

**ASSEMBLY BILL**

**No. 2535**

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**Introduced by Assembly Member Grove**

February 21, 2014

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An act to amend Section 432.9 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2535, as introduced, Grove. Employment applications: criminal history.

Existing law prohibits both public and private employers from asking an applicant for employment to disclose, either in writing or verbally, any information concerning an arrest or detention that did not result in a conviction.

Commencing July 1, 2014, the law prohibits a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position.

This bill would mandate that a state agency, subsequent to making a determination that an applicant meets the minimum employment requirements, require the applicant to provide a written disclosure regarding his or her criminal conviction history, as specified.

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 432.9 of the Labor Code is amended to  
2 read:

3 432.9. (a) A state or local agency shall not ask an applicant  
4 for employment to disclose, orally or in writing, information  
5 concerning the conviction history of the applicant, including any  
6 inquiry about conviction history on any employment application,  
7 until the agency has determined the applicant meets the minimum  
8 employment qualifications, as stated in any notice issued for the  
9 position.

10 (b) *Subsequent to making a determination that an applicant*  
11 *meets the minimum employment requirements, a state agency shall*  
12 *require the applicant to disclose, in writing, whether or not the*  
13 *applicant has been convicted in any court of a misdemeanor or a*  
14 *felony.*

15 ~~(b)~~

16 (c) This section shall not apply to a position for which a state  
17 or local agency is otherwise required by law to conduct a  
18 conviction history background check, to any position within a  
19 criminal justice agency, as that term is defined in Section 13101  
20 of the Penal Code, or to any individual working on a temporary  
21 or permanent basis for a criminal justice agency on a contract basis  
22 or on loan from another governmental entity.

23 ~~(c)~~

24 (d) This section shall not be construed to prevent a state or local  
25 agency from conducting a conviction history background check  
26 after complying with all of the provisions of subdivision (a).

27 ~~(d)~~

28 (e) As used in this section, “state agency” means any state office,  
29 officer, department, division, bureau, board, commission, or  
30 agency.

31 ~~(e)~~

32 (f) As used in this section, “local agency” means any county,  
33 city, city and county, including a charter city or county, or any  
34 special district.

35 ~~(f)~~

36 (g) Section 433 does not apply to this section.

37 ~~(g) This section shall become operative on July 1, 2014.~~

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