

AMENDED IN ASSEMBLY MAY 17, 2012

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1831

Introduced by Assembly Member Dickinson
(~~Coauthor: Coauthors: Assembly Member Members Ammiano and~~
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 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~~ *that* 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 inquire into or 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~~ *that* 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 inquire into or consider an applicant’s criminal history
18 after the applicant’s qualifications have been screened and the
19 agency has determined the applicant meets the minimum
20 employment requirements, as stated in any notice issued for the
21 position.

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

1 (c) Nothing in this section shall be construed as ~~requiring that~~
2 ~~preventing~~ a local agency ~~conduct~~ *from conducting* a criminal
3 history background check *after compliance with all of the*
4 *provisions of subdivision (a).*

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