

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2899

Introduced by Assembly Member Saldana

February 24, 2006

An act to add Section 12631 to the Government Code, relating to the Attorney General.

LEGISLATIVE COUNSEL'S DIGEST

AB 2899, as amended, Saldana. Host families: background checks.

Existing law requires any organization that regularly arranges the placement of international student exchange visitors to register with the Attorney General and authorizes the Attorney General to adopt regulations specifying the standards and requirements that an organization must meet to be registered. Existing law establishes the Registry of International Student Exchange Visitor Placement Organizations Fund in the State Treasury, into which registration fees are to be deposited, and provides that moneys in this fund, upon appropriation by the Legislature, shall be expended by the Attorney General for the exclusive purpose of administering these provisions.

This bill would require, effective July 1, 2007, each organization to ~~obtain from~~ *submit to the Department of Justice* host family applicants fingerprint images and other information necessary to obtain a criminal background check on each person 18 years of age and older who permanently resides with the family where the student would be placed *reside*. It would ~~require the organization to request, and the Attorney General to provide, information about state and federal conviction and arrest records.~~ It would ~~authorize~~ *require* the Attorney General *department* to charge a fee sufficient to cover the cost of

~~responding to processing~~ an organization’s request for a criminal background check under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 12631 is added to the Government
2 Code, to read:

3 12631. (a) An international student exchange visitor
4 program organization, as defined in subdivision (a) of Section
5 12621, and registered pursuant to Section 12623, shall submit to
6 the Department of Justice fingerprint images and related
7 information required by the Department of Justice of all host
8 family candidates 18 years of age and older and any individual
9 18 years of age and older residing at the host family residence
10 where the student would reside, for the purpose of obtaining
11 information about the existence and content of a record of state
12 or federal convictions and state or federal arrests and
13 information about the existence and content of a record of state
14 or federal arrests for which the Department of Justice establishes
15 that the person is free on bail or on his or her recognizance
16 pending trial or appeal.

17 (b) When received, the Department of Justice shall forward to
18 the Federal Bureau of Investigation requests for federal
19 summary criminal history information received pursuant to this
20 section. The Department of Justice shall review the information
21 returned from the Federal Bureau of Investigation and compile
22 and disseminate a fitness determination to the international
23 student exchange visitor program organization, as defined in
24 subdivision (a) of Section 12621.

25 (c) The Department of Justice shall provide a response to the
26 international student exchange visitor program organization, as
27 defined in subdivision (a) of Section 12621 pursuant to
28 paragraph (1) of subdivision (p) of Section 11105 of the Penal
29 Code.

30 (d) The international student exchange visitor program
31 organization, as defined in subdivision (a) of Section 12621 shall
32 request from the Department of Justice subsequent arrest

1 notification service, as provided pursuant to Section 11105.2 of
2 the Penal Code, for individuals described in subdivision (a).

3 (e) The Department of Justice shall charge a fee sufficient to
4 cover the cost of processing the request described in this section.

5 (f) This section shall become operative on July 1, 2007.

6 SECTION 1. ~~Section 12631 is added to the Government~~
7 ~~Code, to read:~~

8 ~~12631. (a) Each organization shall require, as part of an~~
9 ~~application to be a host family, that any person 18 years of age~~
10 ~~and older who permanently resides with the family where the~~
11 ~~student would be placed submit fingerprint images and any other~~
12 ~~information necessary for the organization to obtain a state and~~
13 ~~federal criminal background check.~~

14 ~~(b) For each person described in subdivision (a), the~~
15 ~~organization shall request from the Attorney General information~~
16 ~~as to the existence and content of any record of any of the~~
17 ~~following:~~

18 ~~(1) State and federal convictions.~~

19 ~~(2) State and federal arrests.~~

20 ~~(3) State and federal arrests for which the Attorney General~~
21 ~~determines that the person is free on bail or on his or her own~~
22 ~~recognizance pending trial or appeal.~~

23 ~~(c) The Attorney General shall forward the request of any~~
24 ~~organization for a criminal background check to the Federal~~
25 ~~Bureau of Investigation and report to the organization the~~
26 ~~information described in subdivision (b).~~

27 ~~(d) The Attorney General, for two years after receipt of a~~
28 ~~request for a criminal background check described in subdivision~~
29 ~~(b), shall notify the organization making the request of any~~
30 ~~arrests or convictions of any person included in the request that~~
31 ~~occur subsequent to the report made pursuant to subdivision (c).~~

32 ~~(e) The Attorney General shall charge an organization making~~
33 ~~a request under this section a fee sufficient to cover the cost of~~
34 ~~responding to that organization's request.~~

35 ~~(f) This section shall not become operative until July 1, 2007.~~