

**ASSEMBLY BILL**

**No. 2416**

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**Introduced by Assembly Member Bates**

February 21, 2002

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An act to add Section 12302.6 to the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2416, as introduced, Bates. In-Home Supportive Services Program.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Existing law requires each county to establish, or act as, an employer for IHSS personnel for purposes of provisions of statutory law regarding employer-employee relations.

This bill would require each county's IHSS employer of record to maintain a list of providers who are readily available to fill in as an IHSS provider for recipients who need immediate but temporary assistance. The bill would require, as a condition of being placed on the list, that an individual obtain a criminal record clearance as provided in the bill.

Because the bill would require each county to perform additional duties in administering the IHSS program, the bill would impose a state-mandated local program.

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 12302.6 is added to the Welfare and  
2 Institutions Code, to read:

3 12302.6. (a) Each employer of in-home supportive service  
4 providers as determined pursuant to Section 12302.25 shall  
5 maintain a list of providers who are readily available to fill in as  
6 an in-home supportive service provider for recipients who need  
7 immediate but temporary assistance.

8 (b) An individual shall not be included on a list established  
9 under subdivision (a) unless the individual has obtained a criminal  
10 record clearance pursuant to subdivision (c).

11 (c) (1) To obtain a criminal record clearance, the individual  
12 shall obtain fingerprints from a law enforcement agency or other  
13 local agency authorized to take fingerprints. The individual shall  
14 submit the fingerprints to the State Department of Social Services  
15 with a completed form, as prescribed by the department for this  
16 purpose. The department shall transmit the fingerprint record and  
17 a copy of the form to the Department of Justice. As an alternative,  
18 when available, live scan technology may be used pursuant to this  
19 paragraph.

20 (2) The Department of Justice shall search the state and Federal  
21 Bureau of Investigation criminal history information for a  
22 criminal record.

23 (3) If the individual has been convicted of a crime, other than  
24 a minor traffic violation, the Department of Justice shall provide  
25 to the employer of record that criminal record. If no criminal  
26 record information has been recorded, or if the record is limited to  
27 minor traffic violations, the Department of Justice shall provide  
28 the individual with a clearance stating that fact.



1 SEC. 2. Notwithstanding Section 17610 of the Government  
2 Code, if the Commission on State Mandates determines that this  
3 act contains costs mandated by the state, reimbursement to local  
4 agencies and school districts for those costs shall be made pursuant  
5 to Part 7 (commencing with Section 17500) of Division 4 of Title  
6 2 of the Government Code. If the statewide cost of the claim for  
7 reimbursement does not exceed one million dollars (\$1,000,000),  
8 reimbursement shall be made from the State Mandates Claims  
9 Fund.

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