's fees for a prevailing plaintiff.

Proposed Law:

- Prohibits a correctional officer or an officer, deputy, employee, or agent of a law enforcement agency from conducting contact tracing, with the following two exceptions:
 - An employee of a law enforcement agency may conduct contact tracing of employees of the same law enforcement agency; and
 - A health care worker who is not a correctional officer may conduct contact tracing in a jail or prison.
- Defines “contact tracing” as identifying and monitoring individuals, through data collection and analysis, who may have had contact with an infectious person, as a means of controlling the spread of a communicable disease.
- Authorizes a person to bring a civil action seeking injunctive relief and reasonable attorneys’ fees for any violations.
- Defines additional terms for purposes of the bill.

Related Legislation: AB 814 (Levine, 2021) was similar to this bill in that it would have prohibited law enforcement from conducting contact tracing and create a private right of action to enforce a violation of that prohibition. AB 814 was held on this Committee's suspense file.

Staff Comments: It is unknown how many additional civil actions would be brought as a result of the implementation of this bill. However, it generally costs about \$8,000 to operate a courtroom for one eight-hour day. Consequently, if the DOJ filed suit under the provisions of this measure, that otherwise it would not be able to under existing law, and combined, those additional cases take 50 or more hours of court involvement, the cost pressures of this measure to the courts would surpass the Suspense File threshold.

Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund and staff workload may create a need for increased funding for courts from the General Fund (GF) to perform existing duties. Numerous trial court operations are funded through the imposition and collection of criminal fines and fees. However, the Legislature has reduced and eliminated criminal fines and fees over the past five years. As a result, the 2022-23 budget includes an ongoing annual allocation of \$151.5 million and a one-time allocation of \$10.3 million backfill from the General Fund in order to address declining revenue to the Trial Court Trust Fund.

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