

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2404**

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**Introduced by Assembly Member Eggman**

February 21, 2014

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An act to amend Section ~~236.2~~ 11105 of the Penal Code, relating to ~~human trafficking~~ *criminal history information*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, as amended, Eggman. ~~Human trafficking.~~ *Criminal history information.*

*Existing law requires the Attorney General to furnish state summary criminal history information to specified persons or entities, including courts and probation officers, if needed in the course of their duties and authorizes the Attorney General to furnish state or federal summary criminal history information upon a showing of a compelling need to other persons or entities, including an illegal dumping enforcement officer or a peace officer of another country. Existing law requires the Department of Justice to disseminate specified information, including every conviction rendered against an applicant, whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for certain purposes, including for peace officer employment or certification purposes.*

*This bill would additionally require the Department of Justice to disseminate the sex offender registration status of an applicant.*

~~Existing law provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or~~

~~services or to effect or maintain a felony violation of offenses relating to prostitution, child pornography, as specified, or extortion, as defined, is guilty of human trafficking. Existing law requires law enforcement agencies to use due diligence to identify all victims of human trafficking, regardless of the citizenship of those persons.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

*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,  
23 certification, or licensing duties, Chapter 1321 of the Statutes of  
24 1974 and Section 432.7 of the Labor Code shall apply:

25 (1) The courts of the state.

26 (2) Peace officers of the state, as defined in Section 830.1,  
27 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section

1 830.3, *subdivision (a) of Section 830.31, and subdivisions (a) and*  
2 *(b) of Section 830.5, and subdivision (a) of Section 830.31.*

3 (3) District attorneys of the state.

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

5 (5) City attorneys pursuing civil gang injunctions pursuant to  
6 Section 186.22a, or drug abatement actions pursuant to Section  
7 3479 or 3480 of the Civil Code, or Section 11571 of the Health  
8 and Safety Code.

9 (6) Probation officers of the state.

10 (7) Parole officers of the state.

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

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

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

30 (11) Any city or county, city and county, district, or any officer  
31 or official thereof if access is needed in order to assist that agency,  
32 officer, or official in fulfilling employment, certification, or  
33 licensing duties, and if the access is specifically authorized by the  
34 city council, board of supervisors, or governing board of the city,  
35 county, or district if the criminal history information is required  
36 to implement a statute, ordinance, or regulation that expressly  
37 refers to specific criminal conduct applicable to the subject person  
38 of the state summary criminal history information, and contains  
39 requirements or exclusions, or both, expressly based upon that  
40 specified criminal conduct. The city or county, city and county,

1 district, or the officer or official thereof authorized by this  
2 paragraph may also transmit fingerprint images and related  
3 information to the Department of Justice to be transmitted to the  
4 Federal Bureau of Investigation.

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

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

15 (14) Health officers of a city, county, city and county, or district  
16 when in the performance of their official duties enforcing Section  
17 120175 of the Health and Safety Code.

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

20 (16) Any humane society, or society for the prevention of cruelty  
21 to animals, for the specific purpose of complying with Section  
22 14502 of the Corporations Code for the appointment of humane  
23 officers.

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

33 (18) County child welfare agency personnel who have been  
34 delegated the authority of county probation officers to access state  
35 summary criminal history information pursuant to Section 272 of  
36 the Welfare and Institutions Code for the purposes specified in  
37 Section 16504.5 of the Welfare and Institutions Code. Information  
38 from criminal history records provided pursuant to this subdivision  
39 shall not be used for any purposes other than those specified in  
40 this section and Section 16504.5 of the Welfare and Institutions

1 Code. When an agency obtains records obtained both on the basis  
2 of name checks and fingerprint checks, final placement decisions  
3 shall be based only on the records obtained pursuant to the  
4 fingerprint check.

5 (19) The court of a tribe, or court of a consortium of tribes, that  
6 has entered into an agreement with the state pursuant to Section  
7 10553.1 of the Welfare and Institutions Code. This information  
8 may be used only for the purposes specified in Section 16504.5  
9 of the Welfare and Institutions Code and for tribal approval or  
10 tribal licensing of foster care or adoptive homes. Article 6  
11 (commencing with Section 11140) shall apply to officers, members,  
12 and employees of a tribal court receiving criminal record offender  
13 information pursuant to this section.

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

28 (21) An officer providing conservatorship investigations  
29 pursuant to Sections 5351, 5354, and 5356 of the Welfare and  
30 Institutions Code.

31 (22) A court investigator providing investigations or reviews  
32 in conservatorships pursuant to Section 1826, 1850, 1851, or  
33 2250.6 of the Probate Code.

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

36 (24) A humane officer pursuant to Section 14502 of the  
37 Corporations Code for the purposes of performing his or her duties.

38 (25) A public agency described in subdivision (b) of Section  
39 15975 of the Government Code, for the purpose of oversight and  
40 enforcement policies with respect to its contracted providers.

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

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

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

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

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

21 (5) To public officers, other than peace officers, of the United  
 22 States, other states, or possessions or territories of the United  
 23 States, provided that access to records similar to state summary  
 24 criminal history information is expressly authorized by a statute  
 25 of the United States, other states, or possessions or territories of  
 26 the United States if the information is needed for the performance  
 27 of their official duties.

28 (6) To any person when disclosure is requested by a probation,  
 29 parole, or peace officer with the consent of the subject of the state  
 30 summary criminal history information and for purposes of  
 31 furthering the rehabilitation of the subject.

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

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

36 (9) To any individual who is the subject of the record requested  
 37 if needed in conjunction with an application to enter the United  
 38 States or any foreign nation.

39 (10) (A) (i) Any public utility, as defined in Section 216 of the  
 40 Public Utilities Code, or any cable corporation as defined in

1 subparagraph (B), if receipt of criminal history information is  
2 needed in order to assist in employing current or prospective  
3 employees, contract employees, or subcontract employees who,  
4 in the course of their employment may be seeking entrance to  
5 private residences or adjacent grounds. The information provided  
6 shall be limited to the record of convictions and any arrest for  
7 which the person is released on bail or on his or her own  
8 recognizance pending trial.

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

12 (iii) Any information obtained from the state summary criminal  
13 history is confidential and the receiving public utility or cable  
14 corporation shall not disclose its contents, other than for the  
15 purpose for which it was acquired. The state summary criminal  
16 history information in the possession of the public utility or cable  
17 corporation and all copies made from it shall be destroyed not  
18 more than 30 days after employment or promotion or transfer is  
19 denied or granted, except for those cases where a current or  
20 prospective employee is out on bail or on his or her own  
21 recognizance pending trial, in which case the state summary  
22 criminal history information and all copies shall be destroyed not  
23 more than 30 days after the case is resolved.

24 (iv) A violation of this paragraph is a misdemeanor, and shall  
25 give the current or prospective employee who is injured by the  
26 violation a cause of action against the public utility or cable  
27 corporation to recover damages proximately caused by the  
28 violations. Any public utility's or cable corporation's request for  
29 state summary criminal history information for purposes of  
30 employing current or prospective employees who may be seeking  
31 entrance to private residences or adjacent grounds in the course  
32 of their employment shall be deemed a "compelling need" as  
33 required to be shown in this subdivision.

34 (v) ~~Nothing in this~~ *This* section shall *not* be construed as  
35 imposing any duty upon public utilities or cable corporations to  
36 request state summary criminal history information on any current  
37 or prospective employees.

38 (B) For purposes of this paragraph, "cable corporation" means  
39 any corporation or firm that transmits or provides television,

1 computer, or telephone services by cable, digital, fiber optic,  
2 satellite, or comparable technology to subscribers for a fee.

3 (C) Requests for federal level criminal history information  
4 received by the Department of Justice from entities authorized  
5 pursuant to subparagraph (A) shall be forwarded to the Federal  
6 Bureau of Investigation by the Department of Justice. Federal level  
7 criminal history information received or compiled by the  
8 Department of Justice may then be disseminated to the entities  
9 referenced in subparagraph (A), as authorized by law.

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

13 (ii) Authority for a public utility to request federal level criminal  
14 history information under this paragraph shall commence July 1,  
15 2005.

16 (11) To any campus of the California State University or the  
17 University of California, or any four year college or university  
18 accredited by a regional accreditation organization approved by  
19 the United States Department of Education, if needed in  
20 conjunction with an application for admission by a convicted felon  
21 to any special education program for convicted felons, including,  
22 but not limited to, university alternatives and halfway houses. Only  
23 conviction information shall be furnished. The college or university  
24 may require the convicted felon to be fingerprinted, and any inquiry  
25 to the department under this section shall include the convicted  
26 felon's fingerprints and any other information specified by the  
27 department.

28 (12) To any foreign government, if requested by the individual  
29 who is the subject of the record requested, if needed in conjunction  
30 with the individual's application to adopt a minor child who is a  
31 citizen of that foreign nation. Requests for information pursuant  
32 to this paragraph shall be in accordance with the process described  
33 in Sections 11122 to 11124, inclusive. The response shall be  
34 provided to the foreign government or its designee and to the  
35 individual who requested the information.

36 (d) Whenever an authorized request for state summary criminal  
37 history information pertains to a person whose fingerprints are on  
38 file with the Department of Justice and the department has no  
39 criminal history of that person, and the information is to be used  
40 for employment, licensing, or certification purposes, the fingerprint

1 card accompanying the request for information, if any, may be  
2 stamped “no criminal record” and returned to the person or entity  
3 making the request.

4 (e) Whenever state summary criminal history information is  
5 furnished as the result of an application and is to be used for  
6 employment, licensing, or certification purposes, the Department  
7 of Justice may charge the person or entity making the request a  
8 fee that it determines to be sufficient to reimburse the department  
9 for the cost of furnishing the information. In addition, the  
10 Department of Justice may add a surcharge to the fee to fund  
11 maintenance and improvements to the systems from which the  
12 information is obtained. Notwithstanding any other law, any person  
13 or entity required to pay a fee to the department for information  
14 received under this section may charge the applicant a fee sufficient  
15 to reimburse the person or entity for this expense. All moneys  
16 received by the department pursuant to this section, Sections  
17 11105.3 and 26190, and former Section 13588 of the Education  
18 Code shall be deposited in a special account in the General Fund  
19 to be available for expenditure by the department to offset costs  
20 incurred pursuant to those sections and for maintenance and  
21 improvements to the systems from which the information is  
22 obtained upon appropriation by the Legislature.

23 (f) Whenever there is a conflict, the processing of criminal  
24 fingerprints and fingerprints of applicants for security guard or  
25 alarm agent registrations or firearms qualification permits  
26 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4  
27 of the Business and Professions Code shall take priority over the  
28 processing of other applicant fingerprints.

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

32 (h) It is not a violation of this section to include information  
33 obtained from a record in (1) a transcript or record of a judicial or  
34 administrative proceeding or (2) any other public record if the  
35 inclusion of the information in the public record is authorized by  
36 a court, statute, or decisional law.

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

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

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

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

16 (A) Every conviction rendered against the applicant.

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

21 (C) Every arrest or detention, except for an arrest or detention  
22 resulting in an exoneration, provided, however, that where the  
23 records of the Department of Justice do not contain a disposition  
24 for the arrest, the Department of Justice first makes a genuine effort  
25 to determine the disposition of the arrest.

26 (D) Every successful diversion.

27 (E) Every date and agency name associated with all retained  
28 peace officer or nonsworn law enforcement agency employee  
29 preemployment criminal offender record information search  
30 requests.

31 (F) *Sex offender registration status of the applicant.*

32 (l) (1) This subdivision shall apply whenever state or federal  
33 summary criminal history information is furnished by the  
34 Department of Justice as the result of an application by a criminal  
35 justice agency or organization as defined in Section 13101, and  
36 the information is to be used for criminal justice employment,  
37 licensing, or certification purposes.

38 (2) Notwithstanding any other ~~provision of~~ law, whenever state  
39 summary criminal history information is initially furnished

1 pursuant to paragraph (1), the Department of Justice shall  
2 disseminate the following information:

3 (A) Every conviction rendered against the applicant.

4 (B) Every arrest for an offense for which the applicant is  
5 presently awaiting trial, whether the applicant is incarcerated or  
6 has been released on bail or on his or her own recognizance  
7 pending trial.

8 (C) Every arrest for an offense for which the records of the  
9 Department of Justice do not contain a disposition or did not result  
10 in a conviction, provided that the Department of Justice first makes  
11 a genuine effort to determine the disposition of the arrest. However,  
12 information concerning an arrest shall not be disclosed if the  
13 records of the Department of Justice indicate or if the genuine  
14 effort reveals that the subject was exonerated, successfully  
15 completed a diversion or deferred entry of judgment program, or  
16 the arrest was deemed a detention.

17 (D) Every date and agency name associated with all retained  
18 peace officer or nonsworn law enforcement agency employee  
19 preemployment criminal offender record information search  
20 requests.

21 (E) *Sex offender registration status of the applicant.*

22 (m) (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 1522,  
26 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
27 any statute that incorporates the criteria of any of those sections  
28 or this subdivision by reference, and the information is to be used  
29 for employment, licensing, or certification 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 of an offense rendered against the  
35 applicant.

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

1 (C) Every arrest for an offense for which the *State* Department  
2 of Social Services is required by paragraph (1) of subdivision (a)  
3 of Section 1522 of the Health and Safety Code to determine if an  
4 applicant has been arrested. However, if the records of the  
5 Department of Justice do not contain a disposition for an arrest,  
6 the Department of Justice shall first make a genuine effort to  
7 determine the disposition of the arrest.

8 (D) *Sex offender registration status of the applicant.*

9 (3) Notwithstanding the requirements of the sections referenced  
10 in paragraph (1) of this subdivision, the Department of Justice  
11 shall not disseminate information about an arrest subsequently  
12 deemed a detention or an arrest that resulted in either the successful  
13 completion of a diversion program or exoneration.

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

19 (A) Paragraph ~~(9)~~ (10) of subdivision (c), when the information  
20 is to be used by a cable corporation.

21 (B) Section 11105.3 or 11105.4.

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

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

26 (2) With the exception of applications submitted by  
27 transportation companies authorized pursuant to Section 11105.3,  
28 and notwithstanding any other ~~provision of~~ law, whenever state  
29 summary criminal history information is initially furnished  
30 pursuant to paragraph (1), the Department of Justice shall  
31 disseminate the following information:

32 (A) Every conviction rendered against the applicant for a  
33 violation or attempted violation of any offense specified in  
34 subdivision (a) of Section 15660 of the Welfare and Institutions  
35 Code. However, with the exception of those offenses for which  
36 registration is required pursuant to Section 290, the Department  
37 of Justice shall not disseminate information pursuant to this  
38 subdivision unless the conviction occurred within 10 years of the  
39 date of the agency's request for information or the conviction is

1 over 10 years old but the subject of the request was incarcerated  
2 within 10 years of the agency's request for information.

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

8 (C) *Sex offender registration status of the applicant.*

9 (o) (1) This subdivision shall apply whenever state or federal  
10 summary criminal history information is furnished by the  
11 Department of Justice as the result of an application by an  
12 authorized agency or organization pursuant to Section 379 or 550  
13 of the Financial Code, or any statute that incorporates the criteria  
14 of either of those sections or this subdivision by reference, and the  
15 information is to be used for employment, licensing, or certification  
16 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 for a  
22 violation or attempted violation of any offense specified in Section  
23 550 of the Financial Code.

24 (B) Every arrest for a violation or attempted violation of an  
25 offense specified in Section 550 of the Financial Code for which  
26 the applicant is presently awaiting trial, whether the applicant is  
27 incarcerated or has been released on bail or on his or her own  
28 recognizance pending trial.

29 (C) *Sex offender registration status of the applicant.*

30 (p) (1) This subdivision shall apply whenever state or federal  
31 criminal history information is furnished by the Department of  
32 Justice as the result of an application by an agency, organization,  
33 or individual not defined in subdivision (k), (l), (m), (n), or (o), or  
34 by a transportation company authorized pursuant to Section  
35 11105.3, or any statute that incorporates the criteria of that section  
36 or this subdivision by reference, and the information is to be used  
37 for employment, licensing, or certification purposes.

38 (2) Notwithstanding any other ~~provisions~~ of law, whenever state  
39 summary criminal history information is initially furnished

1 pursuant to paragraph (1), the Department of Justice shall  
 2 disseminate the following information:

3 (A) Every conviction rendered against the applicant.

4 (B) Every arrest for an offense for which the applicant is  
 5 presently awaiting trial, whether the applicant is incarcerated or  
 6 has been released on bail or on his or her own recognizance  
 7 pending trial.

8 (C) *Sex offender registration status of the applicant.*

9 (q) All agencies, organizations, or individuals defined in  
 10 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the  
 11 Department of Justice for subsequent notification pursuant to  
 12 Section 11105.2. This subdivision shall not supersede sections that  
 13 mandate an agency, organization, or individual to contract with  
 14 the Department of Justice for subsequent notification pursuant to  
 15 Section 11105.2.

16 (r) ~~Nothing in this~~ *This section shall be construed to mean that*  
 17 *does not require* the Department of Justice ~~shall to~~ cease  
 18 compliance with any other statutory notification requirements.

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

22 (t) Whenever state or federal summary criminal history  
 23 information is furnished by the Department of Justice as the result  
 24 of an application by an authorized agency, organization, or  
 25 individual defined in subdivisions (k) to (p), inclusive, and the  
 26 information is to be used for employment, licensing, or certification  
 27 purposes, the authorized agency, organization, or individual shall  
 28 expeditiously furnish a copy of the information to the person to  
 29 whom the information relates if the information is a basis for an  
 30 adverse employment, licensing, or certification decision. When  
 31 furnished other than in person, the copy shall be delivered to the  
 32 last contact information provided by the applicant.

33 ~~SECTION 1. Section 236.2 of the Penal Code is amended to~~  
 34 ~~read:~~

35 ~~236.2. Law enforcement agencies shall use due diligence to~~  
 36 ~~identify all victims of human trafficking, regardless of the~~  
 37 ~~citizenship of those persons. When a peace officer comes into~~  
 38 ~~contact with a person who has been deprived of his or her personal~~  
 39 ~~liberty, a minor who has engaged in a commercial sex act, a person~~  
 40 ~~suspected of violating subdivision (a) or (b) of Section 647, or a~~

- 1 victim of a crime of domestic violence or sexual assault, the peace  
2 officer shall consider whether the following indicators of human  
3 trafficking are present:
- 4 (a) ~~Signs of trauma, fatigue, injury, or other evidence of poor~~  
5 ~~care.~~
  - 6 (b) ~~The person is withdrawn, afraid to talk, or his or her~~  
7 ~~communication is censored by another person.~~
  - 8 (c) ~~The person does not have freedom of movement.~~
  - 9 (d) ~~The person lives and works in one place.~~
  - 10 (e) ~~The person owes a debt to his or her employer.~~
  - 11 (f) ~~Security measures are used to control who has contact with~~  
12 ~~the person.~~
  - 13 (g) ~~The person does not have control over his or her own~~  
14 ~~government-issued identification or over his or her worker~~  
15 ~~immigration documents.~~