

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 351

Introduced by Assembly Member La Suer
(Coauthors: Senators Margett, Soto, and Torlakson)

February 16, 2001

An act to amend Section 5164 of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 351, as amended, La Suer. Local recreational areas: personnel: prior criminal convictions.

(1) Existing law prohibits a county or city or city and county or special district, in connection with the operation of a park, playground, recreational center, or beach used for recreational purposes, from hiring for employment or as a volunteer any person in a position having supervisory or disciplinary authority over any minor, if the person has been convicted of specified crimes, and authorizes a county, city, city and county, or special district to screen, in accordance with specified law, any such prospective employee or volunteer for their criminal background.

This bill would require a county or city or city and county or special district to require *that* each such prospective employee or volunteer to

complete an application that inquires as to whether or not that individual has been convicted of any of those specified crimes, and *would require, instead of authorize, each of those entities to screen any such prospective employee or volunteer, having supervisory or disciplinary authority over any minor, for that person’s criminal background.* The bill would also make a technical, correcting change. By imposing a new duty on local agencies implementing its provisions, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5164 of the Public Resources Code is
2 amended to read:
3 5164. (a) A county or city or city and county or special
4 district shall not hire a person for employment, or hire a volunteer
5 to perform services, at a county or city or city and county or special
6 district operated park, playground, recreational center, or beach
7 used for recreational purposes, in a position having supervisory or
8 disciplinary authority over any minor, if that person has been
9 convicted of any offense specified in paragraph (1) of subdivision
10 (h) of Section 11105.3 of the Penal Code, or any offense specified
11 in paragraph (3) of subdivision (h) of Section 11105.3 of the Penal
12 Code. However, this section shall not apply to a misdemeanor
13 conviction under paragraph (3) of subdivision (h) of Section
14 11105.3 of the Penal Code unless that person has a total of three
15 or more misdemeanor or felony convictions specified in Section



1 11105.3 of the Penal Code within the immediately preceding
2 10-year period.

3 (b) (1) To give effect to this section, a county or city or city and
4 county or special district shall require each such prospective
5 employee or volunteer to complete an application that inquires as
6 to whether or not that individual has been convicted of any offense
7 specified in subdivision (a). The county or city or city and county
8 or special district ~~may~~ shall screen, pursuant to Section 11105.3 of
9 the Penal Code, any such prospective employee or volunteer,
10 having supervisory or disciplinary authority over any minor, for
11 that person's criminal background.

12 (2) Any local agency requests for Department of Justice
13 records pursuant to this subdivision shall include the prospective
14 employee's or volunteer's fingerprints, which may be taken by the
15 local agency, and any other data specified by the Department of
16 Justice. The request shall be made on a form approved by the
17 Department of Justice. No fee shall be charged to the local agency
18 for requesting the records of a prospective volunteer pursuant to
19 this subdivision.

20 SEC. 2. Notwithstanding Section 17610 of the Government
21 Code, if the Commission on State Mandates determines that this
22 act contains costs mandated by the state, reimbursement to local
23 agencies and school districts for those costs shall be made pursuant
24 to Part 7 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the claim for
26 reimbursement does not exceed one million dollars (\$1,000,000),
27 reimbursement shall be made from the State Mandates Claims
28 Fund.

