

ASSEMBLY BILL

No. 1650

Introduced by Assembly Member Jones-Sawyer

February 11, 2014

An act to add Section 10186 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, as introduced, Jones-Sawyer. Public contracts: bidders: employment practices.

The State Contract Act governs contracting between state agencies and private contractors, and sets forth requirements for the bidding, awarding, and overseeing of contracts for projects, which it defines to include the construction or other improvement to a state structure, building, road, or other state improvement of any kind that will exceed a total cost limit of \$250,000 for the 2010 calendar year, as adjusted every 2 years.

Existing law generally prohibits employers from asking an applicant for employment to disclose information concerning convictions which have been sealed, expunged, or statutorily eradicated and certain marijuana-related convictions if the convictions are more than 2 years old. Existing law, commencing July 1, 2014, prohibits a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position.

This bill would prohibit a state agency from contracting for a project with a person that asks an applicant for on site construction-related employment to disclose information concerning the conviction history

of the applicant. The bill would not apply to a position for which a person or state agency is otherwise required by state or federal law to conduct a conviction or criminal history background check or to any contract position with a criminal justice agency, as specified. This bill would not apply to a person that has a collective bargaining agreement with its employees.

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. Section 10186 is added to the Public Contract
- 2 Code, to read:
- 3 10186. (a) A state agency shall not accept a bid from a person
- 4 that asks an applicant for onsite construction related employment
- 5 to disclose information concerning the conviction history of the
- 6 applicant. This subdivision applies to both oral and written
- 7 disclosures and disclosures made on an initial employment
- 8 application.
- 9 (b) This section shall not apply to a position for which the person
- 10 or the state agency is otherwise required by state or federal law to
- 11 conduct a conviction or criminal history background check or to
- 12 any contract position with a criminal justice agency, as that term
- 13 is defined in Section 13101 of the Penal Code.
- 14 (c) This section shall not be construed to prevent a state agency
- 15 from accepting a bid from a person that conducts a conviction
- 16 history background check after complying with the provisions of
- 17 subdivision (a).
- 18 (d) This section shall not apply to a person that has a collective
- 19 bargaining agreement with its employees.