

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 17, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2423**

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**Introduced by Assembly Member Bass**

February 21, 2008

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An act to amend Sections ~~2878.9~~, 2878.9, 4521.1, 7396.5, and 7403 of, and to add Sections ~~2844~~, 2879, ~~4506~~, 4522, ~~4808.5~~, 4845, 4845.5, ~~7516~~, 7526.1, 7564.1, ~~8524.5~~, 8572, 8623, ~~9882.6~~, 9884.21, and 9884.22 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2423, as amended, Bass. Professions and vocations: licensure.

Existing law provides for the licensure, registration, and regulation of various professions and vocations by boards and bureaus, including, but not limited to, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Veterinary Medical Board, the State Board of Barbering and Cosmetology, the Structural Pest Control Board, the Bureau of Security and Investigative Services, and the Bureau of Automotive Repair, within the Department of Consumer Affairs.

Existing law authorizes a board to deny licensure on certain bases, including an applicant's conviction of a crime substantially related to the qualifications, functions, or duties of the licensed business or profession, regardless of whether the conviction has been dismissed on specified grounds; an applicant's performance of any act involving

dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another or to substantially injure another; or an applicant's performance of any act that would be grounds for suspension or revocation of the license. Existing law provides that no person shall be denied a license solely on the basis that he or she has been convicted of a felony, if he or she has obtained a specified certificate of rehabilitation, or that he or she has been convicted of a misdemeanor, if he or she has met certain rehabilitation requirements. Existing law requires a board that denies an application for licensure to either file and serve a statement of issues or provide the applicant with certain information upon doing so. Existing law authorizes a board to suspend or revoke a license on the basis that a licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the licensed business or profession, regardless of whether the conviction has been dismissed on specified grounds, and requires the board to provide the ex-licensee with certain information upon doing so. Existing law also authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California and the State Board of Barbering and Cosmetology to issue a probationary license to an applicant who meets specified requirements and conditions. Existing law also authorizes the State Board of Barbering and Cosmetology to revoke, suspend, or deny a license at any time on any of the grounds for disciplinary action and, upon the denial of a license, requires the board to provide a specified statement of reasons for the denial ~~and requires this board to conduct a specified study related to licensing functions that may create barriers to employing people with criminal records and to report these findings to the Legislature on or before September 1, 2007.~~

This bill would authorize the Veterinary Medical Board, with respect to registered veterinary technicians, the Structural Pest Control Board, and the Director of Consumer Affairs, with respect to licensed private investigators and registered automotive repair dealers, to issue *or grant* a probationary license or registration to an applicant subject to specified terms and conditions. The bill would require these boards, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the State Board of Barbering and Cosmetology, and the director, when considering the issuance *or granting* of a probationary license or registration, to request that an applicant with a dismissed conviction provide proof of that dismissal and would require that special consideration be given to applicants whose ~~criminal~~ convictions have

been dismissed, as specified. The bill would require the boards and the director to develop standard terms of probation, as specified. The bill would also authorize these boards and the director to revoke, suspend, or deny ~~at any time any required~~ a license or registration *at any time on any of the grounds for disciplinary action* and, upon the denial of a license or registration, would require these boards and the director to provide a specified statement of reasons for a denial and, if applicable, a copy of the applicant’s criminal history record. ~~The bill would require these boards, other than the State Board of Barbering and Cosmetology, and the director to conduct a specified study related to licensing or registration functions that may create barriers to employing people with criminal records and to report these findings to the Legislature on or before September 1, 2010.~~

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 2844 is added to the Business and~~
- 2     ~~Professions Code, to read:~~
- 3     ~~2844. (a) The board shall study the effects of current law,~~
- 4     ~~regulations, and policy related to the licensing functions of the~~
- 5     ~~board that may create unnecessary barriers to employing people~~
- 6     ~~with criminal records as licensed vocational nurses. The objective~~
- 7     ~~of the study shall be to identify changes in law or board policy to~~
- 8     ~~help remove unnecessary barriers to licensing due to criminal~~
- 9     ~~records while protecting the safety and security of patients and the~~
- 10    ~~integrity of the practice of vocational nursing. The board shall~~
- 11    ~~report all of its findings to the Legislature on or before September~~
- 12    ~~1, 2010.~~
- 13    ~~(b) For each of the calendar years 2003, 2004, 2005, 2006, and~~
- 14    ~~2007, the study shall provide the following information:~~
- 15    ~~(1) The total number of applicants.~~
- 16    ~~(2) The number of applicants who were denied licensure.~~
- 17    ~~(3) The number of applicants who disclosed a criminal record~~
- 18    ~~on their application. Of those applicants:~~
- 19    ~~(A) The number of applicants who were denied licensure.~~
- 20    ~~(B) The number of applicants who were denied licensure who~~
- 21    ~~requested a hearing to appeal the decision.~~

1 ~~(C) The number of applicants whose appeal resulted in reversal~~  
2 ~~or modification of the decision, including the issuance of a~~  
3 ~~probationary license.~~

4 ~~(D) The age and severity of each offense.~~

5 ~~(E) The number of applicants with nonviolent drug offenses.~~

6 ~~(F) The number of applicants with misdemeanor offenses.~~

7 ~~(G) The number of applicants that were asked by the board to~~  
8 ~~supply additional information relating to their criminal record.~~

9 ~~(H) The number of applicants who provided evidence of~~  
10 ~~rehabilitation.~~

11 ~~(4) The criteria applied by the board to determine whether an~~  
12 ~~applicant's criminal record is substantially related to the requested~~  
13 ~~license, including the specific categories of disqualifying offenses~~  
14 ~~and any criteria related to the age and severity of the disqualifying~~  
15 ~~offenses.~~

16 ~~(5) The criteria applied by the board to determine whether an~~  
17 ~~applicant has been sufficiently rehabilitated, including an analysis~~  
18 ~~of the factors that most often lead to a determination of~~  
19 ~~rehabilitation resulting in licensing.~~

20 ~~(6) The average length of time that an appeal was pending~~  
21 ~~relative to the date of the hearing request and final decision.~~

22 ~~(7) The number and percentage of appeals pending longer than~~  
23 ~~30 days and longer than 100 days from the time the applicant~~  
24 ~~requested the hearing.~~

25 ~~SEC. 2.~~

26 *SECTION 1.* Section 2878.9 of the Business and Professions  
27 Code is amended to read:

28 2878.9. (a) The board may issue an initial license on probation,  
29 with specific terms and conditions, to any applicant who has  
30 violated any term of this chapter, but who has met all other  
31 requirements for licensure and who has successfully completed  
32 the examination for licensure within four years of the date of  
33 issuance of the initial license.

34 (b) Specific terms and conditions may include, but are not  
35 limited to, the following:

- 36 (1) Continuing medical, psychiatric, or psychological treatment.
- 37 (2) Ongoing participation in a specified rehabilitation program.
- 38 (3) Abstention from the use of alcohol or drugs.
- 39 (4) Compliance with all provisions of this chapter.

1 (c) (1) Notwithstanding any other provision of law, and for  
2 purposes of this section, when deciding whether to issue a  
3 probationary license, the board shall request that an applicant with  
4 a dismissed conviction provide proof of that dismissal ~~and~~

5 ~~shall~~ *and shall* give special consideration to applicants whose  
6 convictions have been dismissed pursuant to Section 1203.4 or  
7 1203.4a of the Penal Code.

8 (2) The board shall also take into account and consider any other  
9 reasonable documents or individual character references provided  
10 by the applicant that may serve as evidence of rehabilitation as  
11 deemed appropriate by the board.

12 (d) The board may modify or terminate the terms and conditions  
13 imposed on the probationary license upon receipt of a petition  
14 from the applicant or licensee.

15 (e) For purposes of issuing a probationary license to qualified  
16 new applicants, the board shall develop standard terms of probation  
17 that shall include, but not be limited to, the following:

18 (1) A three-year limit on the individual probationary license.

19 (2) A process to obtain a standard license for applicants who  
20 were issued a probationary license.

21 (3) Supervision requirements.

22 (4) Compliance and quarterly reporting requirements.

23 ~~SEC. 3.~~

24 *SEC. 2.* Section 2879 is added to the Business and Professions  
25 Code, to read:

26 2879. (a) Notwithstanding Section 2878 or any other provision  
27 of law, the board may revoke, suspend, or deny at any time a  
28 license under this chapter on any of the grounds for disciplinary  
29 action provided in this chapter. The proceedings under this section  
30 shall be conducted in accordance with Chapter 5 (commencing  
31 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
32 Government Code, and the board shall have all the powers granted  
33 therein.

34 (b) The board may deny a license to an applicant on any of the  
35 grounds specified in Section 480.

36 (c) In addition to the requirements provided in Sections 485 and  
37 486, upon denial of an application for a license, the board shall  
38 provide a statement of reasons for the denial that does the  
39 following:

1 (1) Evaluates evidence of rehabilitation submitted by the  
2 applicant, if any.

3 (2) Provides the board's criteria relating to rehabilitation,  
4 formulated pursuant to Section 482, that takes into account the age  
5 and severity of the offense, and the evidence relating to  
6 participation in treatment or other rehabilitation programs.

7 (3) If the board's decision was based on the applicant's prior  
8 criminal conviction, justifies the board's denial of a license and  
9 conveys the reasons why the prior criminal conviction is  
10 substantially related to the qualifications, functions, or duties of a  
11 licensed vocational nurse.

12 (d) (1) If the denial of a license is due at least in part to the  
13 applicant's state or federal criminal history record, the board shall  
14 include with the information provided pursuant to paragraph (3)  
15 of subdivision (c) a copy of the applicant's criminal history record.

16 (A) The state or federal criminal history record shall not be  
17 modified or altered from its form or content as provided by the  
18 Department of Justice.

19 (B) The criminal history record shall be provided in such a  
20 manner as to protect the confidentiality and privacy of the  
21 applicant's criminal history record and the criminal history record  
22 shall not be made available by the board to any employer.

23 (C) The board shall record and maintain the name of the  
24 applicant, the applicant's address, and the date the criminal history  
25 record was provided by the board to the applicant pursuant to this  
26 section.

27 (2) The board shall make this information available upon request  
28 by the Department of Justice or the Federal Bureau of Investigation.

29 (e) Notwithstanding Section 487, the board shall conduct a  
30 hearing of a license denial within 90 days of receiving an  
31 applicant's request for a hearing. For all other hearing requests,  
32 the board shall determine when the hearing shall be conducted.

33 ~~(f) In any case in which the administrative law judge~~  
34 ~~recommends that the board revoke, suspend, or deny a license, the~~  
35 ~~administrative law judge may, upon presentation of suitable proof,~~  
36 ~~order the licensee to pay the board the reasonable costs of the~~  
37 ~~investigation and adjudication of the case. For purposes of this~~  
38 ~~section, "costs" include any charges by the board for investigating~~  
39 ~~the case, any charges incurred by the office of the Attorney General~~  
40 ~~for investigating and presenting the case, and any charges incurred~~

1 by the Office of Administrative Hearings for hearing the case and  
2 issuing a proposed decision.

3 ~~(g) The costs to be assessed shall be fixed by the administrative  
4 law judge and shall not, in any event, be increased by the board.  
5 When the board does not adopt a proposed decision and remands  
6 the case to an administrative law judge, the administrative law  
7 judge shall not increase the amount of any costs assessed in the  
8 proposed decision.~~

9 ~~(h) The board may enforce the order for payment in the superior  
10 court in the county where the administrative hearing was held.  
11 This right of enforcement shall be in addition to any other rights  
12 the board may have as to any licensee directed to pay costs.~~

13 ~~(i) In any judicial action for the recovery of costs, proof of the  
14 board's decision shall be conclusive proof of the validity of the  
15 order of payment and the terms for payment.~~

16 ~~(j) Notwithstanding any other provision of law, all costs  
17 recovered by the board under this section shall be deposited in the  
18 Vocational Nursing and Psychiatric Technicians Fund as a  
19 scheduled reimbursement in the fiscal year in which the costs are  
20 actually recovered.~~

21 ~~SEC. 4. Section 4506 is added to the Business and Professions  
22 Code, to read:~~

23 ~~4506. (a) The board shall study the effects of current law,  
24 regulations, and policy related to the licensing functions of the  
25 board that may create unnecessary barriers to employing people  
26 with criminal records as licensed psychiatric technicians. The  
27 objective of the study shall be to identify changes in law or board  
28 policy to help remove unnecessary barriers to licensing due to  
29 criminal records while protecting the safety and security of patients  
30 and the integrity of the practice of psychiatric technicians. The  
31 board shall report all of its findings to the Legislature on or before  
32 September 1, 2010.~~

33 ~~(b) For each of the calendar years 2003, 2004, 2005, 2006, and  
34 2007, the study shall provide the following information:~~

- 35 ~~(1) The total number of applicants.~~
- 36 ~~(2) The number of applicants who were denied licensure.~~
- 37 ~~(3) The number of applicants who disclosed a criminal record  
38 on their application. Of those applicants:~~
  - 39 ~~(A) The number of applicants who were denied licensure.~~

1 ~~(B) The number of applicants who were denied licensure who~~  
2 ~~requested a hearing to appeal the decision.~~

3 ~~(C) The number of applicants whose appeal resulted in reversal~~  
4 ~~or modification of the decision, including the issuance of a~~  
5 ~~probationary license.~~

6 ~~(D) The age and severity of each offense.~~

7 ~~(E) The number of applicants with nonviolent drug offenses.~~

8 ~~(F) The number of applicants with misdemeanor offenses.~~

9 ~~(G) The number of applicants that were asked by the board to~~  
10 ~~supply additional information relating to their criminal record.~~

11 ~~(H) The number of applicants who provided evidence of~~  
12 ~~rehabilitation.~~

13 ~~(4) The criteria applied by the board to determine whether an~~  
14 ~~applicant's criminal record is substantially related to the requested~~  
15 ~~license, including the specific categories of disqualifying offenses~~  
16 ~~and any criteria related to the age and severity of the disqualifying~~  
17 ~~offenses.~~

18 ~~(5) The criteria applied by the board to determine whether an~~  
19 ~~applicant has been sufficiently rehabilitated, including an analysis~~  
20 ~~of the factors that most often lead to a determination of~~  
21 ~~rehabilitation resulting in licensing.~~

22 ~~(6) The average length of time that an appeal was pending~~  
23 ~~relative to the date of the hearing request and final decision.~~

24 ~~(7) The number and percentage of appeals pending longer than~~  
25 ~~30 days and longer than 100 days from the time the applicant~~  
26 ~~requested the hearing.~~

27 ~~SEC. 5.~~

28 *SEC. 3.* Section 4521.1 of the Business and Professions Code  
29 is amended to read:

30 4521.1. (a) The board may issue an initial license on probation,  
31 with specific terms and conditions, to any applicant who has  
32 violated any term of this chapter, but who has met all other  
33 requirements for licensure and who has successfully completed  
34 the examination for licensure within four years of the date of  
35 issuance of the initial license.

36 (b) Specific terms and conditions may include, but are not  
37 limited to, the following:

38 (1) Continuing medical, psychiatric, or psychological treatment.

39 (2) Ongoing participation in a specified rehabilitation program.

40 (3) Abstention from the use of alcohol or drugs.

1 (4) Compliance with all provisions of this chapter.

2 (c) (1) Notwithstanding any other provision of law, and for  
3 purposes of this section, when deciding whether to issue a  
4 probationary license, the board shall request that an applicant with  
5 a dismissed conviction provide proof of that dismissal ~~and~~  
6 ~~shall~~ *and shall* give special consideration to applicants whose  
7 convictions have been dismissed pursuant to Section 1203.4 or  
8 1203.4a of the Penal Code.

9 (2) The board shall also take into account and consider any other  
10 reasonable documents or individual character references provided  
11 by the applicant that may serve as evidence of rehabilitation as  
12 deemed appropriate by the board.

13 (d) The board may modify or terminate the terms and conditions  
14 imposed on the probationary license upon receipt of a petition  
15 from the applicant or licensee.

16 (e) For purposes of issuing a probationary license to qualified  
17 new applicants, the board shall develop standard terms of probation  
18 that shall include, but not be limited to, the following:

19 (1) A three-year limit on the individual probationary license.

20 (2) A process to obtain a standard license for applicants who  
21 were issued a probationary license.

22 (3) Supervision requirements.

23 (4) Compliance and quarterly reporting requirements.

24 ~~SEC. 6.~~

25 *SEC. 4.* Section 4522 is added to the Business and Professions  
26 Code, to read:

27 4522. (a) Notwithstanding Section 4521 or any other provision  
28 of law, the board may revoke, suspend, or deny at any time a  
29 license under this chapter on any of the grounds for disciplinary  
30 action provided in this chapter. The proceedings under this section  
31 shall be conducted in accordance with Chapter 5 (commencing  
32 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
33 Government Code, and the board shall have all the powers granted  
34 therein.

35 (b) The board may deny a license to an applicant on any of the  
36 grounds specified in Section 480.

37 (c) In addition to the requirements provided in Sections 485 and  
38 486, upon denial of an application for a license, the board shall  
39 provide a statement of reasons for the denial that does the  
40 following:

- 1 (1) Evaluates evidence of rehabilitation submitted by the  
2 applicant, if any.
- 3 (2) Provides the board’s criteria relating to rehabilitation,  
4 formulated pursuant to Section 482, that takes into account the age  
5 and severity of the offense, and the evidence relating to  
6 participation in treatment or other rehabilitation programs.
- 7 (3) If the board’s decision was based on the applicant’s prior  
8 criminal conviction, justifies the board’s denial of a license and  
9 conveys the reasons why the prior criminal conviction is  
10 substantially related to the qualifications, functions, or duties of a  
11 licensed psychiatric technician.
- 12 (d) (1) If the denial of a license is due at least in part to the  
13 applicant’s state or federal criminal history record, the board shall  
14 include with the information provided pursuant to paragraph (3)  
15 of subdivision (c) a copy of the applicant’s criminal history record.
- 16 (A) The state or federal criminal history record shall not be  
17 modified or altered from its form or content as provided by the  
18 Department of Justice.
- 19 (B) The criminal history record shall be provided in such a  
20 manner as to protect the confidentiality and privacy of the  
21 applicant’s criminal history record and the criminal history record  
22 shall not be made available by the board to any employer.
- 23 (C) The board shall record and maintain the name of the  
24 applicant, the applicant’s address, and the date the criminal history  
25 record was provided by the board to the applicant pursuant to this  
26 section.
- 27 (2) The board shall make that information available upon request  
28 by the Department of Justice or the Federal Bureau of Investigation.
- 29 (e) Notwithstanding Section 487, the board shall conduct a  
30 hearing of a license denial within 90 days of receiving an  
31 applicant’s request for a hearing. For all other hearing requests,  
32 the board shall determine when the hearing shall be conducted.
- 33 ~~(f) In any case in which the administrative law judge~~  
34 ~~recommends that the board revoke, suspend, or deny a license, the~~  
35 ~~administrative law judge may, upon presentation of suitable proof,~~  
36 ~~order the licensee to pay the board the reasonable costs of the~~  
37 ~~investigation and adjudication of the case. For purposes of this~~  
38 ~~section, “costs” include any charges by the board for investigating~~  
39 ~~the case, any charges incurred by the office of the Attorney General~~  
40 ~~for investigating and presenting the case, and any charges incurred~~

1 by the Office of Administrative Hearings for hearing the case and  
2 issuing a proposed decision.

3 ~~(g) The costs to be assessed shall be fixed by the administrative  
4 law judge and shall not, in any event, be increased by the board.  
5 When the board does not adopt a proposed decision and remands  
6 the case to an administrative law judge, the administrative law  
7 judge shall not increase the amount of any costs assessed in the  
8 proposed decision.~~

9 ~~(h) The board may enforce the order for payment in the superior  
10 court in the county where the administrative hearing was held.  
11 This right of enforcement shall be in addition to any other rights  
12 the board may have as to any licensee directed to pay costs.~~

13 ~~(i) In any judicial action for the recovery of costs, proof of the  
14 board's decision shall be conclusive proof of the validity of the  
15 order of payment and the terms for payment.~~

16 ~~(j) Notwithstanding any other provision of law, all costs  
17 recovered by the board under this section shall be deposited in the  
18 Vocational Nursing and Psychiatric Technicians Fund as a  
19 scheduled reimbursement in the fiscal year in which the costs are  
20 actually recovered.~~

21 ~~SEC. 7. Section 4808.5 is added to the Business and Professions  
22 Code, to read:~~

23 ~~4808.5. (a) The board shall study the effects of current law,  
24 regulations, and policy related to the registration functions of the  
25 board that may create unnecessary barriers to employing people  
26 with criminal records as registered veterinary technicians. The  
27 objective of the study shall be to identify changes in law or board  
28 policy to help remove unnecessary barriers to registration due to  
29 criminal records while protecting the safety and security of animals  
30 and the integrity of the practice of registered veterinary technicians.  
31 The board shall report all of its findings to the Legislature on or  
32 before September 1, 2010.~~

33 ~~(b) For each of the calendar years 2003, 2004, 2005, 2006, and  
34 2007, the study shall provide the following information:~~

- 35 ~~(1) The total number of applicants.  
36 (2) The number of applicants who were denied registration.  
37 (3) The number of applicants who disclosed a criminal record  
38 on their application. Of those applicants:  
39 (A) The number of applicants who were denied registration.~~

1 ~~(B) The number of applicants who were denied registration who~~  
2 ~~requested a hearing to appeal the decision.~~

3 ~~(C) The number of applicants whose appeal resulted in reversal~~  
4 ~~or modification of the decision, including the issuance of a~~  
5 ~~probationary registration.~~

6 ~~(D) The age and severity of each offense.~~

7 ~~(E) The number of applicants with nonviolent drug offenses.~~

8 ~~(F) The number of applicants with misdemeanor offenses.~~

9 ~~(G) The number of applicants that were asked by the board to~~  
10 ~~supply additional information relating to their criminal record.~~

11 ~~(H) The number of applicants who provided evidence of~~  
12 ~~rehabilitation.~~

13 ~~(4) The criteria applied by the board to determine whether an~~  
14 ~~applicant's criminal record is substantially related to the requested~~  
15 ~~registration, including the specific categories of disqualifying~~  
16 ~~offenses and any criteria related to the age and severity of the~~  
17 ~~disqualifying offenses.~~

18 ~~(5) The criteria applied by the board to determine whether an~~  
19 ~~applicant has been sufficiently rehabilitated, including an analysis~~  
20 ~~of the factors that most often lead to a determination of~~  
21 ~~rehabilitation resulting in licensing.~~

22 ~~(6) The average length of time that an appeal was pending~~  
23 ~~relative to the date of the hearing request and final decision.~~

24 ~~(7) The number and percentage of appeals pending longer than~~  
25 ~~30 days and longer than 100 days from the time the applicant~~  
26 ~~requested the hearing.~~

27 ~~SEC. 8.~~

28 *SEC. 5.* Section 4845 is added to the Business and Professions  
29 Code, to read:

30 4845. (a) Notwithstanding any other provision of law, the  
31 board may, in its sole discretion, issue a probationary registration  
32 to an applicant subject to terms and conditions deemed appropriate  
33 by the board, including, but not limited to, the following:

- 34 (1) Continuing medical, psychiatric, or psychological treatment.
- 35 (2) Ongoing participation in a specified rehabilitation program.
- 36 (3) Abstention from the use of alcohol or drugs.
- 37 (4) Compliance with all provisions of this chapter.

38 (b) (1) Notwithstanding any other provision of law, and for  
39 purposes of this section, when deciding whether to issue a

1 probationary registration, the board shall request that an applicant  
2 with a dismissed conviction provide proof of that dismissal ~~and~~  
3 ~~shall~~ and shall give special consideration to applicants whose  
4 convictions have been dismissed pursuant to Section 1203.4 or  
5 1203.4a of the Penal Code.

6 (2) The board shall also take into account and consider any other  
7 reasonable documents or individual character references provided  
8 by the applicant that may serve as evidence of rehabilitation as  
9 deemed appropriate by the board.

10 (c) The board may modify or terminate the terms and conditions  
11 imposed on the probationary registration upon receipt of a petition  
12 from the applicant or registrant.

13 (d) For purposes of issuing a probationary license to qualified  
14 new applicants, the board shall develop standard terms of probation  
15 that shall include, but not be limited to, the following:

16 (1) A three-year limit on the individual probationary registration.

17 (2) A process to obtain a standard registration for applicants  
18 who were issued a probationary registration.

19 (3) Supervision requirements.

20 (4) Compliance and quarterly reporting requirements.

21 ~~SEC. 9.~~

22 *SEC. 6.* Section 4845.5 is added to the Business and Professions  
23 Code, to read:

24 4845.5. (a) Notwithstanding Sections 4837 and 4842.6 or any  
25 other provision of law, the board may revoke, suspend, or deny at  
26 any time a registration under this article on any of the grounds for  
27 disciplinary action provided in this article. The proceedings under  
28 this section shall be conducted in accordance with Chapter 5  
29 (commencing with Section 11500) of Part 1 of Division 3 of Title  
30 2 of the Government Code, and the board shall have all the powers  
31 granted therein.

32 (b) The board may deny a registration to an applicant on any of  
33 the grounds specified in Section 480.

34 (c) In addition to the requirements provided in Sections 485 and  
35 486, upon denial of an application for registration, the board shall  
36 provide a statement of reasons for the denial that does the  
37 following:

38 (1) Evaluates evidence of rehabilitation submitted by the  
39 applicant, if any.

1 (2) Provides the board's criteria relating to rehabilitation,  
2 formulated pursuant to Section 482, that takes into account the age  
3 and severity of the offense, and the evidence relating to  
4 participation in treatment or other rehabilitation programs.

5 (3) If the board's decision was based on the applicant's prior  
6 criminal conviction, justifies the board's denial of a registration  
7 and conveys the reasons why the prior criminal conviction is  
8 substantially related to the qualifications, functions, or duties of a  
9 registered veterinary technician.

10 (d) (1) If the denial of a registration is due at least in part to the  
11 applicant's state or federal criminal history record, the board shall  
12 include with the information provided pursuant to paragraph (3)  
13 of subdivision (c) a copy of the applicant's criminal history record.

14 (A) The state or federal criminal history record shall not be  
15 modified or altered from its form or content as provided by the  
16 Department of Justice.

17 (B) The criminal history record shall be provided in such a  
18 manner as to protect the confidentiality and privacy of the  
19 applicant's criminal history record and the criminal history record  
20 shall not be made available by the board to any employer.

21 (C) The board shall record and maintain the name of the  
22 applicant, the applicant's address, and the date the criminal history  
23 record was provided by the board to the applicant pursuant to this  
24 section.

25 (2) The board shall make that information available upon request  
26 by the Department of Justice or the Federal Bureau of Investigation.

27 (e) Notwithstanding Section 487, the board shall conduct a  
28 hearing of a registration denial within 90 days of receiving an  
29 applicant's request for a hearing. For all other hearing requests,  
30 the board shall determine when the hearing shall be conducted.

31 ~~(f) In any case in which the administrative law judge~~  
32 ~~recommends that the board revoke, suspend, or deny a registration,~~  
33 ~~the administrative law judge may, upon presentation of suitable~~  
34 ~~proof, order the registrant to pay the board the reasonable costs of~~  
35 ~~the investigation and adjudication of the case. For purposes of this~~  
36 ~~section, "costs" include any charges by the board for investigating~~  
37 ~~the case, any charges incurred by the office of the Attorney General~~  
38 ~~for investigating and presenting the case, and any charges incurred~~  
39 ~~by the Office of Administrative Hearings for hearing the case and~~  
40 ~~issuing a proposed decision.~~

1 ~~(g) The costs to be assessed shall be fixed by the administrative~~  
2 ~~law judge and shall not, in any event, be increased by the board.~~  
3 ~~When the board does not adopt a proposed decision and remands~~  
4 ~~the case to an administrative law judge, the administrative law~~  
5 ~~judge shall not increase the amount of any costs assessed in the~~  
6 ~~proposed decision.~~

7 ~~(h) The board may enforce the order for payment in the superior~~  
8 ~~court in the county where the administrative hearing was held.~~  
9 ~~This right of enforcement shall be in addition to any other rights~~  
10 ~~the board may have as to any registrant directed to pay costs.~~

11 ~~(i) In any judicial action for the recovery of costs, proof of the~~  
12 ~~board's decision shall be conclusive proof of the validity of the~~  
13 ~~order of payment and the terms for payment.~~

14 ~~(j) Notwithstanding any other provision of law, all costs~~  
15 ~~recovered by the board under this section shall be deposited in the~~  
16 ~~Veterinary Medical Board Contingent Fund as a scheduled~~  
17 ~~reimbursement in the fiscal year in which the costs are actually~~  
18 ~~recovered.~~

19 ~~SEC. 10.~~

20 *SEC. 7.* Section 7396.5 of the Business and Professions Code  
21 is amended to read:

22 7396.5. (a) Notwithstanding any other provision of law, the  
23 board may, in its sole discretion, issue a probationary license to  
24 an applicant subject to terms and conditions deemed appropriate  
25 by the board, including, but not limited to, the following:

- 26 (1) Continuing medical, psychiatric, or psychological treatment.
- 27 (2) Ongoing participation in a specified rehabilitation program.
- 28 (3) Abstention from the use of alcohol or drugs.
- 29 (4) Compliance with all provisions of this chapter.

30 (b) (1) Notwithstanding any other provision of law, and for  
31 purposes of this section, when deciding whether to issue a  
32 probationary license, the board shall request that an applicant with  
33 a dismissed conviction provide proof of that dismissal and shall  
34 give special consideration to applicants whose convictions have  
35 been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal  
36 Code.

37 (2) The board shall also take into account and consider any other  
38 reasonable documents or individual character references provided  
39 by the applicant that may serve as evidence of rehabilitation as  
40 deemed appropriate by the board.

1 (c) The board may modify or terminate the terms and conditions  
2 imposed on the probationary license upon receipt of a petition  
3 from the applicant or licensee.

4 (d) For purposes of issuing a probationary license to qualified  
5 new applicants, the board shall develop standard terms of probation  
6 that shall include, but not be limited to, the following:

- 7 (1) A three-year limit on the individual probationary license.
- 8 (2) A process to obtain a standard license for applicants who  
9 were issued a probationary license.
- 10 (3) Supervision requirements.
- 11 (4) Compliance and quarterly reporting requirements.

12 ~~SEC. 11.~~

13 *SEC. 8.* Section 7403 of the Business and Professions Code is  
14 amended to read:

15 7403. (a) Notwithstanding any other provision of law, the  
16 board may revoke, suspend, or deny at any time any license  
17 required by this chapter on any of the grounds for disciplinary  
18 action provided in this article. The proceedings under this article  
19 shall be conducted in accordance with Chapter 5 (commencing  
20 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
21 Government Code, and the board shall have all the powers granted  
22 therein.

23 (b) The board may deny a license to an applicant on any of the  
24 grounds specified in Section 480.

25 (c) In addition to the requirements provided in Sections 485 and  
26 486, upon denying a license to an applicant, the board shall provide  
27 a statement of reasons for the denial that does the following:

- 28 (1) Evaluates evidence of rehabilitation submitted by the  
29 applicant, if any.
- 30 (2) Provides the board’s criteria relating to rehabilitation,  
31 formulated pursuant to Section 482, that takes into account the age  
32 and severity of the offense, and the evidence relating to  
33 participation in treatment or other rehabilitation programs.

34 (3) If the board’s decision was based on the applicant’s prior  
35 criminal conviction, justifies the board’s denial of a license and  
36 conveys the reasons why the prior criminal conviction is  
37 substantially related to the qualifications, functions, or duties of a  
38 barber or cosmetologist.

39 (d) (1) If the denial of a license is due at least in part to the  
40 applicant’s state or federal criminal history record, the board shall

1 include with the information provided pursuant to paragraph (3)  
2 of subdivision (c) a copy of the applicant's criminal history record.

3 (A) The state or federal criminal history record shall not be  
4 modified or altered from its form or content as provided by the  
5 Department of Justice.

6 (B) The criminal history record shall be provided in such a  
7 manner as to protect the confidentiality and privacy of the  
8 applicant's criminal history record and the criminal history record  
9 shall not be made available by the board to any employer.

10 (C) The board shall record and maintain the name of the  
11 applicant, the applicant's address, and the date the criminal history  
12 record was provided by the board to the applicant pursuant to this  
13 section.

14 (2) The board shall make this information available upon request  
15 by the Department of Justice or the Federal Bureau of Investigation.

16 (e) Notwithstanding Section 487, the board shall conduct a  
17 hearing of a license denial within 90 days of receiving an  
18 applicant's request for a hearing. For all other hearing requests,  
19 the board shall determine when the hearing shall be conducted.

20 (f) In any case in which the administrative law judge  
21 recommends that the board revoke, suspend or deny a license, the  
22 administrative law judge may, upon presentation of suitable proof,  
23 order the licensee to pay the board the reasonable costs of the  
24 investigation and adjudication of the case. For purposes of this  
25 section, "costs" include charges by the board for investigating the  
26 case, charges incurred by the office of the Attorney General for  
27 investigating and presenting the case, and charges incurred by the  
28 Office of Administrative Hearings for hearing the case and issuing  
29 a proposed decision.

30 (g) The costs to be assessed shall be fixed by the administrative  
31 law judge and shall not, in any event, be increased by the board.  
32 When the board does not adopt a proposed decision and remands  
33 the case to an administrative law judge, the administrative law  
34 judge shall not increase the amount of any costs assessed in the  
35 proposed decision.

36 (h) The board may enforce the order for payment in the superior  
37 court in the county where the administrative hearing was held.  
38 This right of enforcement shall be in addition to any other rights  
39 the board may have as to any licensee directed to pay costs.

1 (i) In any judicial action for the recovery of costs, proof of the  
2 board's decision shall be conclusive proof of the validity of the  
3 order of payment and the terms for payment.

4 (j) Notwithstanding any other provision of law, all costs  
5 recovered under this section shall be deposited in the board's  
6 contingent fund as a scheduled reimbursement in the fiscal year  
7 in which the costs are actually recovered.

8 ~~SEC. 12.— Section 7516 is added to the Business and Professions~~  
9 ~~Code, to read:~~

10 ~~7516. (a) The director shall study the effects of current law,~~  
11 ~~regulations, and policy related to the licensing functions of the~~  
12 ~~director that may create unnecessary barriers to employing people~~  
13 ~~with criminal records as licensed private investigators. The~~  
14 ~~objective of the study shall be to identify changes in law or the~~  
15 ~~director's policy to help remove unnecessary barriers to licensure~~  
16 ~~due to criminal records while protecting the safety and security of~~  
17 ~~customers and the integrity of the private investigation business.~~  
18 ~~The director shall report all of his or her findings to the Legislature~~  
19 ~~on or before September 1, 2010.~~

20 ~~(b) For each of the calendar years 2003, 2004, 2005, 2006, and~~  
21 ~~2007, the study shall provide the following information:~~

- 22 ~~(1) The total number of applicants.~~  
23 ~~(2) The number of applicants who were denied a license.~~  
24 ~~(3) The number of applicants who disclosed a criminal record~~  
25 ~~on their application. Of those applicants:~~  
26 ~~(A) The number of applicants who were denied licensure.~~  
27 ~~(B) The number of applicants who were denied licensure who~~  
28 ~~requested a hearing to appeal the decision.~~  
29 ~~(C) The number of applicants whose appeal resulted in reversal~~  
30 ~~or modification of the decision, including the issuance of a~~  
31 ~~probationary license.~~  
32 ~~(D) The age and severity of each offense.~~  
33 ~~(E) The number of applicants with nonviolent drug offenses.~~  
34 ~~(F) The number of applicants with misdemeanor offenses.~~  
35 ~~(G) The number of applicants that were asked by the director~~  
36 ~~to supply additional information relating to their criminal record.~~  
37 ~~(H) The number of applicants who provided evidence of~~  
38 ~~rehabilitation.~~  
39 ~~(4) The criteria applied by the director to determine whether an~~  
40 ~~applicant's criminal record is substantially related to the requested~~

1 license, including the specific categories of disqualifying offenses  
2 and any criteria related to the age and severity of the disqualifying  
3 offenses.

4 ~~(5) The criteria applied by the director to determine whether an~~  
5 ~~applicant has been sufficiently rehabilitated, including an analysis~~  
6 ~~of the factors that most often lead to a determination of~~  
7 ~~rehabilitation resulting in licensure.~~

8 ~~(6) The average length of time that an appeal was pending~~  
9 ~~relative to the date of the hearing request and final decision.~~

10 ~~(7) The number and percentage of appeals pending longer than~~  
11 ~~30 days and longer than 100 days from the time the applicant~~  
12 ~~requested the hearing.~~

13 ~~SEC. 13.~~

14 *SEC. 9.* Section 7526.1 is added to the Business and Professions  
15 Code, to read:

16 7526.1. (a) Notwithstanding any other provision of law, the  
17 director may, in his or her sole discretion, grant a probationary  
18 license to an applicant subject to terms and conditions deemed  
19 appropriate by the director, including, but not limited to, the  
20 following:

21 (1) Continuing medical, psychiatric, or psychological treatment.

22 (2) Ongoing participation in a specified rehabilitation program.

23 (3) Abstention from the use of alcohol or drugs.

24 (4) Compliance with all provisions of this chapter.

25 (b) (1) Notwithstanding any other provision of law, and for  
26 purposes of this section, when deciding whether to grant a  
27 probationary license, the director shall request that an applicant  
28 with a dismissed conviction provide proof of that dismissal ~~and~~  
29 ~~shall and shall~~ give special consideration to applicants whose  
30 convictions have been dismissed pursuant to Section 1203.4 or  
31 1203.4a of the Penal Code.

32 (2) The director shall also take into account and consider any  
33 other reasonable documents or individual character references  
34 provided by the applicant that may serve as evidence of  
35 rehabilitation as deemed appropriate by the director.

36 (c) The director may modify or terminate the terms and  
37 conditions imposed on the probationary license upon receipt of a  
38 petition from the applicant or licensee.

1 (d) For purposes of granting a probationary license to qualified  
2 new applicants, the director shall develop standard terms of  
3 probation that shall include, but not be limited to, the following:

- 4 (1) A three-year limit on the individual probationary license.
- 5 (2) A process to obtain a standard license for applicants who  
6 were issued a probationary license.
- 7 (3) Supervision requirements.
- 8 (4) Compliance and quarterly reporting requirements.

9 ~~SEC. 14.~~

10 *SEC. 10.* Section 7564.1 is added to the Business and  
11 Professions Code, to read:

12 7564.1. (a) Notwithstanding Sections 7561.1 and 7561.4 or  
13 any other provision of law, the director may revoke, suspend, or  
14 deny at any time a license under this chapter on any of the grounds  
15 for disciplinary action provided in this chapter. The proceedings  
16 under this section shall be conducted in accordance with Chapter  
17 5 (commencing with Section 11500) of Part 1 of Division 3 of  
18 Title 2 of the Government Code, and the director shall have all the  
19 powers granted therein.

20 (b) The director may deny a license to an applicant on any of  
21 the grounds specified in Section 480.

22 (c) In addition to the requirements provided in Sections 485 and  
23 486, upon denial of an application for a license, the director shall  
24 provide a statement of reasons for the denial that does the  
25 following:

- 26 (1) Evaluates evidence of rehabilitation submitted by the  
27 applicant, if any.
- 28 (2) Provides the director’s criteria relating to rehabilitation,  
29 formulated pursuant to Section 482, that takes into account the age  
30 and severity of the offense, and the evidence relating to  
31 participation in treatment or other rehabilitation programs.

32 (3) If the director’s decision was based on the applicant’s prior  
33 criminal conviction, justifies the director’s denial of a license and  
34 conveys the reasons why the prior criminal conviction is  
35 substantially related to the qualifications, functions, or duties of a  
36 licensed private investigator.

37 (d) (1) If the denial of a license is due at least in part to the  
38 applicant’s state or federal criminal history record, the director  
39 shall include with the information provided pursuant to paragraph

1 (3) of subdivision (c) a copy of the applicant’s criminal history  
2 record.

3 (A) The state or federal criminal history record shall not be  
4 modified or altered from its form or content as provided by the  
5 Department of Justice.

6 (B) The criminal history record shall be provided in such a  
7 manner as to protect the confidentiality and privacy of the  
8 applicant’s criminal history record and the criminal history record  
9 shall not be made available by the director to any employer.

10 (C) The director shall record and maintain the name of the  
11 applicant, the applicant’s address, and the date the criminal history  
12 record was provided by the director to the applicant pursuant to  
13 this section.

14 (2) The director shall make that information available upon  
15 request by the Department of Justice or the Federal Bureau of  
16 Investigation.

17 (e) Notwithstanding Section 487, the director shall conduct a  
18 hearing of a license denial within 90 days of receiving an  
19 applicant’s request for a hearing. For all other hearing requests,  
20 the director shall determine when the hearing shall be conducted.

21 ~~(f) In any case in which the administrative law judge  
22 recommends that the director revoke, suspend, or deny a license,  
23 the administrative law judge may, upon presentation of suitable  
24 proof, order the licensee to pay the director the reasonable costs  
25 of the investigation and adjudication of the case. For purposes of  
26 this section, “costs” include any charges by the director for  
27 investigating the case, any charges incurred by the office of the  
28 Attorney General for investigating and presenting the case, and  
29 any charges incurred by the Office of Administrative Hearings for  
30 hearing the case and issuing a proposed decision.~~

31 ~~(g) The costs to be assessed shall be fixed by the administrative  
32 law judge and shall not, in any event, be increased by the director.  
33 When the director does not adopt a proposed decision and remands  
34 the case to an administrative law judge, the administrative law  
35 judge shall not increase the amount of any costs assessed in the  
36 proposed decision.~~

37 ~~(h) The director may enforce the order for payment in the  
38 superior court in the county where the administrative hearing was  
39 held. This right of enforcement shall be in addition to any other~~

1 ~~rights the director may have as to any licensee directed to pay~~  
2 ~~costs.~~

3 ~~(i) In any judicial action for the recovery of costs, proof of the~~  
4 ~~director's decision shall be conclusive proof of the validity of the~~  
5 ~~order of payment and the terms for payment.~~

6 ~~(j) Notwithstanding any other provision of law, all costs~~  
7 ~~recovered by the director under this section shall be deposited in~~  
8 ~~the Private Investigator Fund as a scheduled reimbursement in the~~  
9 ~~fiscal year in which the costs are actually recovered.~~

10 ~~SEC. 15. Section 8524.5 is added to the Business and~~  
11 ~~Professions Code, to read:~~

12 ~~8524.5. (a) The board shall study the effects of current law,~~  
13 ~~regulations, and policy related to the licensing functions of the~~  
14 ~~board that may create unnecessary barriers to employing people~~  
15 ~~with criminal records as licensed structural pest control operators.~~  
16 ~~The objective of the study shall be to identify changes in law or~~  
17 ~~board policy to help remove unnecessary barriers to licensing due~~  
18 ~~to criminal records while protecting the safety and security of the~~  
19 ~~public and the integrity of the practice of structural pest control.~~  
20 ~~The board shall report all of its findings to the Legislature on or~~  
21 ~~before September 1, 2010.~~

22 ~~(b) For each of the calendar years 2003, 2004, 2005, 2006, and~~  
23 ~~2007, the study shall provide the following information:~~

- 24 ~~(1) The total number of applicants.~~
- 25 ~~(2) The number of applicants who were denied licensure.~~
- 26 ~~(3) The number of applicants who disclosed a criminal record~~  
27 ~~on their application. Of those applicants:~~
  - 28 ~~(A) The number of applicants who were denied licensure.~~
  - 29 ~~(B) The number of applicants who were denied licensure who~~  
30 ~~requested a hearing to appeal the decision.~~
  - 31 ~~(C) The number of applicants whose appeal resulted in reversal~~  
32 ~~or modification of the decision, including the issuance of a~~  
33 ~~probationary license.~~
  - 34 ~~(D) The age and severity of each offense.~~
  - 35 ~~(E) The number of applicants with nonviolent drug offenses.~~
  - 36 ~~(F) The number of applicants with misdemeanor offenses.~~
  - 37 ~~(G) The number of applicants that were asked by the board to~~  
38 ~~supply additional information relating to their criminal record.~~
  - 39 ~~(H) The number of applicants who provided evidence of~~  
40 ~~rehabilitation.~~

1 ~~(4) The criteria applied by the board to determine whether an~~  
2 ~~applicant's criminal record is substantially related to the requested~~  
3 ~~license, including the specific categories of disqualifying offenses~~  
4 ~~and any criteria related to the age and severity of the disqualifying~~  
5 ~~offenses.~~

6 ~~(5) The criteria applied by the board to determine whether an~~  
7 ~~applicant has been sufficiently rehabilitated, including an analysis~~  
8 ~~of the factors that most often lead to a determination of~~  
9 ~~rehabilitation resulting in licensing.~~

10 ~~(6) The average length of time that an appeal was pending~~  
11 ~~relative to the date of the hearing request and final decision.~~

12 ~~(7) The number and percentage of appeals pending longer than~~  
13 ~~30 days and longer than 100 days from the time the applicant~~  
14 ~~requested the hearing.~~

15 ~~SEC. 16.~~

16 *SEC. 11.* Section 8572 is added to the Business and Professions  
17 Code, to read:

18 8572. (a) Notwithstanding any other provision of law, the  
19 board may, in its sole discretion, issue a probationary license to  
20 an applicant subject to terms and conditions deemed appropriate  
21 by the board, including, but not limited to, the following:

- 22 (1) Continuing medical, psychiatric, or psychological treatment.
- 23 (2) Ongoing participation in a specified rehabilitation program.
- 24 (3) Abstention from the use of alcohol or drugs.
- 25 (4) Compliance with all provisions of this chapter.

26 (b) (1) Notwithstanding any other provision of law, and for  
27 purposes of this section, when deciding whether to issue a  
28 probationary license, the board shall request that an applicant with  
29 a dismissed conviction provide proof of that dismissal and ~~shall~~  
30 ~~give~~ *shall give* special consideration to applicants whose  
31 convictions have been dismissed pursuant to Section 1203.4 or  
32 1203.4a of the Penal Code.

33 (2) The board shall also take into account and consider any other  
34 reasonable documents or individual character references provided  
35 by the applicant that may serve as evidence of rehabilitation as  
36 deemed appropriate by the board.

37 (c) The board may modify or terminate the terms and conditions  
38 imposed on the probationary license upon receipt of a petition  
39 from the applicant or licensee.

1 (d) For purposes of issuing a probationary license to qualified  
2 new applicants, the board shall develop standard terms of probation  
3 that shall include, but not be limited to, the following:

- 4 (1) A three-year limit on the individual probationary license.
- 5 (2) A process to obtain a standard license for applicants who
- 6 were issued a probationary license.
- 7 (3) Supervision requirements.
- 8 (4) Compliance and quarterly reporting requirements.

9 ~~SEC. 17.~~

10 *SEC. 12.* Section 8623 is added to the Business and Professions  
11 Code, to read:

12 8623. (a) Notwithstanding Section 8620 or any other provision  
13 of law, the board may revoke, suspend, or deny at any time a  
14 license under this chapter on any of the grounds for disciplinary  
15 action provided in this chapter. The proceedings under this section  
16 shall be conducted in accordance with Chapter 5 (commencing  
17 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
18 Government Code, and the board shall have all the powers granted  
19 therein.

20 (b) The board may deny a license to an applicant on any of the  
21 grounds specified in Section 480.

22 (c) In addition to the requirements provided in Sections 485 and  
23 486, upon denial of an application for a license, the board shall  
24 provide a statement of reasons for the denial that does the  
25 following:

- 26 (1) Evaluates evidence of rehabilitation submitted by the
- 27 applicant, if any.
- 28 (2) Provides the board’s criteria relating to rehabilitation,
- 29 formulated pursuant to Section 482, that takes into account the age
- 30 and severity of the offense, and the evidence relating to
- 31 participation in treatment or other rehabilitation programs.

32 (3) If the board’s decision was based on the applicant’s prior  
33 criminal conviction, justifies the board’s denial of a license and  
34 conveys the reasons why the prior criminal conviction is  
35 substantially related to the qualifications, functions, or duties of a  
36 licensed structural pest control operator.

37 (d) (1) If the denial of a license is due at least in part to the  
38 applicant’s state or federal criminal history record, the board shall  
39 include with the information provided pursuant to paragraph (3)  
40 of subdivision (c) a copy of the applicant’s criminal history record.

1 (A) The state or federal criminal history record shall not be  
2 modified or altered from its form or content as provided by the  
3 Department of Justice.

4 (B) The criminal history record shall be provided in such a  
5 manner as to protect the confidentiality and privacy of the  
6 applicant's criminal history record and the criminal history record  
7 shall not be made available by the board to any employer.

8 (C) The board shall record and maintain the name of the  
9 applicant, the applicant's address, and the date the criminal history  
10 record was provided by the board to the applicant pursuant to this  
11 section.

12 (2) The board shall make that information available upon request  
13 by the Department of Justice or the Federal Bureau of Investigation.

14 (e) Notwithstanding Section 487, the board shall conduct a  
15 hearing of a license denial within 90 days of receiving an  
16 applicant's request for a hearing. For all other hearing requests,  
17 the board shall determine when the hearing shall be conducted.

18 ~~(f) In any case in which the administrative law judge~~  
19 ~~recommends that the board revoke, suspend, or deny a license, the~~  
20 ~~administrative law judge may, upon presentation of suitable proof,~~  
21 ~~order the licensee to pay the board the reasonable costs of the~~  
22 ~~investigation and adjudication of the case. For purposes of this~~  
23 ~~section, "costs" include any charges by the board for investigating~~  
24 ~~the case, any charges incurred by the office of the Attorney General~~  
25 ~~for investigating and presenting the case, and any charges incurred~~  
26 ~~by the Office of Administrative Hearings for hearing the case and~~  
27 ~~issuing a proposed decision.~~

28 ~~(g) The costs to be assessed shall be fixed by the administrative~~  
29 ~~law judge and shall not, in any event, be increased by the board.~~  
30 ~~When the board does not adopt a proposed decision and remands~~  
31 ~~the case to an administrative law judge, the administrative law~~  
32 ~~judge shall not increase the amount of any costs assessed in the~~  
33 ~~proposed decision.~~

34 ~~(h) The board may enforce the order for payment in the superior~~  
35 ~~court in the county where the administrative hearing was held.~~  
36 ~~This right of enforcement shall be in addition to any other rights~~  
37 ~~the board may have as to any licensee directed to pay costs.~~

38 ~~(i) In any judicial action for the recovery of costs, proof of the~~  
39 ~~board's decision shall be conclusive proof of the validity of the~~  
40 ~~order of payment and the terms for payment.~~

1 (j) Notwithstanding any other provision of law, all costs  
2 recovered by the board under this section shall be deposited in the  
3 Structural Pest Control Fund as a scheduled reimbursement in the  
4 fiscal year in which the costs are actually recovered.

5 SEC. 18. Section 9882.6 is added to the Business and  
6 Professions Code, to read:

7 9882.6. (a) The director shall study the effects of current law,  
8 regulations, and policy related to the registration functions of the  
9 director that may create unnecessary barriers to employing people  
10 with criminal records as registered automotive repair dealers. The  
11 objective of the study shall be to identify changes in law or the  
12 director's policy to help remove unnecessary barriers to registration  
13 due to criminal records while protecting the safety and security of  
14 customers and the integrity of the automotive repair business. The  
15 director shall report all of his or her findings to the Legislature on  
16 or before September 1, 2010.

17 (b) For each of the calendar years 2003, 2004, 2005, 2006, and  
18 2007, the study shall provide the following information:

- 19 (1) The total number of applicants.
- 20 (2) The number of applicants who were denied registration.
- 21 (3) The number of applicants who disclosed a criminal record  
22 on their application. Of those applicants:
  - 23 (A) The number of applicants who were denied registration.
  - 24 (B) The number of applicants who were denied registration who  
25 requested a hearing to appeal the decision.
  - 26 (C) The number of applicants whose appeal resulted in reversal  
27 or modification of the decision, including the issuance of a  
28 probationary registration.
  - 29 (D) The age and severity of each offense.
  - 30 (E) The number of applicants with nonviolent drug offenses.
  - 31 (F) The number of applicants with misdemeanor offenses.
  - 32 (G) The number of applicants that were asked by the director  
33 to supply additional information relating to their criminal record.
  - 34 (H) The number of applicants who provided evidence of  
35 rehabilitation.
- 36 (4) The criteria applied by the director to determine whether an  
37 applicant's criminal record is substantially related to the requested  
38 registration, including the specific categories of disqualifying  
39 offenses and any criteria related to the age and severity of the  
40 disqualifying offenses.

1 ~~(5) The criteria applied by the director to determine whether an~~  
2 ~~applicant has been sufficiently rehabilitated, including an analysis~~  
3 ~~of the factors that most often lead to a determination of~~  
4 ~~rehabilitation resulting in licensing.~~

5 ~~(6) The average length of time that an appeal was pending~~  
6 ~~relative to the date of the hearing request and final decision.~~

7 ~~(7) The number and percentage of appeals pending longer than~~  
8 ~~30 days and longer than 100 days from the time the applicant~~  
9 ~~requested the hearing.~~

10 ~~SEC. 19.~~

11 *SEC. 13.* Section 9884.21 is added to the Business and  
12 Professions Code, to read:

13 9884.21. (a) Notwithstanding any other provision of law, the  
14 director may, in his or her sole discretion, issue a probationary  
15 registration to an applicant subject to terms and conditions deemed  
16 appropriate by the director, including, but not limited to, the  
17 following:

18 (1) Continuing medical, psychiatric, or psychological treatment.

19 (2) Ongoing participation in a specified rehabilitation program.

20 (3) Abstinence from the use of alcohol or drugs.

21 (4) Compliance with all provisions of this chapter.

22 (b) (1) Notwithstanding any other provision of law, and for  
23 purposes of this section, when deciding whether to issue a  
24 probationary registration, the director shall request that an applicant  
25 with a dismissed conviction provide proof of that dismissal ~~and~~  
26 ~~shall~~ *and shall* give special consideration to applicants whose  
27 convictions have been dismissed pursuant to Section 1203.4 or  
28 1203.4a of the Penal Code.

29 (2) The director shall also take into account and consider any  
30 other reasonable documents or individual character references  
31 provided by the applicant that may serve as evidence of  
32 rehabilitation as deemed appropriate by the director.

33 (c) The director may modify or terminate the terms and  
34 conditions imposed on the probationary registration upon receipt  
35 of a petition from the applicant or registrant.

36 (d) For purposes of issuing a probationary registration to  
37 qualified new applicants, the director shall develop standard terms  
38 of probation that shall include, but not be limited to, the following:

39 (1) A three-year limit on the individual probationary registration.

1 (2) A process to obtain a standard registration for applicants  
2 who were issued a probationary registration.

3 (3) Supervision requirements.

4 (4) Compliance and quarterly reporting requirements.

5 ~~SEC. 20.~~

6 *SEC. 14.* Section 9884.22 is added to the Business and  
7 Professions Code, to read:

8 9884.22. (a) Notwithstanding any other provision of law, the  
9 director may revoke, suspend, or deny at any time any registration  
10 required by this article on any of the grounds for disciplinary action  
11 provided in this article. The proceedings under this article shall be  
12 conducted in accordance with Chapter 5 (commencing with Section  
13 11500) of Part 1 of Division 3 of Title 2 of the Government Code,  
14 and the director shall have all the powers granted therein.

15 (b) The director may deny a registration to an applicant on any  
16 of the grounds specified in Section 480.

17 (c) In addition to the requirements provided in Sections 485 and  
18 486, upon denial of an application for registration to an applicant,  
19 the director shall provide a statement of reasons for the denial that  
20 does the following:

21 (1) Evaluates evidence of rehabilitation submitted by the  
22 applicant, if any.

23 (2) Provides the director’s criteria relating to rehabilitation,  
24 formulated pursuant to Section 482, that takes into account the age  
25 and severity of the offense, and the evidence relating to  
26 participation in treatment or other rehabilitation programs.

27 (3) If the director’s decision was based on the applicant’s prior  
28 criminal conviction, justifies the director’s denial of a registration  
29 and conveys the reasons why the prior criminal conviction is  
30 substantially related to the qualifications, functions, or duties of a  
31 registered automotive repair dealer.

32 (d) (1) If the denial of a registration is due at least in part to the  
33 applicant’s state or federal criminal history record, the director  
34 shall include with the information provided pursuant to paragraph  
35 (3) of subdivision (c) a copy of the applicant’s criminal history  
36 record.

37 (A) The state or federal criminal history record shall not be  
38 modified or altered from its form or content as provided by the  
39 Department of Justice.

1 (B) The criminal history record shall be provided in such a  
2 manner as to protect the confidentiality and privacy of the  
3 applicant's criminal history record and the criminal history record  
4 shall not be made available by the director to any employer.

5 (C) The director shall record and maintain the name of the  
6 applicant, the applicant's address, and the date the criminal history  
7 record was provided by the director to the applicant pursuant to  
8 this section.

9 (2) The director shall make that information available upon  
10 request by the Department of Justice or the Federal Bureau of  
11 Investigation.

12 (e) Notwithstanding Section 487, the director shall conduct a  
13 hearing of a registration denial within 90 days of receiving an  
14 applicant's request for a hearing. For all other hearing requests,  
15 the director shall determine when the hearing shall be conducted.

16 ~~(f) In any case in which the administrative law judge  
17 recommends that the director revoke, suspend, or deny a  
18 registration, the administrative law judge may, upon presentation  
19 of suitable proof, order the registrant to pay the director the  
20 reasonable costs of the investigation and adjudication of the case.  
21 For purposes of this section, "costs" include any charges by the  
22 director for investigating the case, any charges incurred by the  
23 office of the Attorney General for investigating and presenting the  
24 case, and any charges incurred by the Office of Administrative  
25 Hearings for hearing the case and issuing a proposed decision.~~

26 ~~(g) The costs to be assessed shall be fixed by the administrative  
27 law judge and shall not, in any event, be increased by the director.  
28 When the director does not adopt a proposed decision and remands  
29 the case to an administrative law judge, the administrative law  
30 judge shall not increase the amount of any costs assessed in the  
31 proposed decision.~~

32 ~~(h) The director may enforce the order for payment in the  
33 superior court in the county where the administrative hearing was  
34 held. This right of enforcement shall be in addition to any other  
35 rights the director may have as to any registrant directed to pay  
36 costs.~~

37 ~~(i) In any judicial action for the recovery of costs, proof of the  
38 director's decision shall be conclusive proof of the validity of the  
39 order of payment and the terms for payment.~~

