

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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,~~ *asks an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant, including an inquiry about conviction history on an employment application, until the employer has determined that the applicant meets the minimum employment qualifications, 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 conviction~~ 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. asks an applicant for~~
23 *employment to disclose, orally or in writing, information*
24 *concerning the conviction history of the applicant, including an*
25 *inquiry about conviction history on an employment application,*
26 *until the employer has determined that the applicant meets the*

1 *minimum employment qualifications, as stated in the notice issued*
2 *for the position.*

3 (b) This section shall not apply to a position for which an
4 employer is otherwise required by law to conduct a ~~criminal~~
5 *conviction* history background check or to any contract position
6 with a criminal justice agency, as that term is defined in Section
7 13101 of the Penal Code.

8 (c) This section shall not be construed to prevent the state from
9 accepting a bid from a person or entity that conducts a ~~criminal~~
10 *conviction* history background check after complying with all of
11 the provisions of subdivision (a).

12 SEC. 3. Section 10324 is added to the Public Contract Code,
13 to read:

14 10324. (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. asks an applicant for~~
23 ~~employment to disclose, orally or in writing, information~~
24 ~~concerning the conviction history of the applicant, including an~~
25 ~~inquiry about conviction history on an employment application,~~
26 ~~until the employer has determined that the applicant meets the~~
27 ~~minimum employment qualifications, as stated in the notice issued~~
28 ~~for the position.~~

29 (b) This section shall not apply to a position for which an
30 employer is otherwise required by law to conduct a ~~criminal~~
31 *conviction* history background check or to any contract position
32 with a criminal justice agency, as that term is defined in Section
33 13101 of the Penal Code.

34 (c) This section shall not be construed to prevent the state from
35 accepting a bid from a person or entity that conducts a ~~criminal~~
36 *conviction* history background check after complying with all of
37 the provisions of subdivision (a).

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