

Assembly Bill No. 1852

CHAPTER 159

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

[Approved by Governor July 21, 2014. Filed with
Secretary of State July 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, 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.

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

SECTION 1. Chapter 2.8 (commencing with Section 18950) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 2.8. BUSINESSES PROVIDING SERVICES TO MINORS

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

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

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

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

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

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

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

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

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