

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1511

Introduced by Assembly Member Beth Gaines

January 14, 2014

An act to amend Sections 11105 and 13300 of the Penal Code, relating to criminal history information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1511, as amended, Beth Gaines. Criminal history information: animal control officers.

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, ~~such as~~ *which may include* his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law ~~requires~~ *authorizes the department* ~~department~~, *upon a showing of compelling need*, to furnish this information in response to a request from certain authorized agencies, organizations, or ~~individuals that need the information to fulfill employment, certification, or licensing duties, including in response to a request from a humane officer.~~ *individuals, including a public utility.*

Existing law ~~similarly establishes procedures~~ *provides* for the disclosure of local summary criminal history information by a local criminal justice ~~agency for certain purposes, as specified.~~ *agency, upon a showing of compelling need, to certain authorized agencies, organizations, or individuals.*

This bill would ~~require~~ *additionally authorize* the Department of Justice and local criminal justice agencies to provide state and local summary criminal history information to an animal control officer *employed by a city, county, or city and county* for the purposes of performing his or her duties. The bill would permit a local agency to charge a reasonable fee sufficient to cover the costs of providing that information. By requiring local criminal justice agencies to provide this information, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 11105 of the Penal Code is amended to
 2 read:
 3 11105. (a) (1) The Department of Justice shall maintain state
 4 summary criminal history information.
 5 (2) As used in this section:
 6 (A) “State summary criminal history information” means the
 7 master record of information compiled by the Attorney General
 8 pertaining to the identification and criminal history of any person,
 9 such as name, date of birth, physical description, fingerprints,
 10 photographs, dates of arrests, arresting agencies and booking
 11 numbers, charges, dispositions, and similar data about the person.
 12 (B) “State summary criminal history information” does not refer
 13 to records and data compiled by criminal justice agencies other
 14 than the Attorney General, nor does it refer to records of complaints
 15 to or investigations conducted by, or records of intelligence
 16 information or security procedures of, the office of the Attorney
 17 General and the Department of Justice.
 18 (b) The Attorney General shall furnish state summary criminal
 19 history information to any of the following, if needed in the course
 20 of their duties, provided that when information is furnished to
 21 assist an agency, officer, or official of state or local government,
 22 a public utility, or any other entity, in fulfilling employment,

1 certification, or licensing duties, Chapter 1321 of the Statutes of
2 1974 and Section 432.7 of the Labor Code shall apply:

3 (1) The courts of the state.

4 (2) Peace officers of the state, as defined in Section 830.1,
5 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section
6 830.3, subdivisions (a) and (b) of Section 830.5, and subdivision
7 (a) of Section 830.31.

8 (3) District attorneys of the state.

9 (4) Prosecuting city attorneys of any city within the state.

10 (5) City attorneys pursuing civil gang injunctions pursuant to
11 Section 186.22a, or drug abatement actions pursuant to Section
12 3479 or 3480 of the Civil Code, or Section 11571 of the Health
13 and Safety Code.

14 (6) Probation officers of the state.

15 (7) Parole officers of the state.

16 (8) A public defender or attorney of record when representing
17 a person in proceedings upon a petition for a certificate of
18 rehabilitation and pardon pursuant to Section 4852.08.

19 (9) A public defender or attorney of record when representing
20 a person in a criminal case, or a parole, mandatory supervision
21 pursuant to paragraph (5) of subdivision (h) of Section 1170, or
22 postrelease community supervision revocation or revocation
23 extension proceeding, and if authorized access by statutory or
24 decisional law.

25 (10) Any agency, officer, or official of the state if the criminal
26 history information is required to implement a statute or regulation
27 that expressly refers to specific criminal conduct applicable to the
28 subject person of the state summary criminal history information,
29 and contains requirements or exclusions, or both, expressly based
30 upon that specified criminal conduct. The agency, officer, or
31 official of the state authorized by this paragraph to receive state
32 summary criminal history information may also transmit fingerprint
33 images and related information to the Department of Justice to be
34 transmitted to the Federal Bureau of Investigation.

35 (11) Any city or county, city and county, district, or any officer
36 or official thereof if access is needed in order to assist that agency,
37 officer, or official in fulfilling employment, certification, or
38 licensing duties, and if the access is specifically authorized by the
39 city council, board of supervisors, or governing board of the city,
40 county, or district if the criminal history information is required

1 to implement a statute, ordinance, or regulation that expressly
2 refers to specific criminal conduct applicable to the subject person
3 of the state summary criminal history information, and contains
4 requirements or exclusions, or both, expressly based upon that
5 specified criminal conduct. The city or county, city and county,
6 district, or the officer or official thereof authorized by this
7 paragraph may also transmit fingerprint images and related
8 information to the Department of Justice to be transmitted to the
9 Federal Bureau of Investigation.

10 (12) The subject of the state summary criminal history
11 information under procedures established under Article 5
12 (commencing with Section 11120).

13 (13) Any person or entity when access is expressly authorized
14 by statute if the criminal history information is required to
15 implement a statute or regulation that expressly refers to specific
16 criminal conduct applicable to the subject person of the state
17 summary criminal history information, and contains requirements
18 or exclusions, or both, expressly based upon that specified criminal
19 conduct.

20 (14) Health officers of a city, county, city and county, or district
21 when in the performance of their official duties enforcing Section
22 120175 of the Health and Safety Code.

23 (15) Any managing or supervising correctional officer of a
24 county jail or other county correctional facility.

25 (16) Any humane society, or society for the prevention of cruelty
26 to animals, for the specific purpose of complying with Section
27 14502 of the Corporations Code for the appointment of humane
28 officers.

29 (17) Local child support agencies established by Section 17304
30 of the Family Code. When a local child support agency closes a
31 support enforcement case containing summary criminal history
32 information, the agency shall delete or purge from the file and
33 destroy any documents or information concerning or arising from
34 offenses for or of which the parent has been arrested, charged, or
35 convicted, other than for offenses related to the parent's having
36 failed to provide support for minor children, consistent with the
37 requirements of Section 17531 of the Family Code.

38 (18) County child welfare agency personnel who have been
39 delegated the authority of county probation officers to access state
40 summary criminal history information pursuant to Section 272 of

1 the Welfare and Institutions Code for the purposes specified in
2 Section 16504.5 of the Welfare and Institutions Code. Information
3 from criminal history records provided pursuant to this subdivision
4 shall not be used for any purposes other than those specified in
5 this section and Section 16504.5 of the Welfare and Institutions
6 Code. When an agency obtains records obtained both on the basis
7 of name checks and fingerprint checks, final placement decisions
8 shall be based only on the records obtained pursuant to the
9 fingerprint check.

10 (19) The court of a tribe, or court of a consortium of tribes, that
11 has entered into an agreement with the state pursuant to Section
12 10553.1 of the Welfare and Institutions Code. This information
13 may be used only for the purposes specified in Section 16504.5
14 of the Welfare and Institutions Code and for tribal approval or
15 tribal licensing of foster care or adoptive homes. Article 6
16 (commencing with Section 11140) shall apply to officers, members,
17 and employees of a tribal court receiving criminal record offender
18 information pursuant to this section.

19 (20) Child welfare agency personnel of a tribe or consortium
20 of tribes that has entered into an agreement with the state pursuant
21 to Section 10553.1 of the Welfare and Institutions Code and to
22 whom the state has delegated duties under paragraph (2) of
23 subdivision (a) of Section 272 of the Welfare and Institutions Code.
24 The purposes for use of the information shall be for the purposes
25 specified in Section 16504.5 of the Welfare and Institutions Code
26 and for tribal approval or tribal licensing of foster care or adoptive
27 homes. When an agency obtains records on the basis of name
28 checks and fingerprint checks, final placement decisions shall be
29 based only on the records obtained pursuant to the fingerprint
30 check. Article 6 (commencing with Section 11140) shall apply to
31 child welfare agency personnel receiving criminal record offender
32 information pursuant to this section.

33 (21) An officer providing conservatorship investigations
34 pursuant to Sections 5351, 5354, and 5356 of the Welfare and
35 Institutions Code.

36 (22) A court investigator providing investigations or reviews
37 in conservatorships pursuant to Section 1826, 1850, 1851, or
38 2250.6 of the Probate Code.

39 (23) A person authorized to conduct a guardianship investigation
40 pursuant to Section 1513 of the Probate Code.

1 (24) A humane officer appointed pursuant to Section 14502 of
 2 the Corporations Code of for the purposes of performing his or
 3 her duties.

4 (25) A public agency described in subdivision (b) of Section
 5 15975 of the Government Code, for the purpose of oversight and
 6 enforcement policies with respect to its contracted providers.

7 ~~(26) An animal control officer, appointed pursuant to Section~~
 8 ~~830.9, for purposes of performing his or her official duties.~~

9 (c) The Attorney General may furnish state summary criminal
 10 history information and, when specifically authorized by this
 11 subdivision, federal level criminal history information, upon a
 12 showing of a compelling need to any of the following, provided
 13 that when information is furnished to assist an agency, officer, or
 14 official of state or local government, a public utility, or any other
 15 entity in fulfilling employment, certification, or licensing duties,
 16 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the
 17 Labor Code shall apply:

18 (1) Any public utility, as defined in Section 216 of the Public
 19 Utilities Code, that operates a nuclear energy facility when access
 20 is needed in order to assist in employing persons to work at the
 21 facility, provided that, if the Attorney General supplies the data,
 22 he or she shall furnish a copy of the data to the person to whom
 23 the data relates.

24 (2) To a peace officer of the state other than those included in
 25 subdivision (b).

26 (3) To an illegal dumping enforcement officer as defined in
 27 subdivision (j) of Section 830.7.

28 *(4) To an animal control officer employed by a city, county, or*
 29 *city and county, for purposes of performing his or her official*
 30 *duties.*

31 ~~(4)~~

32 (5) To a peace officer of another country.

33 ~~(5)~~

34 (6) To public officers, other than peace officers, of the United
 35 States, other states, or possessions or territories of the United
 36 States, provided that access to records similar to state summary
 37 criminal history information is expressly authorized by a statute
 38 of the United States, other states, or possessions or territories of
 39 the United States if the information is needed for the performance
 40 of their official duties.

1 ~~(6)~~

2 (7) To any person when disclosure is requested by a probation,
3 parole, or peace officer with the consent of the subject of the state
4 summary criminal history information and for purposes of
5 furthering the rehabilitation of the subject.

6 ~~(7)~~

7 (8) The courts of the United States, other states, or territories
8 or possessions of the United States.

9 ~~(8)~~

10 (9) Peace officers of the United States, other states, or territories
11 or possessions of the United States.

12 ~~(9)~~

13 (10) To any individual who is the subject of the record requested
14 if needed in conjunction with an application to enter the United
15 States or any foreign nation.

16 ~~(10)~~

17 (11) (A) (i) Any public utility, as defined in Section 216 of the
18 Public Utilities Code, or any cable corporation as defined in
19 subparagraph (B), if receipt of criminal history information is
20 needed in order to assist in employing current or prospective
21 employees, contract employees, or subcontract employees who,
22 in the course of their employment may be seeking entrance to
23 private residences or adjacent grounds. The information provided
24 shall be limited to the record of convictions and any arrest for
25 which the person is released on bail or on his or her own
26 recognizance pending trial.

27 (ii) If the Attorney General supplies the data pursuant to this
28 paragraph, the Attorney General shall furnish a copy of the data
29 to the current or prospective employee to whom the data relates.

30 (iii) Any information obtained from the state summary criminal
31 history is confidential and the receiving public utility or cable
32 corporation shall not disclose its contents, other than for the
33 purpose for which it was acquired. The state summary criminal
34 history information in the possession of the public utility or cable
35 corporation and all copies made from it shall be destroyed not
36 more than 30 days after employment or promotion or transfer is
37 denied or granted, except for those cases where a current or
38 prospective employee is out on bail or on his or her own
39 recognizance pending trial, in which case the state summary

1 criminal history information and all copies shall be destroyed not
2 more than 30 days after the case is resolved.

3 (iv) A violation of this paragraph is a misdemeanor, and shall
4 give the current or prospective employee who is injured by the
5 violation a cause of action against the public utility or cable
6 corporation to recover damages proximately caused by the
7 violations. Any public utility's or cable corporation's request for
8 state summary criminal history information for purposes of
9 employing current or prospective employees who may be seeking
10 entrance to private residences or adjacent grounds in the course
11 of their employment shall be deemed a "compelling need" as
12 required to be shown in this subdivision.

13 (v) Nothing in this section shall be construed as imposing any
14 duty upon public utilities or cable corporations to request state
15 summary criminal history information on any current or prospective
16 employees.

17 (B) For purposes of this paragraph, "cable corporation" means
18 any corporation or firm that transmits or provides television,
19 computer, or telephone services by cable, digital, fiber optic,
20 satellite, or comparable technology to subscribers for a fee.

21 (C) Requests for federal level criminal history information
22 received by the Department of Justice from entities authorized
23 pursuant to subparagraph (A) shall be forwarded to the Federal
24 Bureau of Investigation by the Department of Justice. Federal level
25 criminal history information received or compiled by the
26 Department of Justice may then be disseminated to the entities
27 referenced in subparagraph (A), as authorized by law.

28 (D) (i) Authority for a cable corporation to request state or
29 federal level criminal history information under this paragraph
30 shall commence July 1, 2005.

31 (ii) Authority for a public utility to request federal level criminal
32 history information under this paragraph shall commence July 1,
33 2005.

34 ~~(H)~~

35 (I2) To any campus of the California State University or the
36 University of California, or any four year college or university
37 accredited by a regional accreditation organization approved by
38 the United States Department of Education, if needed in
39 conjunction with an application for admission by a convicted felon
40 to any special education program for convicted felons, including,

1 but not limited to, university alternatives and halfway houses. Only
2 conviction information shall be furnished. The college or university
3 may require the convicted felon to be fingerprinted, and any inquiry
4 to the department under this section shall include the convicted
5 felon’s fingerprints and any other information specified by the
6 department.

7 ~~(12)~~

8 (13) To any foreign government, if requested by the individual
9 who is the subject of the record requested, if needed in conjunction
10 with the individual’s application to adopt a minor child who is a
11 citizen of that foreign nation. Requests for information pursuant
12 to this paragraph shall be in accordance with the process described
13 in Sections 11122 to 11124, inclusive. The response shall be
14 provided to the foreign government or its designee and to the
15 individual who requested the information.

16 (d) Whenever an authorized request for state summary criminal
17 history information pertains to a person whose fingerprints are on
18 file with the Department of Justice and the department has no
19 criminal history of that person, and the information is to be used
20 for employment, licensing, or certification purposes, the fingerprint
21 card accompanying the request for information, if any, may be
22 stamped “no criminal record” and returned to the person or entity
23 making the request.

24 (e) Whenever state summary criminal history information is
25 furnished as the result of an application and is to be used for
26 employment, licensing, or certification purposes, the Department
27 of Justice may charge the person or entity making the request a
28 fee that it determines to be sufficient to reimburse the department
29 for the cost of furnishing the information. In addition, the
30 Department of Justice may add a surcharge to the fee to fund
31 maintenance and improvements to the systems from which the
32 information is obtained. Notwithstanding any other law, any person
33 or entity required to pay a fee to the department for information
34 received under this section may charge the applicant a fee sufficient
35 to reimburse the person or entity for this expense. All moneys
36 received by the department pursuant to this section, Sections
37 11105.3 and 26190, and former Section 13588 of the Education
38 Code shall be deposited in a special account in the General Fund
39 to be available for expenditure by the department to offset costs
40 incurred pursuant to those sections and for maintenance and

1 improvements to the systems from which the information is
2 obtained upon appropriation by the Legislature.

3 (f) Whenever there is a conflict, the processing of criminal
4 fingerprints and fingerprints of applicants for security guard or
5 alarm agent registrations or firearms qualification permits
6 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4
7 of the Business and Professions Code shall take priority over the
8 processing of other applicant fingerprints.

9 (g) It is not a violation of this section to disseminate statistical
10 or research information obtained from a record, provided that the
11 identity of the subject of the record is not disclosed.

12 (h) It is not a violation of this section to include information
13 obtained from a record in (1) a transcript or record of a judicial or
14 administrative proceeding or (2) any other public record if the
15 inclusion of the information in the public record is authorized by
16 a court, statute, or decisional law.

17 (i) Notwithstanding any other law, the Department of Justice
18 or any state or local law enforcement agency may require the
19 submission of fingerprints for the purpose of conducting summary
20 criminal history information checks that are authorized by law.

21 (j) The state summary criminal history information shall include
22 any finding of mental incompetence pursuant to Chapter 6
23 (commencing with Section 1367) of Title 10 of Part 2 arising out
24 of a complaint charging a felony offense specified in Section 290.

25 (k) (1) This subdivision shall apply whenever state or federal
26 summary criminal history information is furnished by the
27 Department of Justice as the result of an application by an
28 authorized agency or organization and the information is to be
29 used for peace officer employment or certification purposes. As
30 used in this subdivision, a peace officer is defined in Chapter 4.5
31 (commencing with Section 830) of Title 3 of Part 2.

32 (2) Notwithstanding any other provision of law, whenever state
33 summary criminal history information is initially furnished
34 pursuant to paragraph (1), the Department of Justice shall
35 disseminate the following information:

36 (A) Every conviction rendered against the applicant.

37 (B) Every arrest for an offense for which the applicant is
38 presently awaiting trial, whether the applicant is incarcerated or
39 has been released on bail or on his or her own recognizance
40 pending trial.

1 (C) Every arrest or detention, except for an arrest or detention
2 resulting in an exoneration, provided, however, that where the
3 records of the Department of Justice do not contain a disposition
4 for the arrest, the Department of Justice first makes a genuine effort
5 to determine the disposition of the arrest.

6 (D) Every successful diversion.

7 (E) Every date and agency name associated with all retained
8 peace officer or nonsworn law enforcement agency employee
9 preemployment criminal offender record information search
10 requests.

11 (l) (1) This subdivision shall apply whenever state or federal
12 summary criminal history information is furnished by the
13 Department of Justice as the result of an application by a criminal
14 justice agency or organization as defined in Section 13101, and
15 the information is to be used for criminal justice employment,
16 licensing, or certification purposes.

17 (2) Notwithstanding any other provision of law, whenever state
18 summary criminal history information is initially furnished
19 pursuant to paragraph (1), the Department of Justice shall
20 disseminate the following information:

21 (A) Every conviction rendered against the applicant.

22 (B) Every arrest for an offense for which the applicant is
23 presently awaiting trial, whether the applicant is incarcerated or
24 has been released on bail or on his or her own recognizance
25 pending trial.

26 (C) Every arrest for an offense for which the records of the
27 Department of Justice do not contain a disposition or did not result
28 in a conviction, provided that the Department of Justice first makes
29 a genuine effort to determine the disposition of the arrest. However,
30 information concerning an arrest shall not be disclosed if the
31 records of the Department of Justice indicate or if the genuine
32 effort reveals that the subject was exonerated, successfully
33 completed a diversion or deferred entry of judgment program, or
34 the arrest was deemed a detention.

35 (D) Every date and agency name associated with all retained
36 peace officer or nonsworn law enforcement agency employee
37 preemployment criminal offender record information search
38 requests.

39 (m) (1) This subdivision shall apply whenever state or federal
40 summary criminal history information is furnished by the

1 Department of Justice as the result of an application by an
2 authorized agency or organization pursuant to Section 1522,
3 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
4 any statute that incorporates the criteria of any of those sections
5 or this subdivision by reference, and the information is to be used
6 for employment, licensing, or certification purposes.

7 (2) Notwithstanding any other provision of law, whenever state
8 summary criminal history information is initially furnished
9 pursuant to paragraph (1), the Department of Justice shall
10 disseminate the following information:

11 (A) Every conviction of an offense rendered against the
12 applicant.

13 (B) Every arrest for an offense for which the applicant is
14 presently awaiting trial, whether the applicant is incarcerated or
15 has been released on bail or on his or her own recognizance
16 pending trial.

17 (C) Every arrest for an offense for which the Department of
18 Social Services is required by paragraph (1) of subdivision (a) of
19 Section 1522 of the Health and Safety Code to determine if an
20 applicant has been arrested. However, if the records of the
21 Department of Justice do not contain a disposition for an arrest,
22 the Department of Justice shall first make a genuine effort to
23 determine the disposition of the arrest.

24 (3) Notwithstanding the requirements of the sections referenced
25 in paragraph (1) of this subdivision, the Department of Justice
26 shall not disseminate information about an arrest subsequently
27 deemed a detention or an arrest that resulted in either the successful
28 completion of a diversion program or exoneration.

29 (n) (1) This subdivision shall apply whenever state or federal
30 summary criminal history information, to be used for employment,
31 licensing, or certification purposes, is furnished by the Department
32 of Justice as the result of an application by an authorized agency,
33 organization, or individual pursuant to any of the following:

34 (A) Paragraph ~~(9)~~ (11) of subdivision (c), when the information
35 is to be used by a cable corporation.

36 (B) Section 11105.3 or 11105.4.

37 (C) Section 15660 of the Welfare and Institutions Code.

38 (D) Any statute that incorporates the criteria of any of the
39 statutory provisions listed in subparagraph (A), (B), or (C), or of
40 this subdivision, by reference.

1 (2) With the exception of applications submitted by
2 transportation companies authorized pursuant to Section 11105.3,
3 and notwithstanding any other provision of law, whenever state
4 summary criminal history information is initially furnished
5 pursuant to paragraph (1), the Department of Justice shall
6 disseminate the following information:

7 (A) Every conviction rendered against the applicant for a
8 violation or attempted violation of any offense specified in
9 subdivision (a) of Section 15660 of the Welfare and Institutions
10 Code. However, with the exception of those offenses for which
11 registration is required pursuant to Section 290, the Department
12 of Justice shall not disseminate information pursuant to this
13 subdivision unless the conviction occurred within 10 years of the
14 date of the agency's request for information or the conviction is
15 over 10 years old but the subject of the request was incarcerated
16 within 10 years of the agency's request for information.

17 (B) Every arrest for a violation or attempted violation of an
18 offense specified in subdivision (a) of Section 15660 of the Welfare
19 and Institutions Code for which the applicant is presently awaiting
20 trial, whether the applicant is incarcerated or has been released on
21 bail or on his or her own recognizance pending trial.

22 (o) (1) This subdivision shall apply whenever state or federal
23 summary criminal history information is furnished by the
24 Department of Justice as the result of an application by an
25 authorized agency or organization pursuant to Section 379 or 1300
26 of the Financial Code, or any statute that incorporates the criteria
27 of either of those sections or this subdivision by reference, and the
28 information is to be used for employment, licensing, or certification
29 purposes.

30 (2) Notwithstanding any other provision of law, whenever state
31 summary criminal history information is initially furnished
32 pursuant to paragraph (1), the Department of Justice shall
33 disseminate the following information:

34 (A) Every conviction rendered against the applicant for a
35 violation or attempted violation of any offense specified in Section
36 1300 of the Financial Code.

37 (B) Every arrest for a violation or attempted violation of an
38 offense specified in Section 1300 of the Financial Code for which
39 the applicant is presently awaiting trial, whether the applicant is

1 incarcerated or has been released on bail or on his or her own
2 recognizance pending trial.

3 (p) (1) This subdivision shall apply whenever state or federal
4 criminal history information is furnished by the Department of
5 Justice as the result of an application by an agency, organization,
6 or individual not defined in subdivision (k), (l), (m), (n), or (o), or
7 by a transportation company authorized pursuant to Section
8 11105.3, or any statute that incorporates the criteria of that section
9 or this subdivision by reference, and the information is to be used
10 for employment, licensing, or certification purposes.

11 (2) Notwithstanding any other provisions of law, whenever state
12 summary criminal history information is initially furnished
13 pursuant to paragraph (1), the Department of Justice shall
14 disseminate the following information:

15 (A) Every conviction rendered against the applicant.

16 (B) Every arrest for an offense for which the applicant is
17 presently awaiting trial, whether the applicant is incarcerated or
18 has been released on bail or on his or her own recognizance
19 pending trial.

20 (q) All agencies, organizations, or individuals defined in
21 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the
22 Department of Justice for subsequent notification pursuant to
23 Section 11105.2. This subdivision shall not supersede sections that
24 mandate an agency, organization, or individual to contract with
25 the Department of Justice for subsequent notification pursuant to
26 Section 11105.2.

27 (r) Nothing in this section shall be construed to mean that the
28 Department of Justice shall cease compliance with any other
29 statutory notification requirements.

30 (s) The provisions of Section 50.12 of Title 28 of the Code of
31 Federal Regulations are to be followed in processing federal
32 criminal history information.

33 (t) Whenever state or federal summary criminal history
34 information is furnished by the Department of Justice as the result
35 of an application by an authorized agency, organization, or
36 individual defined in subdivisions (k) to (p), inclusive, and the
37 information is to be used for employment, licensing, or certification
38 purposes, the authorized agency, organization, or individual shall
39 expeditiously furnish a copy of the information to the person to
40 whom the information relates if the information is a basis for an

1 adverse employment, licensing, or certification decision. When
2 furnished other than in person, the copy shall be delivered to the
3 last contact information provided by the applicant.

4 SEC. 2. Section 13300 of the Penal Code is amended to read:
5 13300. (a) As used in this section:

6 (1) “Local summary criminal history information” means the
7 master record of information compiled by any local criminal justice
8 agency pursuant to Chapter 2 (commencing with Section 13100)
9 of Title 3 of Part 4 pertaining to the identification and criminal
10 history of any person, such as name, date of birth, physical
11 description, dates of arrests, arresting agencies and booking
12 numbers, charges, dispositions, and similar data about the person.

13 (2) “Local summary criminal history information” does not
14 refer to records and data compiled by criminal justice agencies
15 other than that local agency, nor does it refer to records of
16 complaints to or investigations conducted by, or records of
17 intelligence information or security procedures of, the local agency.

18 (3) “Local agency” means a local criminal justice agency.

19 (b) A local agency shall furnish local summary criminal history
20 information to any of the following, when needed in the course of
21 their duties, provided that when information is furnished to assist
22 an agency, officer, or official of state or local government, a public
23 utility, or any entity, in fulfilling employment, certification, or
24 licensing duties, Chapter 1321 of the Statutes of 1974 and Section
25 432.7 of the Labor Code shall apply:

26 (1) The courts of the state.

27 (2) Peace officers of the state, as defined in Section 830.1,
28 subdivisions (a) and (d) of Section 830.2, subdivisions (a), (b),
29 and (j) of Section 830.3, and subdivisions (a), (b), and (c) of
30 Section 830.5.

31 (3) District attorneys of the state.

32 (4) Prosecuting city attorneys of any city within the state.

33 (5) City attorneys pursuing civil gang injunctions pursuant to
34 Section 186.22a, or drug abatement actions pursuant to Section
35 3479 or 3480 of the Civil Code, or Section 11571 of the Health
36 and Safety Code.

37 (6) Probation officers of the state.

38 (7) Parole officers of the state.

1 (8) A public defender or attorney of record when representing
2 a person in proceedings upon a petition for a certificate of
3 rehabilitation and pardon pursuant to Section 4852.08.

4 (9) A public defender or attorney of record when representing
5 a person in a criminal case, or a parole, mandatory supervision, or
6 postrelease community supervision revocation or revocation
7 extension hearing, and when authorized access by statutory or
8 decisional law.

9 (10) Any agency, officer, or official of the state when the local
10 summary criminal history information is required to implement a
11 statute, regulation, or ordinance that expressly refers to specific
12 criminal conduct applicable to the subject person of the local
13 summary criminal history information, and contains requirements
14 or exclusions, or both, expressly based upon the specified criminal
15 conduct.

16 (11) Any city, county, city and county, or district, or any officer
17 or official thereof, when access is needed in order to assist the
18 agency, officer, or official in fulfilling employment, certification,
19 or licensing duties, and when the access is specifically authorized
20 by the city council, board of supervisors, or governing board of
21 the city, county, or district when the local summary criminal history
22 information is required to implement a statute, regulation, or
23 ordinance that expressly refers to specific criminal conduct
24 applicable to the subject person of the local summary criminal
25 history information, and contains requirements or exclusions, or
26 both, expressly based upon the specified criminal conduct.

27 (12) The subject of the local summary criminal history
28 information.

29 (13) Any person or entity when access is expressly authorized
30 by statute when the local summary criminal history information
31 is required to implement a statute, regulation, or ordinance that
32 expressly refers to specific criminal conduct applicable to the
33 subject person of the local summary criminal history information,
34 and contains requirements or exclusions, or both, expressly based
35 upon the specified criminal conduct.

36 (14) Any managing or supervising correctional officer of a
37 county jail or other county correctional facility.

38 (15) Local child support agencies established by Section 17304
39 of the Family Code. When a local child support agency closes a
40 support enforcement case containing summary criminal history

1 information, the agency shall delete or purge from the file and
2 destroy any documents or information concerning or arising from
3 offenses for or of which the parent has been arrested, charged, or
4 convicted, other than for offenses related to the parents having
5 failed to provide support for the minor children, consistent with
6 Section 17531 of the Family Code.

7 (16) County child welfare agency personnel who have been
8 delegated the authority of county probation officers to access state
9 summary criminal information pursuant to Section 272 of the
10 Welfare and Institutions Code for the purposes specified in Section
11 16504.5 of the Welfare and Institutions Code.

12 (17) A humane officer appointed pursuant to Section 14502 of
13 the Corporations Code, for the purposes of performing his or her
14 duties. A local agency may charge a reasonable fee sufficient to
15 cover the costs of providing information pursuant to this paragraph.

16 ~~(18) An animal control officer, appointed pursuant to Section
17 830.9, for the purposes of performing his or her official duties. A
18 local agency may charge a reasonable fee sufficient to cover the
19 costs of providing information pursuant to this paragraph.~~

20 (c) The local agency may furnish local summary criminal history
21 information, upon a showing of a compelling need, to any of the
22 following, provided that when information is furnished to assist
23 an agency, officer, or official of state or local government, a public
24 utility, or any entity, in fulfilling employment, certification, or
25 licensing duties, Chapter 1321 of the Statutes of 1974 and Section
26 432.7 of the Labor Code shall apply:

27 (1) Any public utility, as defined in Section 216 of the Public
28 Utilities Code, which operates a nuclear energy facility when access
29 is needed to assist in employing persons to work at the facility,
30 provided that, if the local agency supplies the information, it shall
31 furnish a copy of this information to the person to whom the
32 information relates.

33 (2) To a peace officer of the state other than those included in
34 subdivision (b).

35 (3) *An animal control officer employed by a city, county, or city
36 and county, for the purposes of performing his or her official
37 duties. A local agency may charge a reasonable fee sufficient to
38 cover the costs of providing information pursuant to this
39 paragraph.*

40 (3)

1 (4) To a peace officer of another country.

2 ~~(4)~~

3 (5) To public officers, other than peace officers, of the United
4 States, other states, or possessions or territories of the United
5 States, provided that access to records similar to local summary
6 criminal history information is expressly authorized by a statute
7 of the United States, other states, or possessions or territories of
8 the United States when this information is needed for the
9 performance of their official duties.

10 ~~(5)~~

11 (6) To any person when disclosure is requested by a probation,
12 parole, or peace officer with the consent of the subject of the local
13 summary criminal history information and for purposes of
14 furthering the rehabilitation of the subject.

15 ~~(6)~~

16 (7) The courts of the United States, other states, or territories
17 or possessions of the United States.

18 ~~(7)~~

19 (8) Peace officers of the United States, other states, or territories
20 or possessions of the United States.

21 ~~(8)~~

22 (9) To any individual who is the subject of the record requested
23 when needed in conjunction with an application to enter the United
24 States or any foreign nation.

25 ~~(9)~~

26 (10) Any public utility, as defined in Section 216 of the Public
27 Utilities Code, when access is needed to assist in employing
28 persons who will be seeking entrance to private residences in the
29 course of their employment. The information provided shall be
30 limited to the record of convictions and any arrest for which the
31 person is released on bail or on his or her own recognizance
32 pending trial.

33 If the local agency supplies the information pursuant to this
34 paragraph, it shall furnish a copy of the information to the person
35 to whom the information relates.

36 Any information obtained from the local summary criminal
37 history is confidential and the receiving public utility shall not
38 disclose its contents, other than for the purpose for which it was
39 acquired. The local summary criminal history information in the
40 possession of the public utility and all copies made from it shall

1 be destroyed 30 days after employment is denied or granted,
2 including any appeal periods, except for those cases where an
3 employee or applicant is out on bail or on his or her own
4 recognizance pending trial, in which case the state summary
5 criminal history information and all copies shall be destroyed 30
6 days after the case is resolved, including any appeal periods.

7 A violation of any of the provisions of this paragraph is a
8 misdemeanor, and shall give the employee or applicant who is
9 injured by the violation a cause of action against the public utility
10 to recover damages proximately caused by the violation.

11 Nothing in this section shall be construed as imposing any duty
12 upon public utilities to request local summary criminal history
13 information on any current or prospective employee.

14 Seeking entrance to private residences in the course of
15 employment shall be deemed a “compelling need” as required to
16 be shown in this subdivision.

17 ~~(10)~~

18 *(11)* Any city, county, city and county, or district, or any officer
19 or official thereof, if a written request is made to a local law
20 enforcement agency and the information is needed to assist in the
21 screening of a prospective concessionaire, and any affiliate or
22 associate thereof, as these terms are defined in subdivision (k) of
23 Section 432.7 of the Labor Code, for the purposes of consenting
24 to, or approving of, the prospective concessionaire’s application
25 for, or acquisition of, any beneficial interest in a concession, lease,
26 or other property interest.

27 Any local government’s request for local summary criminal
28 history information for purposes of screening a prospective
29 concessionaire and their affiliates or associates before approving
30 or denying an application for, or acquisition of, any beneficial
31 interest in a concession, lease, or other property interest is deemed
32 a “compelling need” as required by this subdivision. However,
33 only local summary criminal history information pertaining to
34 criminal convictions may be obtained pursuant to this paragraph.

35 Any information obtained from the local summary criminal
36 history is confidential and the receiving local government shall
37 not disclose its contents, other than for the purpose for which it
38 was acquired. The local summary criminal history information in
39 the possession of the local government and all copies made from
40 it shall be destroyed not more than 30 days after the local

1 government's final decision to grant or deny consent to, or approval
2 of, the prospective concessionaire's application for, or acquisition
3 of, a beneficial interest in a concession, lease, or other property
4 interest. Nothing in this section shall be construed as imposing
5 any duty upon a local government, or any officer or official thereof,
6 to request local summary criminal history information on any
7 current or prospective concessionaire or their affiliates or
8 associates.

9 (H)

10 (I2) A public agency described in subdivision (b) of Section
11 15975 of the Government Code, for the purpose of oversight and
12 enforcement policies with respect to its contracted providers.

13 (d) Whenever an authorized request for local summary criminal
14 history information pertains to a person whose fingerprints are on
15 file with the local agency and the local agency has no criminal
16 history of that person, and the information is to be used for
17 employment, licensing, or certification purposes, the fingerprint
18 card accompanying the request for information, if any, may be
19 stamped "no criminal record" and returned to the person or entity
20 making the request.

21 (e) A local agency taking fingerprints of a person who is an
22 applicant for licensing, employment, or certification may charge
23 a fee to cover the cost of taking the fingerprints and processing
24 the required documents.

25 (f) Whenever local summary criminal history information
26 furnished pursuant to this section is to be used for employment,
27 licensing, or certification purposes, the local agency shall charge
28 the person or entity making the request a fee which it determines
29 to be sufficient to reimburse the local agency for the cost of
30 furnishing the information, provided that no fee shall be charged
31 to any public law enforcement agency for local summary criminal
32 history information furnished to assist it in employing, licensing,
33 or certifying a person who is applying for employment with the
34 agency as a peace officer or criminal investigator. Any state agency
35 required to pay a fee to the local agency for information received
36 under this section may charge the applicant a fee sufficient to
37 reimburse the agency for the expense.

38 (g) Whenever there is a conflict, the processing of criminal
39 fingerprints shall take priority over the processing of applicant
40 fingerprints.

1 (h) It is not a violation of this article to disseminate statistical
2 or research information obtained from a record, provided that the
3 identity of the subject of the record is not disclosed.

4 (i) It is not a violation of this article to include information
5 obtained from a record in (1) a transcript or record of a judicial or
6 administrative proceeding or (2) any other public record when the
7 inclusion of the information in the public record is authorized by
8 a court, statute, or decisional law.

9 (j) Notwithstanding any other law, a public prosecutor may, in
10 response to a written request made pursuant to Section 6253 of
11 the Government Code, provide information from a local summary
12 criminal history, if release of the information would enhance public
13 safety, the interest of justice, or the public's understanding of the
14 justice system and the person making the request declares that the
15 request is made for a scholarly or journalistic purpose. If a person
16 in a declaration required by this subdivision willfully states as true
17 any material fact that he or she knows to be false, he or she shall
18 be subject to a civil penalty not exceeding ten thousand dollars
19 (\$10,000). The requestor shall be informed in writing of this
20 penalty. An action to impose a civil penalty under this subdivision
21 may be brought by any public prosecutor and shall be enforced as
22 a civil judgment.

23 (k) Notwithstanding any other law, the Department of Justice
24 or any state or local law enforcement agency may require the
25 submission of fingerprints for the purpose of conducting summary
26 criminal history information record checks which are authorized
27 by law.

28 (l) Any local criminal justice agency may release, within five
29 years of the arrest, information concerning an arrest or detention
30 of a peace officer or applicant for a position as a peace officer, as
31 defined in Section 830, which did not result in conviction, and for
32 which the person did not complete a postarrest diversion program
33 or a deferred entry of judgment program, to a government agency
34 employer of that peace officer or applicant.

35 (m) Any local criminal justice agency may release information
36 concerning an arrest of a peace officer or applicant for a position
37 as a peace officer, as defined in Section 830, which did not result
38 in conviction but for which the person completed a postarrest
39 diversion program or a deferred entry of judgment program, or
40 information concerning a referral to and participation in any

1 postarrest diversion program or a deferred entry of judgment
2 program to a government agency employer of that peace officer
3 or applicant.

4 (n) Notwithstanding subdivision (l) or (m), a local criminal
5 justice agency shall not release information under the following
6 circumstances:

7 (1) Information concerning an arrest for which diversion or a
8 deferred entry of judgment program has been ordered without
9 attempting to determine whether diversion or a deferred entry of
10 judgment program has been successfully completed.

11 (2) Information concerning an arrest or detention followed by
12 a dismissal or release without attempting to determine whether the
13 individual was exonerated.

14 (3) Information concerning an arrest without a disposition
15 without attempting to determine whether diversion has been
16 successfully completed or the individual was exonerated.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act, within the meaning of Section
22 17556 of the Government Code.