

AMENDED IN SENATE AUGUST 5, 2014
AMENDED IN ASSEMBLY APRIL 29, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2404

Introduced by Assembly Member Eggman

February 21, 2014

An act to amend Section 11105 of the Penal Code, relating to criminal history information.

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, as amended, Eggman. 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 when state summary criminal history is furnished for specified purposes.

This bill would incorporate additional changes in Section 11105 of the Penal Code proposed by AB 1585, to be operative only if AB 1585 and this bill are both chaptered and become effective January 1, 2015, and this bill is chaptered last.

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 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
28 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and
29 (b) of Section 830.5.

30 (3) District attorneys of the state.

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

1 (5) City attorneys pursuing civil gang injunctions pursuant to
2 Section 186.22a, or drug abatement actions pursuant to Section
3 3479 or 3480 of the Civil Code, or Section 11571 of the Health
4 and Safety Code.

5 (6) Probation officers of the state.

6 (7) Parole officers of the state.

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

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

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

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

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

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

11 (14) Health officers of a city, county, city and county, or district
12 when in the performance of their official duties enforcing Section
13 120175 of the Health and Safety Code.

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

16 (16) Any humane society, or society for the prevention of cruelty
17 to animals, for the specific purpose of complying with Section
18 14502 of the Corporations Code for the appointment of humane
19 officers.

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

29 (18) County child welfare agency personnel who have been
30 delegated the authority of county probation officers to access state
31 summary criminal history information pursuant to Section 272 of
32 the Welfare and Institutions Code for the purposes specified in
33 Section 16504.5 of the Welfare and Institutions Code. Information
34 from criminal history records provided pursuant to this subdivision
35 shall not be used for any purposes other than those specified in
36 this section and Section 16504.5 of the Welfare and Institutions
37 Code. When an agency obtains records obtained both on the basis
38 of name checks and fingerprint checks, final placement decisions
39 shall be based only on the records obtained pursuant to the
40 fingerprint check.

1 (19) The court of a tribe, or court of a consortium of tribes, that
2 has entered into an agreement with the state pursuant to Section
3 10553.1 of the Welfare and Institutions Code. This information
4 may be used only for the purposes specified in Section 16504.5
5 of the Welfare and Institutions Code and for tribal approval or
6 tribal licensing of foster care or adoptive homes. Article 6
7 (commencing with Section 11140) shall apply to officers, members,
8 and employees of a tribal court receiving criminal record offender
9 information pursuant to this section.

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

24 (21) An officer providing conservatorship investigations
25 pursuant to Sections 5351, 5354, and 5356 of the Welfare and
26 Institutions Code.

27 (22) A court investigator providing investigations or reviews
28 in conservatorships pursuant to Section 1826, 1850, 1851, or
29 2250.6 of the Probate Code.

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

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

34 (25) A public agency described in subdivision (b) of Section
35 15975 of the Government Code, for the purpose of oversight and
36 enforcement policies with respect to its contracted providers.

37 (c) The Attorney General may furnish state summary criminal
38 history information and, when specifically authorized by this
39 subdivision, federal level criminal history information upon a
40 showing of a compelling need to any of the following, provided

1 that when information is furnished to assist an agency, officer, or
2 official of state or local government, a public utility, or any other
3 entity in fulfilling employment, certification, or licensing duties,
4 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the
5 Labor Code shall apply:

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

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

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

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

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

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

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

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

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

35 (10) (A) (i) Any public utility, as defined in Section 216 of the
36 Public Utilities Code, or any cable corporation as defined in
37 subparagraph (B), if receipt of criminal history information is
38 needed in order to assist in employing current or prospective
39 employees, contract employees, or subcontract employees who,
40 in the course of their employment may be seeking entrance to

1 private residences or adjacent grounds. The information provided
2 shall be limited to the record of convictions and any arrest for
3 which the person is released on bail or on his or her own
4 recognizance pending trial.

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

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

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

30 (v) This section shall not be construed as imposing any duty
31 upon public utilities or cable corporations to request state summary
32 criminal history information on any current or prospective
33 employees.

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

38 (C) Requests for federal level criminal history information
39 received by the Department of Justice from entities authorized
40 pursuant to subparagraph (A) shall be forwarded to the Federal

1 Bureau of Investigation by the Department of Justice. Federal level
2 criminal history information received or compiled by the
3 Department of Justice may then be disseminated to the entities
4 referenced in subparagraph (A), as authorized by law.

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

8 (ii) Authority for a public utility to request federal level criminal
9 history information under this paragraph shall commence July 1,
10 2005.

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

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

31 (d) Whenever an authorized request for state summary criminal
32 history information pertains to a person whose fingerprints are on
33 file with the Department of Justice and the department has no
34 criminal history of that person, and the information is to be used
35 for employment, licensing, or certification purposes, the fingerprint
36 card accompanying the request for information, if any, may be
37 stamped "no criminal record" and returned to the person or entity
38 making the request.

39 (e) Whenever state summary criminal history information is
40 furnished as the result of an application and is to be used for

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

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

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

27 (h) It is not a violation of this section to include information
28 obtained from a record in (1) a transcript or record of a judicial or
29 administrative proceeding or (2) any other public record if the
30 inclusion of the information in the public record is authorized by
31 a court, statute, or decisional law.

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

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

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

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

12 (A) Every conviction rendered against the 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 or detention, except for an arrest or detention
18 resulting in an exoneration, provided, however, that where the
19 records of the Department of Justice do not contain a disposition
20 for the arrest, the Department of Justice first makes a genuine effort
21 to determine the disposition of the arrest.

22 (D) Every successful diversion.

23 (E) Every date and agency name associated with all retained
24 peace officer or nonsworn law enforcement agency employee
25 preemployment criminal offender record information search
26 requests.

27 (F) Sex offender registration status of the applicant.

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

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

38 (A) Every conviction rendered against the applicant.

39 (B) Every arrest for an offense for which the applicant is
40 presently awaiting trial, whether the applicant is incarcerated or

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

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

12 (D) Every date and agency name associated with all retained
13 peace officer or nonsworn law enforcement agency employee
14 preemployment criminal offender record information search
15 requests.

16 (E) Sex offender registration status of the applicant.

17 (m) (1) This subdivision shall apply whenever state or federal
18 summary criminal history information is furnished by the
19 Department of Justice as the result of an application by an
20 authorized agency or organization pursuant to Section 1522,
21 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
22 any statute that incorporates the criteria of any of those sections
23 or this subdivision by reference, and the information is to be used
24 for employment, licensing, or certification purposes.

25 (2) Notwithstanding any other law, whenever state summary
26 criminal history information is initially furnished pursuant to
27 paragraph (1), the Department of Justice shall disseminate the
28 following information:

29 (A) Every conviction of an offense rendered against the
30 applicant.

31 (B) Every arrest for an offense for which the applicant is
32 presently awaiting trial, whether the applicant is incarcerated or
33 has been released on bail or on his or her own recognizance
34 pending trial.

35 (C) Every arrest for an offense for which the State Department
36 of Social Services is required by paragraph (1) of subdivision (a)
37 of Section 1522 of the Health and Safety Code to determine if an
38 applicant has been arrested. However, if the records of the
39 Department of Justice do not contain a disposition for an arrest,

1 the Department of Justice shall first make a genuine effort to
2 determine the disposition of the arrest.

3 (D) Sex offender registration status of the applicant.

4 (3) Notwithstanding the requirements of the sections referenced
5 in paragraph (1) of this subdivision, the Department of Justice
6 shall not disseminate information about an arrest subsequently
7 deemed a detention or an arrest that resulted in either the successful
8 completion of a diversion program or exoneration.

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

14 (A) Paragraph (10) of subdivision (c), when the information is
15 to be used by a cable corporation.

16 (B) Section 11105.3 or 11105.4.

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

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

21 (2) With the exception of applications submitted by
22 transportation companies authorized pursuant to Section 11105.3,
23 and notwithstanding any other law, whenever state summary
24 criminal history information is initially furnished pursuant to
25 paragraph (1), the Department of Justice shall disseminate the
26 following information:

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

37 (B) Every arrest for a violation or attempted violation of an
38 offense specified in subdivision (a) of Section 15660 of the Welfare
39 and Institutions Code for which the applicant is presently awaiting

1 trial, whether the applicant is incarcerated or has been released on
2 bail or on his or her own recognizance pending trial.

3 (C) Sex offender registration status of the applicant.

4 (o) (1) This subdivision shall apply whenever state or federal
5 summary criminal history information is furnished by the
6 Department of Justice as the result of an application by an
7 authorized agency or organization pursuant to Section 379 or 550
8 of the Financial Code, or any statute that incorporates the criteria
9 of either of those sections or this subdivision by reference, and the
10 information is to be used for employment, licensing, or certification
11 purposes.

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

16 (A) Every conviction rendered against the applicant for a
17 violation or attempted violation of any offense specified in Section
18 550 of the Financial Code.

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

24 (p) (1) This subdivision shall apply whenever state or federal
25 criminal history information is furnished by the Department of
26 Justice as the result of an application by an agency, organization,
27 or individual not defined in subdivision (k), (l), (m), (n), or (o), or
28 by a transportation company authorized pursuant to Section
29 11105.3, or any statute that incorporates the criteria of that section
30 or this subdivision by reference, and the information is to be used
31 for employment, licensing, or certification purposes.

32 (2) Notwithstanding any other law, whenever state summary
33 criminal history information is initially furnished pursuant to
34 paragraph (1), the Department of Justice shall disseminate the
35 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) Sex offender registration status of the applicant.

2 (q) All agencies, organizations, or individuals defined in
3 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the
4 Department of Justice for subsequent notification pursuant to
5 Section 11105.2. This subdivision shall not supersede sections that
6 mandate an agency, organization, or individual to contract with
7 the Department of Justice for subsequent notification pursuant to
8 Section 11105.2.

9 (r) This section does not require the Department of Justice to
10 cease compliance with any other statutory notification
11 requirements.

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

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

26 *SEC. 1.5. Section 11105 of the Penal Code is amended to read:*

27 11105. (a) (1) The Department of Justice shall maintain state
28 summary criminal history information.

29 (2) As used in this section:

30 (A) "State summary criminal history information" means the
31 master record of information compiled by the Attorney General
32 pertaining to the identification and criminal history of any person,
33 such as name, date of birth, physical description, fingerprints,
34 photographs, dates of arrests, arresting agencies and booking
35 numbers, charges, dispositions, and similar data about the person.

36 (B) "State summary criminal history information" does not refer
37 to records and data compiled by criminal justice agencies other
38 than the Attorney General, nor does it refer to records of complaints
39 to or investigations conducted by, or records of intelligence

1 information or security procedures of, the office of the Attorney
2 General and the Department of Justice.

3 (b) The Attorney General shall furnish state summary criminal
4 history information to any of the following, if needed in the course
5 of their duties, provided that when information is furnished to
6 assist an agency, officer, or official of state or local government,
7 a public utility, or any other entity, in fulfilling employment,
8 certification, or licensing duties, Chapter 1321 of the Statutes of
9 1974 and Section 432.7 of the Labor Code shall apply:

10 (1) The courts of the state.

11 (2) Peace officers of the state, as defined in Section 830.1,
12 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section
13 830.3, *subdivision (a) of Section 830.31*, and subdivisions (a) and
14 (b) of Section ~~830.5~~, and ~~subdivision (a) of Section 830.31~~ 830.5.

15 (3) District attorneys of the state.

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

17 (5) City attorneys pursuing civil gang injunctions pursuant to
18 Section 186.22a, or drug abatement actions pursuant to Section
19 3479 or 3480 of the Civil Code, or Section 11571 of the Health
20 and Safety Code.

21 (6) Probation officers of the state.

22 (7) Parole officers of the state.

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

26 (9) A public defender or attorney of record when representing
27 a person in a criminal case, or a parole, mandatory supervision
28 pursuant to paragraph (5) of subdivision (h) of Section 1170, or
29 postrelease community supervision revocation or revocation
30 extension proceeding, and if authorized access by statutory or
31 decisional law.

32 (10) Any agency, officer, or official of the state if the criminal
33 history information is required to implement a statute or regulation
34 that expressly refers to specific criminal conduct applicable to the
35 subject person of the state summary criminal history information,
36 and contains requirements or exclusions, or both, expressly based
37 upon that specified criminal conduct. The agency, officer, or
38 official of the state authorized by this paragraph to receive state
39 summary criminal history information may also transmit fingerprint

1 images and related information to the Department of Justice to be
2 transmitted to the Federal Bureau of Investigation.

3 (11) Any city or county, city and county, district, or any officer
4 or official thereof if access is needed in order to assist that agency,
5 officer, or official in fulfilling employment, certification, or
6 licensing duties, and if the access is specifically authorized by the
7 city council, board of supervisors, or governing board of the city,
8 county, or district if the criminal history information is required
9 to implement a statute, ordinance, or regulation that expressly
10 refers to specific criminal conduct applicable to the subject person
11 of the state summary criminal history information, and contains
12 requirements or exclusions, or both, expressly based upon that
13 specified criminal conduct. The city or county, city and county,
14 district, or the officer or official thereof authorized by this
15 paragraph may also transmit fingerprint images and related
16 information to the Department of Justice to be transmitted to the
17 Federal Bureau of Investigation.

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

21 (13) Any person or entity when access is expressly authorized
22 by statute if the criminal history information is required to
23 implement a statute or regulation that expressly refers to specific
24 criminal conduct applicable to the subject person of the state
25 summary criminal history information, and contains requirements
26 or exclusions, or both, expressly based upon that specified criminal
27 conduct.

28 (14) Health officers of a city, county, city and county, or district
29 when in the performance of their official duties enforcing Section
30 120175 of the Health and Safety Code.

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

33 (16) Any humane society, or society for the prevention of cruelty
34 to animals, for the specific purpose of complying with Section
35 14502 of the Corporations Code for the appointment of humane
36 officers.

37 (17) Local child support agencies established by Section 17304
38 of the Family Code. When a local child support agency closes a
39 support enforcement case containing summary criminal history
40 information, the agency shall delete or purge from the file and

1 destroy any documents or information concerning or arising from
2 offenses for or of which the parent has been arrested, charged, or
3 convicted, other than for offenses related to the parent's having
4 failed to provide support for minor children, consistent with the
5 requirements of Section 17531 of the Family Code.

6 (18) County child welfare agency personnel who have been
7 delegated the authority of county probation officers to access state
8 summary criminal history information pursuant to Section 272 of
9 the Welfare and Institutions Code for the purposes specified in
10 Section 16504.5 of the Welfare and Institutions Code. Information
11 from criminal history records provided pursuant to this subdivision
12 shall not be used for any purposes other than those specified in
13 this section and Section 16504.5 of the Welfare and Institutions
14 Code. When an agency obtains records obtained both on the basis
15 of name checks and fingerprint checks, final placement decisions
16 shall be based only on the records obtained pursuant to the
17 fingerprint check.

18 (19) The court of a tribe, or court of a consortium of tribes, that
19 has entered into an agreement with the state pursuant to Section
20 10553.1 of the Welfare and Institutions Code. This information
21 may be used only for the purposes specified in Section 16504.5
22 of the Welfare and Institutions Code and for tribal approval or
23 tribal licensing of foster care or adoptive homes. Article 6
24 (commencing with Section 11140) shall apply to officers, members,
25 and employees of a tribal court receiving criminal record offender
26 information pursuant to this section.

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

1 (21) An officer providing conservatorship investigations
2 pursuant to Sections 5351, 5354, and 5356 of the Welfare and
3 Institutions Code.

4 (22) A court investigator providing investigations or reviews
5 in conservatorships pursuant to Section 1826, 1850, 1851, or
6 2250.6 of the Probate Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (iv) A violation of this paragraph is a misdemeanor, and shall
38 give the current or prospective employee who is injured by the
39 violation a cause of action against the public utility or cable
40 corporation to recover damages proximately caused by the

1 violations. Any public utility's or cable corporation's request for
2 state summary criminal history information for purposes of
3 employing current or prospective employees who may be seeking
4 entrance to private residences or adjacent grounds in the course
5 of their employment shall be deemed a "compelling need" as
6 required to be shown in this subdivision.

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

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

15 (C) Requests for federal level criminal history information
16 received by the Department of Justice from entities authorized
17 pursuant to subparagraph (A) shall be forwarded to the Federal
18 Bureau of Investigation by the Department of Justice. Federal level
19 criminal history information received or compiled by the
20 Department of Justice may then be disseminated to the entities
21 referenced in subparagraph (A), as authorized by law.

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

25 (ii) Authority for a public utility to request federal level criminal
26 history information under this paragraph shall commence July 1,
27 2005.

28 (11) To any campus of the California State University or the
29 University of California, or any four year college or university
30 accredited by a regional accreditation organization approved by
31 the United States Department of Education, if needed in
32 conjunction with an application for admission by a convicted felon
33 to any special education program for convicted felons, including,
34 but not limited to, university alternatives and halfway houses. Only
35 conviction information shall be furnished. The college or university
36 may require the convicted felon to be fingerprinted, and any inquiry
37 to the department under this section shall include the convicted
38 felon's fingerprints and any other information specified by the
39 department.

1 (12) To any foreign government, if requested by the individual
2 who is the subject of the record requested, if needed in conjunction
3 with the individual's application to adopt a minor child who is a
4 citizen of that foreign nation. Requests for information pursuant
5 to this paragraph shall be in accordance with the process described
6 in Sections 11122 to 11124, inclusive. The response shall be
7 provided to the foreign government or its designee and to the
8 individual who requested the information.

9 (d) Whenever an authorized request for state summary criminal
10 history information pertains to a person whose fingerprints are on
11 file with the Department of Justice and the department has no
12 criminal history of that person, and the information is to be used
13 for employment, licensing, or certification purposes, the fingerprint
14 card accompanying the request for information, if any, may be
15 stamped "no criminal record" and returned to the person or entity
16 making the request.

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

36 (f) Whenever there is a conflict, the processing of criminal
37 fingerprints and fingerprints of applicants for security guard or
38 alarm agent registrations or firearms qualification permits
39 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4

1 of the Business and Professions Code shall take priority over the
2 processing of other applicant fingerprints.

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

6 (h) It is not a violation of this section to include information
7 obtained from a record in (1) a transcript or record of a judicial or
8 administrative proceeding or (2) any other public record if the
9 inclusion of the information in the public record is authorized by
10 a court, statute, or decisional law.

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

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

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

26 (2) Notwithstanding any other ~~provision of~~ law, whenever state
27 summary criminal history information is initially furnished
28 pursuant to paragraph (1), the Department of Justice shall
29 disseminate the following information:

30 (A) Every conviction rendered against the applicant.

31 (B) Every arrest for an offense for which the applicant is
32 presently awaiting trial, whether the applicant is incarcerated or
33 has been released on bail or on his or her own recognizance
34 pending trial.

35 (C) Every arrest or detention, except for an arrest or detention
36 resulting in an exoneration, provided, however, that where the
37 records of the Department of Justice do not contain a disposition
38 for the arrest, the Department of Justice first makes a genuine effort
39 to determine the disposition of the arrest.

40 (D) Every successful diversion.

1 (E) Every date and agency name associated with all retained
2 peace officer or nonsworn law enforcement agency employee
3 preemployment criminal offender record information search
4 requests.

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

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

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

30 (D) Every date and agency name associated with all retained
31 peace officer or nonsworn law enforcement agency employee
32 preemployment criminal offender record information search
33 requests.

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

35 (m) (1) This subdivision shall apply whenever state or federal
36 summary criminal history information is furnished by the
37 Department of Justice as the result of an application by an
38 authorized agency or organization pursuant to Section 1522,
39 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
40 any statute that incorporates the criteria of any of those sections

1 or this subdivision by reference, and the information is to be used
2 for employment, licensing, or certification purposes.

3 (2) 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 of an offense rendered against the
8 applicant, *except a conviction for which relief has been granted*
9 *pursuant to Section 1203.49.*

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

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

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

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

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

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

34 (B) Section 11105.3 or 11105.4.

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

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

39 (2) With the exception of applications submitted by
40 transportation companies authorized pursuant to Section 11105.3,

1 and notwithstanding any other ~~provision~~ of law, whenever state
2 summary criminal history information is initially furnished
3 pursuant to paragraph (1), the Department of Justice shall
4 disseminate the following information:

5 (A) Every conviction, *except a conviction for which relief has*
6 *been granted pursuant to Section 1203.49*, rendered against the
7 applicant for a violation or attempted violation of any offense
8 specified in subdivision (a) of Section 15660 of the Welfare and
9 Institutions Code. However, with the exception of those offenses
10 for which registration is required pursuant to Section 290, the
11 Department of Justice shall not disseminate information pursuant
12 to this subdivision unless the conviction occurred within 10 years
13 of the date of the agency's request for information or the conviction
14 is over 10 years old but the subject of the request was incarcerated
15 within 10 years of the agency's request for information.

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

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

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 550
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
36 550 of the Financial Code, *except a conviction for which relief has*
37 *been granted pursuant to Section 1203.49*.

38 (B) Every arrest for a violation or attempted violation of an
39 offense specified in Section 550 of the Financial Code for which
40 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, *except a*
16 *conviction for which relief has been granted pursuant to Section*
17 *1203.49.*

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

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

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

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

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

36 (t) Whenever state or federal summary criminal history
37 information is furnished by the Department of Justice as the result
38 of an application by an authorized agency, organization, or
39 individual defined in subdivisions (k) to (p), inclusive, and the
40 information is to be used for employment, licensing, or certification

1 purposes, the authorized agency, organization, or individual shall
2 expeditiously furnish a copy of the information to the person to
3 whom the information relates if the information is a basis for an
4 adverse employment, licensing, or certification decision. When
5 furnished other than in person, the copy shall be delivered to the
6 last contact information provided by the applicant.

7 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
8 *Section 11105 of the Penal Code proposed by both this bill and*
9 *Assembly Bill 1585. It shall only become operative if (1) both bills*
10 *are enacted and become effective on or before January 1, 2015,*
11 *(2) each bill amends Section 11105 of the Penal Code, and (3) this*
12 *bill is enacted after Assembly Bill 1585, in which case Section 1*
13 *of this bill shall not become operative.*