

AMENDED IN SENATE JUNE 16, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1122

**Introduced by Assembly Members John A. Pérez and Ammiano
(Coauthors: Assembly Members Beall, Bradford, and Ma)**

February 18, 2011

An act to ~~amend Section 1915 of~~ *add Section 1916 to* the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1122, as amended, John A. Pérez. Juvenile offenders: tattoo removal.

Existing law establishes a pilot program requiring the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation to purchase 2 medical laser devices for the removal of tattoos, as specified, from eligible participants who are at-risk youth, exoffenders, and current or former gang members, as specified.

This bill would additionally establish the California Voluntary Tattoo Removal Program. The bill would provide that, to the extent funds are available, the California Emergency Management Agency administer the program. The bill would require that the program be designed to serve individuals between 14 and 24 years of age, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified. The bill would describe who may apply for grants, and specify the criteria for program participants. The bill would state findings and declarations of the Legislature in this regard.

Existing law provides for the detention and confinement of youthful offenders by the Department Corrections and Rehabilitation, Division of Juvenile Facilities, and requires the department to purchase 2 medical devices that utilize a laser to remove a tattoo from a person's skin. Existing law requires that a male candidate for tattoo removal have a tattoo on his lower arm, hand, neck, or head, while a female candidate for tattoo removal have a tattoo that would be visible in a professional work environment. Existing law requires that, after 2 years of operation, community groups that participate in this program and the operators of each site report to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities on the number of tattoo removals performed by each device and the success of the program in assisting individuals to join the work force. Existing law further requires that by March 1, 2000, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities report these findings to the Legislature.

This bill would provide that these provisions constitute the California Tattoo Removal Program. The bill would also expand the provisions relating to male candidates who are eligible for tattoo removal to include those who have tattoos that would be visible in a professional work environment. The bill would also extend, until March 1, 2012, the period of time for the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, to make the above-described report to the Legislature, and would make related technical changes.

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 1916 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 1916. (a) The Legislature finds and declares the following:
- 4 (1) Exoffenders and former gang members seeking to restart
- 5 their lives and successfully reintegrate into mainstream society or
- 6 the professional workplace are often precluded from doing so
- 7 because of their visible tattoos.
- 8 (2) It is the intent of the Legislature that the establishment of
- 9 the California Voluntary Tattoo Removal Program aid these
- 10 individuals in their quest to rehabilitate their lives and get back
- 11 on the right track.

1 ***(b) (1) The California Voluntary Tattoo Removal Program is***
2 ***hereby established.***

3 ***(2) To the extent that funds are available for this purpose, the***
4 ***California Emergency Management Agency shall administer the***
5 ***program.***

6 ***(3) The program shall be designed to serve individuals between***
7 ***14 and 24 years of age, who are in the custody of the Department***
8 ***of Corrections and Rehabilitation or county probation departments,***
9 ***who are on parole or probation, or who are in a community-based***
10 ***organization serving at-risk youth.***

11 ***(c) (1) The agency shall award grants in a competitive manner***
12 ***and on a geographically diverse basis, serving both northern and***
13 ***southern California.***

14 ***(2) The Division of Juvenile Facilities of the Department of***
15 ***Corrections and Rehabilitation, county probation departments,***
16 ***community-based organizations, and relevant service providers***
17 ***may apply for the grants authorized by this section.***

18 ***(d) (1) Tattoo removals shall be performed by licensed***
19 ***clinicians who, to the extent feasible, provide their services at a***
20 ***discounted rate, or free of charge.***

21 ***(2) Grantees shall serve individuals who have tattoos that are***
22 ***visible in a professional environment and who are recommended***
23 ***for the program by Department of Corrections and Rehabilitation***
24 ***representatives, parole agents, county probation officers,***
25 ***community-based organizations, or service providers.***

26 ***(e) Individuals who have gang-related or other tattoos that may***
27 ***be considered unprofessional and are visible in a professional***
28 ***work environment, who meet the criteria of paragraph (3) of***
29 ***subdivision (b), and who meet any of the following criteria may***
30 ***be eligible for participation in the program:***

31 ***(1) Are actively pursuing secondary or postsecondary education.***

32 ***(2) Are seeking employment or participating in workforce***
33 ***training programs.***

34 ***(3) Are scheduled for an upcoming job interview or job***
35 ***placement.***

36 ***(4) Are participating in a community or public service activity.***

37 ***(f) Use of funding by grantees may include, but shall not be***
38 ***limited to, the following:***

39 ***(1) Maintenance or repair of tattoo removal medical devices.***

1 (2) Contracting with licensed private providers to offer the
2 tattoo removal service.

3 (3) Any necessary costs associated with operating a tattoo
4 removal program.

5 (g) Grantees may also seek state, federal, or private funding to
6 execute the provisions of this section, and use those funds to
7 supplement funding received through the program.

8 SECTION 1.— Section 1915 of the Welfare and Institutions Code
9 is amended to read:

10 1915. (a) ~~The California Tattoo Removal Program is hereby
11 created in the Department of Corrections and Rehabilitation,
12 Division of Juvenile Facilities. The Department of Corrections
13 and Rehabilitation, Division of Juvenile Facilities, shall purchase,
14 after a competitive bidding process, two medical devices that utilize
15 a laser to remove a tattoo from a person’s skin. The department
16 shall determine, through a competitive bidding process, the
17 placement of the two medical devices pursuant to the following
18 guidelines:~~

19 ~~(1) One of the medical devices shall be located within Los
20 Angeles County and the other shall be located within one of the
21 following counties: Alameda, San Francisco, San Mateo, Santa
22 Clara, and Santa Cruz.~~

23 ~~(2) Possible sites may include: a licensed health facility, a
24 licensed health clinic, an educational institution, or a probation
25 office. The department may enter into an agreement with a licensed
26 health facility to permit the health facility to use the medical device
27 when it is not needed for tattoo removal pursuant to this section
28 if the health facility provides tattoo removal services pursuant to
29 this section free of charge.~~

30 ~~(3) The medical devices shall remain the property of the state.
31 However, they shall be used in conjunction with the tattoo removal
32 program pursuant to this section for the functional life of the
33 medical devices.~~

34 ~~(b) Candidates for tattoo removal shall be screened by
35 community groups working collaboratively with the operators of
36 the sites of the tattoo removal devices. A male candidate for tattoo
37 removal shall have a tattoo on his lower arm, hand, neck, head, or
38 any place that would be visible in a professional environment. A
39 female candidate for tattoo removal shall have a tattoo that would
40 be visible in a professional work environment. To be eligible for~~

1 participation, the presence of the tattoo must be deemed to present
2 either a threat to the personal safety of, or an obstacle to the
3 employability of, the candidate. Priority shall be given to
4 candidates who have a job offer that is contingent upon removal
5 of the tattoo. At the discretion of the organization that screens a
6 candidate, a candidate for this tattoo removal may be required to
7 complete 20 hours of supervised public service work or community
8 service in order to participate in this program. Parental consent
9 shall be required before the tattoo of any person under 18 years of
10 age is removed.

11 Community groups recommended pursuant to this subdivision
12 shall meet the following criteria:

13 (1) ~~Serve at-risk youth, exoffenders, exconvicts, or current and~~
14 ~~former gang members.~~

15 (2) ~~Possess an established record of providing community-based~~
16 ~~services for at least one year to the persons described in paragraph~~
17 ~~(1).~~

18 (e) ~~Community groups that participate in this program and the~~
19 ~~operators of the sites of the tattoo removal devices shall solicit the~~
20 ~~pro bono services of licensed health care providers to participate~~
21 ~~in the program in order to increase the number of individuals~~
22 ~~served.~~

23 (d) ~~It is the intent of the Legislature that at least 200 tattoo~~
24 ~~removals shall be performed at each tattoo removal site in its first~~
25 ~~year of operation. After two years of operation, community groups~~
26 ~~that participate in this program and the operators of each site shall~~
27 ~~report to the Department of Corrections and Rehabilitation,~~
28 ~~Division of Juvenile Facilities, on the number of tattoo removals~~
29 ~~performed by each device and the success of the program in~~
30 ~~assisting individuals to join the work force. By March 1, 2012, the~~
31 ~~Department of Corrections and Rehabilitation, Division of Juvenile~~
32 ~~Facilities shall report these findings to the Legislature.~~

33 (e) ~~It is the intent of the Legislature to expand these pilot~~
34 ~~programs as rapidly as possible to other areas of the state where~~
35 ~~there is gang violence and where there are active community-based~~
36 ~~gang violence prevention programs.~~