

AMENDED IN ASSEMBLY MAY 5, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1852

Introduced by Assembly Member Campos

February 19, 2014

An act to add Chapter 2.8 (commencing with Section 18950) to Division 8 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, as amended, Campos. Business: services to minors: background checks.

Existing law generally provides requirements for the licensing of business establishments. Existing law authorizes specified entities to receive state summary criminal history information from the Department of Justice. Existing law prohibits an employer, as a condition of employment, from asking an applicant to disclose information regarding an arrest that did not result in a conviction, as specified.

This bill would require a business that provides services to minors, as defined, to provide written notice to the parent or guardian of a youth participating in the service offered by the business regarding the business's policies relating to criminal background checks for employees who provide services to minors, as specified.

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. Chapter 2.8 (commencing with Section 18950)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 2.8. BUSINESSES PROVIDING SERVICES TO MINORS
6

7 18950. (a) (1) A business that provides services to minors
8 shall provide written notice to the parent or guardian of any minor
9 receiving those services regarding the business’s policies relating
10 to obtaining criminal background checks for its employees.

11 (2) If criminal background checks are obtained for employees,
12 the written notice described in paragraph (1) shall also contain a
13 statement regarding whether the criminal background check
14 includes state and federal criminal history information and the
15 nature of the types of offenses the ~~program~~ *business* looks to
16 identify.

17 (b) (1) As used in this section, a “business that provides services
18 to minors” means a business that meets both of the following
19 requirements:

20 (A) Its primary purpose is the providing of an extracurricular
21 service or program of instruction, including, but not limited to,
22 academic tutors and instructors, for youth under 18 years of age.

23 (B) It has adult employees who have supervisory or disciplinary
24 power over a child or children.

25 (2) A “business that provides services to minors” shall not
26 include a licensed child day care facility as defined in Section
27 1596.750 of the Health and Safety Code or a day care center as
28 defined in Section 1596.76 of the Health and Safety Code, or any
29 medical treatment facility or hospital.

30 (c) As used in this section, “written notice” may include a
31 posting on the business’s Internet Web site.

32 (d) Nothing in subdivision (a) shall require or authorize a
33 business subject to these provisions to disclose confidential
34 criminal history information in violation of Article 3 (commencing
35 with Section 11100) of Chapter 1 of Title 1 of Part 4 of the Penal
36 Code.

- 1 (e) Compliance with this section shall not be deemed a violation
- 2 of Section 432.7 of the Labor Code.

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