

ASSEMBLY BILL

No. 870

Introduced by Assembly Member Jones-Sawyer

February 22, 2013

An act to add Sections 10186 and 10324 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 870, as introduced, Jones-Sawyer. Public contracts: bidders: employment practices.

The State Contract Act prescribes the procedures and requirements applicable to various state agency contracts. Existing law governs contracts between state agencies and private contractors, and sets forth requirements for the procurement of materials, supplies, equipment, and services, and the acquisition of information technology goods and services by state agencies.

This bill would prohibit the state from contracting with a person or entity that inquires into or considers the criminal history of a potential employee on an initial employment application. The bill would authorize the state to contract with a person or entity that inquires into or considers an applicant's criminal history after the applicant's qualifications have been screened and the employer 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 an employer is otherwise required by law to conduct a criminal history background check or to any contract position with a criminal justice agency, as specified.

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.

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. 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, are matters of
5 statewide concern. Therefore, this act shall apply to individuals
6 and entities who do business with the state. The Legislature further
7 finds and declares that, consistent with the Criminal Justice
8 Realignment Act of 2011 (Chapter 39 of the Statutes of 2011),
9 increasing employment opportunities for people who have
10 previously offended will reduce recidivism and improve economic
11 stability in our communities.

12 SEC. 2. Section 10186 is added to the Public Contract Code,
13 to read:

14 10186. (a) The state shall not accept a bid from a person or
15 entity that inquires into or considers the criminal history of a
16 potential employee or includes any inquiry about criminal history
17 on any initial employment application. The state may accept a bid
18 from a person or entity that inquires into or considers a potential
19 employee’s criminal history after the applicant’s qualifications
20 have been screened and the person or entity has determined that
21 the applicant meets the minimum employment requirements, as
22 stated in any notice issued for the position.

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

27 (c) This section shall not be construed to prevent the state from
28 accepting a bid from a person or entity that conducts a criminal
29 history background check after complying with all of the provisions
30 of subdivision (a).

31 SEC. 3. Section 10324 is added to the Public Contract Code,
32 to read:

1 10324. (a) The state shall not accept a bid from a person or
2 entity that inquires into or considers the criminal history of a
3 potential employee or includes any inquiry about criminal history
4 on any initial employment application. The state may accept a bid
5 from a person or entity that inquires into or considers a potential
6 employee's criminal history after the applicant's qualifications
7 have been screened and the person or entity has determined that
8 the applicant meets the minimum employment requirements, as
9 stated in any notice issued for the position.

10 (b) This section shall not apply to a position for which an
11 employer is otherwise required by law to conduct a criminal history
12 background check or to any contract position with a criminal justice
13 agency, as that term is defined in Section 13101 of the Penal Code.

14 (c) This section shall not be construed to prevent the state from
15 accepting a bid from a person or entity that conducts a criminal
16 history background check after complying with all of the provisions
17 of subdivision (a).

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