

**ASSEMBLY BILL**

**No. 2524**

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**Introduced by Assembly Member Benoit**

February 21, 2008

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An act to add Section 1042 to the Government Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2524, as introduced, Benoit. California Gambling Control Commission: employees: fingerprints.

The Gambling Control Act provides for the licensure of certain individuals and establishments involved in various gambling activities, and for the regulation of those activities, by the California Gambling Control Commission. Existing law authorizes the commission to take actions to ensure that no ineligible, disqualified, or unsuitable persons are associated with controlled gambling activities.

This bill would authorize the commission to require fingerprint images and associated information from a prospective employee if the employee's duties include, or would include, access to specified information or accountable items. It would provide that the commission shall require that any services contract include a provision requiring the contractor to agree to permit the commission to require fingerprint images and associated information from the contractor's employees, contractors, agents, or subcontractors, whose duties include, or would include, access to that information or those accountable items. The bill would allow the submission of these fingerprints to obtain specified criminal history information, and would authorize the executive director of the commission to investigate the criminal history of persons applying for employment and prospective service contractors and their agents,

subcontractors, or employees, in order to make a final determination of a person’s fitness to perform duties that would include access to that information or those accountable items. The bill would prohibit a person who would be disqualified from holding a state gambling license from being selected, appointed, or hired in a position that would include any duties involving access to that information or those accountable items.

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 1042 is added to the Government Code,  
2 to read:  
3 1042. (a) (1) The California Gambling Control Commission  
4 may require fingerprint images and associated information from  
5 a prospective employee if the employee’s duties include, or would  
6 include, access to any of the following:  
7 (A) Information that is required to be kept confidential under  
8 the Gambling Control Act (Chapter 5 (commencing with Section  
9 19800) of Division 8 of the Business and Professions Code) or  
10 any tribal-state gaming compact, including, but not limited to,  
11 applications for licenses or findings of suitability, and information  
12 provided by or received from a tribe in connection with a  
13 tribal-state gaming compact.  
14 (B) Access to state summary criminal history information, as  
15 defined in Section 11105 of the Penal Code, whether in full or in  
16 summary.  
17 (C) Access to cash, checks, or other accountable items.  
18 (2) The commission shall require that any services contract that  
19 is entered into, renewed, or amended on or after January 1, 2009,  
20 include a provision requiring the contractor to agree to permit the  
21 commission to require fingerprint images and associated  
22 information from the contractor’s employees, contractors, agents,  
23 or subcontractors, whose duties include, or would include, access  
24 to information and accountable items under paragraph (1) as part  
25 of a contract with the commission, in order for the commission to  
26 request criminal background checks on those individuals.  
27 (b) The fingerprint images and associated information of a  
28 prospective employee, contractor, agent, subcontractor, or  
29 employee of a contractor of the California Gambling Control

1 Commission whose duties include, or would include, access to the  
2 information or accountable items specified under paragraph (1) of  
3 subdivision (a), or any person who assumes duties that include  
4 access to that information or those accountable items, may be  
5 furnished to the Department of Justice for the purpose of obtaining  
6 information as to the existence and nature of a record of state or  
7 federal level convictions and state or federal level arrests for which  
8 the Department of Justice establishes that the applicant was  
9 released on bail or on his or her own recognizance pending trial.  
10 Requests for federal level criminal offender record information  
11 received by the Department of Justice pursuant to this section shall  
12 be forwarded to the Federal Bureau of Investigation by the  
13 Department of Justice.

14 (c) The Department of Justice shall respond to the California  
15 Gambling Control Commission with information as provided under  
16 subdivision (p) of Section 11105 of the Penal Code.

17 (d) The California Gambling Control Commission shall request  
18 subsequent arrest notification from the Department of Justice, as  
19 provided under Section 11105.2 of the Penal Code, for individuals  
20 described in subdivision (a) hired on or after January 1, 2009.

21 (e) The Department of Justice may assess a fee sufficient to  
22 cover the processing costs required under this section, as authorized  
23 pursuant to subdivision (e) of Section 11105 of the Penal Code.

24 (f) This section does not apply to an employee of the California  
25 Gambling Control Commission whose appointment occurred prior  
26 to January 1, 2009.

27 (g) The executive director of the California Gambling Control  
28 Commission may investigate the criminal history of persons  
29 applying for employment and prospective service contractors and  
30 their agents, subcontractors, or employees, in order to make a final  
31 determination of a person's fitness to perform duties that would  
32 include access to any information or accountable items specified  
33 under paragraph (1) of subdivision (a). Under no circumstances  
34 shall a person who would be disqualified from holding a state  
35 gambling license pursuant to subdivisions (c) to (f), inclusive, of  
36 Section 19859 of the Business and Professions Code be selected,  
37 appointed, or hired in a position that would include any duties

- 1 involving access to information or accountable items specified
- 2 under paragraph (1) of subdivision (a).

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