

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1831

**Introduced by Assembly Member Dickinson
(Coauthor: Assembly Member Swanson)**

February 22, 2012

An act to add Section 50085.3 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1831, as amended, Dickinson. Local government: hiring practices.

Existing law requires the hiring practices and promotional practices of a local agency, as defined, to conform to the ~~Federal~~ *federal* Civil Rights Act of 1964 and prohibits any local agency from, as a part of its hiring practices or promotional practices, employing any educational prerequisites or testing or evaluation methods which are not job-related unless there is no adverse effect.

This bill would prohibit a local agency from inquiring into or considering the criminal history of an applicant or including any inquiry about criminal history on any initial employment application. The bill would authorize a local agency to consider an applicant's criminal history after the applicant's qualifications have been screened and the agency has determined the applicant meets the minimum employment requirements, as stated in any notice issued for the position. The bill would not apply to a position for which a local agency is otherwise required by law to conduct a criminal history background check *or to any position within a criminal justice agency, as defined*.

The bill would also express a legislative finding and declaration that reducing barriers to employment for people who have previously

offended, and decreasing unemployment in communities with concentrated numbers of people who have previously offended, is a matter of statewide concern, and that therefore, all cities and counties, including charter cities and counties, would be subject to the provisions of the bill.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares that reducing
2 barriers to employment for people who have previously offended,
3 and decreasing unemployment in communities with concentrated
4 numbers of people who have previously offended, is a matter of
5 statewide concern. Therefore, this act shall apply to all cities and
6 counties, including charter cities and charter counties. The
7 Legislature further finds and declares that, consistent with the
8 Criminal Justice Realignment Act of 2011 (Chapter 39 of the
9 Statutes of 2011), increasing employment opportunities for people
10 who have previously offended will reduce recidivism and improve
11 economic stability in our communities.

12 SEC. 2. Section 50085.3 is added to the Government Code, to
13 read:

14 50085.3. (a) A local agency shall not inquire into or consider
15 the criminal history of an applicant or include any inquiry about
16 criminal history on any initial employment application. A local
17 agency may consider an applicant’s criminal history after the
18 applicant’s qualifications have been screened and the agency has
19 determined the applicant meets the minimum employment
20 requirements, as stated in any notice issued for the position.

21 (b) This section shall not apply to a position for which a local
22 agency is otherwise required by law to conduct a criminal history
23 background check *or to any position within a criminal justice*
24 *agency, as that term is defined in Section 13101 of the Penal Code.*

25 (c) Nothing in this section shall be construed as requiring that
26 a local agency conduct a criminal history background check.