

AMENDED IN ASSEMBLY JUNE 25, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 15, 2013

**SENATE BILL**

**No. 530**

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**Introduced by Senator Wright**

February 21, 2013

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An act to amend Sections 8712, 8811, and 8908 of the Family Code, to amend Section 432.7 of the Labor Code, and to amend Section 11105 of, and to add Section 4852.22 to, the Penal Code, relating to criminal offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 530, as amended, Wright. Criminal offenders: rehabilitation.

~~Existing law imposes criminal record and fingerprint check requirements for prospective adoptive parents, as specified. Existing law authorizes the State Department of Social Services or a licensed adoption agency to secure the applicant's full criminal record, if any.~~

~~This bill would exempt from those provisions any convictions for which relief, as specified, has been granted.~~

Existing law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, or from utilizing as a factor in determining any condition of employment, information concerning an arrest or detention that did not result in a conviction, or information concerning a referral or participation in, any pretrial or posttrial diversion program, except as specified. Existing law makes it a crime to intentionally violate these provisions.

This bill would additionally prohibit an employer, as specified, from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment, information concerning a conviction that has been judicially ~~dismissed~~, *dismissed or ordered sealed*, as provided, unless the employer is required by law to obtain that information, the applicant would be required to possess or use a firearm in the course of his or her employment, an individual who has been convicted of a crime is prohibited by law from holding the position sought by the applicant, regardless of whether that conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, or if the employer is prohibited by law from hiring an applicant who has been convicted of a crime. Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

Existing law authorizes an individual convicted of a felony or convicted of a misdemeanor violation of a sex offense, as specified, to file a petition for a certificate of rehabilitation and a pardon provided that certain conditions have been satisfied. Existing law authorizes, after the minimum period of rehabilitation has expired, an individual, as specified, to file a petition for ascertainment and declaration of rehabilitation. Existing law authorizes a court to grant an order known as a certificate of rehabilitation and recommend that the Governor grant a full pardon to certain individuals.

This bill would authorize a trial court hearing an application for a certificate of rehabilitation before the applicable period of rehabilitation has elapsed to grant the application if the court, in its discretion, believes relief serves the interests of justice.

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person. Existing law requires the department to disseminate this information in response to a request from certain authorized agencies, organizations, or individuals that need the information to fulfill employment, certification, or licensing duties, such as the employment of peace officers or the licensing of community care facilities.

This bill would exempt from that dissemination requirement any convictions for which relief, as specified, has been granted.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. ~~Section 8712 of the Family Code is amended to~~  
2 ~~read:~~  
3 ~~8712. (a) The department, county adoption agency, or licensed~~  
4 ~~adoption agency shall require each person filing an application for~~  
5 ~~adoption to be fingerprinted and shall secure from an appropriate~~  
6 ~~law enforcement agency any criminal record of that person to~~  
7 ~~determine whether the person has ever been convicted of a crime~~  
8 ~~other than a minor traffic violation. The department, county~~  
9 ~~adoption agency, or licensed adoption agency may also secure the~~  
10 ~~person's full criminal record, if any, with the exception of a~~  
11 ~~conviction for which that person has been granted relief pursuant~~  
12 ~~to Section 1203.4 of the Penal Code. Any federal-level criminal~~  
13 ~~offender record requests to the Department of Justice shall be~~  
14 ~~submitted with fingerprint images and related information required~~  
15 ~~by the Department of Justice for the purposes of obtaining~~  
16 ~~information as to the existence and content of a record of an~~  
17 ~~out-of-state or federal conviction or arrest of a person or~~  
18 ~~information regarding any out-of-state or federal crimes or arrests~~  
19 ~~for which the Department of Justice establishes that the person is~~  
20 ~~free on bail, or on his or her own recognizance pending trial or~~  
21 ~~appeal. The Department of Justice shall forward to the Federal~~  
22 ~~Bureau of Investigation any requests for federal summary criminal~~  
23 ~~history information received pursuant to this section. The~~  
24 ~~Department of Justice shall review the information returned from~~  
25 ~~the Federal Bureau of Investigation and shall compile and~~  
26 ~~disseminate a response to the department, county adoption agency,~~  
27 ~~or licensed adoption agency.~~  
28 ~~(b) Notwithstanding subdivision (c), the criminal record, if any,~~  
29 ~~shall be taken into consideration when evaluating the prospective~~  
30 ~~adoptive parent, and an assessment of the effects of any criminal~~  
31 ~~history on the ability of the prospective adoptive parent to provide~~  
32 ~~adequate and proper care and guidance to the child shall be~~  
33 ~~included in the report to the court.~~

1 ~~(e) (1) Under no circumstances shall the department, county~~  
2 ~~adoption agency, or licensed adoption agency give final approval~~  
3 ~~for an adoptive placement in any home where the prospective~~  
4 ~~adoptive parent or any adult living in the prospective adoptive~~  
5 ~~home has either of the following:~~

6 ~~(A) A felony conviction for child abuse or neglect, spousal~~  
7 ~~abuse, crimes against a child, including child pornography, or for~~  
8 ~~a crime involving violence, including rape, sexual assault, or~~  
9 ~~homicide, but not including other physical assault and battery. For~~  
10 ~~purposes of this subdivision, crimes involving violence means~~  
11 ~~those violent crimes contained in clause (i) of subparagraph (A),~~  
12 ~~and subparagraph (B), of paragraph (1) of subdivision (g) of~~  
13 ~~Section 1522 of the Health and Safety Code.~~

14 ~~(B) A felony conviction that occurred within the last five years~~  
15 ~~for physical assault, battery, or a drug- or alcohol-related offense.~~

16 ~~(2) This subdivision shall become operative on October 1, 2008,~~  
17 ~~and shall remain operative only to the extent that compliance with~~  
18 ~~its provisions is required by federal law as a condition of receiving~~  
19 ~~funding under Title IV-E of the federal Social Security Act (42~~  
20 ~~U.S.C. Sec. 670 and following).~~

21 ~~(d) Any fee charged by a law enforcement agency for~~  
22 ~~fingerprinting or for checking or obtaining the criminal record of~~  
23 ~~the applicant shall be paid by the applicant. The department, county~~  
24 ~~adoption agency, or licensed adoption agency may defer, waive,~~  
25 ~~or reduce the fee when its payment would cause economic hardship~~  
26 ~~to prospective adoptive parents detrimental to the welfare of the~~  
27 ~~adopted child, when the child has been in the foster care of the~~  
28 ~~prospective adoptive parents for at least one year, or if necessary~~  
29 ~~for the placement of a special-needs child.~~

30 ~~SEC. 2. Section 8811 of the Family Code is amended to read:~~

31 ~~8811. (a) The department or delegated county adoption agency~~  
32 ~~shall require each person filing an adoption petition to be~~  
33 ~~fingerprinted and shall secure from an appropriate law enforcement~~  
34 ~~agency any criminal record of that person to determine whether~~  
35 ~~the person has ever been convicted of a crime other than a minor~~  
36 ~~traffic violation. The department or delegated county adoption~~  
37 ~~agency may also secure the person's full criminal record, if any,~~  
38 ~~with the exception of a conviction for which that person has been~~  
39 ~~granted relief pursuant to Section 1203.4 of the Penal Code. Any~~  
40 ~~federal-level criminal offender record requests to the Department~~

1 of Justice shall be submitted with fingerprint images and related  
2 information required by the Department of Justice for the purposes  
3 of obtaining information as to the existence and content of a record  
4 of an out-of-state or federal conviction or arrest of a person or  
5 information regarding any out-of-state or federal crimes or arrests  
6 for which the Department of Justice establishes that the person is  
7 free on bail, or on his or her own recognizance pending trial or  
8 appeal. The Department of Justice shall forward to the Federal  
9 Bureau of Investigation any requests for federal summary criminal  
10 history information received pursuant to this section. The  
11 Department of Justice shall review the information returned from  
12 the Federal Bureau of Investigation and shall compile and  
13 disseminate a response to the department or delegated county  
14 adoption agency.

15 (b) Notwithstanding subdivision (c), the criminal record, if any,  
16 shall be taken into consideration when evaluating the prospective  
17 adoptive parent, and an assessment of the effects of any criminal  
18 history on the ability of the prospective adoptive parent to provide  
19 adequate and proper care and guidance to the child shall be  
20 included in the report to the court.

21 (e) (1) Under no circumstances shall the department or a  
22 delegated county adoption agency give final approval for an  
23 adoptive placement in any home where the prospective adoptive  
24 parent or any adult living in the prospective adoptive home has  
25 either of the following:

26 (A) A felony conviction for child abuse or neglect, spousal  
27 abuse, crimes against a child, including child pornography, or for  
28 a crime involving violence, including rape, sexual assault, or  
29 homicide, but not including other physical assault and battery. For  
30 purposes of this subdivision, crimes involving violence means  
31 those violent crimes contained in clause (i) of subparagraph (A),  
32 and subparagraph (B), of paragraph (1) of subdivision (g) of  
33 Section 1522 of the Health and Safety Code.

34 (B) A felony conviction that occurred within the last five years  
35 for physical assault, battery, or a drug- or alcohol-related offense.

36 (2) This subdivision shall become operative on October 1, 2008,  
37 and shall remain operative only to the extent that compliance with  
38 its provisions is required by federal law as a condition of receiving  
39 funding under Title IV-E of the federal Social Security Act (42  
40 U.S.C. 670 and following).

1 ~~(d) Any fee charged by a law enforcement agency for~~  
2 ~~fingerprinting or for checking or obtaining the criminal record of~~  
3 ~~the petitioner shall be paid by the petitioner. The department or~~  
4 ~~delegated county adoption agency may defer, waive, or reduce the~~  
5 ~~fee when its payment would cause economic hardship to the~~  
6 ~~prospective adoptive parents detrimental to the welfare of the~~  
7 ~~adopted child, when the child has been in the foster care of the~~  
8 ~~prospective adoptive parents for at least one year, or if necessary~~  
9 ~~for the placement of a special-needs child.~~

10 SEC. 3. Section 8908 of the Family Code is amended to read:

11 8908. (a) ~~A licensed adoption agency shall require each person~~  
12 ~~filing an application for adoption to be fingerprinted and shall~~  
13 ~~secure from an appropriate law enforcement agency any criminal~~  
14 ~~record of that person to determine whether the person has ever~~  
15 ~~been convicted of a crime other than a minor traffic violation. The~~  
16 ~~licensed adoption agency may also secure the person's full criminal~~  
17 ~~record, if any, with the exception of a conviction for which that~~  
18 ~~person has been granted relief pursuant to Section 1203.4 of the~~  
19 ~~Penal Code. Any federal-level criminal offender record requests~~  
20 ~~to the Department of Justice shall be submitted with fingerprint~~  
21 ~~images and related information required by the Department of~~  
22 ~~Justice for the purposes of obtaining information as to the existence~~  
23 ~~and content of a record of an out-of-state or federal conviction or~~  
24 ~~arrest of a person or information regarding any out-of-state or~~  
25 ~~federal crimes or arrests for which the Department of Justice~~  
26 ~~establishes that the person is free on bail, or on his or her own~~  
27 ~~recognizance pending trial or appeal. The Department of Justice~~  
28 ~~shall forward to the Federal Bureau of Investigation any requests~~  
29 ~~for federal summary criminal history information received pursuant~~  
30 ~~to this section. The Department of Justice shall review the~~  
31 ~~information returned from the Federal Bureau of Investigation and~~  
32 ~~shall compile and disseminate a fitness determination to the~~  
33 ~~licensed adoption agency.~~

34 ~~(b) Notwithstanding subdivision (c), the criminal record, if any,~~  
35 ~~shall be taken into consideration when evaluating the prospective~~  
36 ~~adoptive parent, and an assessment of the effects of any criminal~~  
37 ~~history on the ability of the prospective adoptive parent to provide~~  
38 ~~adequate and proper care and guidance to the child shall be~~  
39 ~~included in the report to the court.~~

1 ~~(e) (1) Under no circumstances shall a licensed adoption agency~~  
2 ~~give final approval for an adoptive placement in any home where~~  
3 ~~the prospective adoptive parent or any adult living in the~~  
4 ~~prospective adoptive home, has a felony conviction for either of~~  
5 ~~the following:~~

6 ~~(A) Any felony conviction for child abuse or neglect, spousal~~  
7 ~~abuse, crimes against a child, including child pornography, or for~~  
8 ~~a crime involving violence, including rape, sexual assault, or~~  
9 ~~homicide, but not including other physical assault and battery. For~~  
10 ~~purposes of this subdivision, crimes involving violence means~~  
11 ~~those violent crimes contained in clause (i) of subparagraph (A),~~  
12 ~~and subparagraph (B), of paragraph (1) of subdivision (g) of~~  
13 ~~Section 1522 of the Health and Safety Code.~~

14 ~~(B) A felony conviction that occurred within the last five years~~  
15 ~~for physical assault, battery, or a drug- or alcohol-related offense.~~

16 ~~(2) This subdivision shall become operative on October 1, 2008,~~  
17 ~~and shall remain operative only to the extent that compliance with~~  
18 ~~its provisions is required by federal law as a condition of receiving~~  
19 ~~funding under Title IV-E of the federal Social Security Act (42~~  
20 ~~U.S.C. 670 and following).~~

21 ~~(d) Any fee charged by a law enforcement agency for~~  
22 ~~fingerprinting or for checking or obtaining the criminal record of~~  
23 ~~the applicant shall be paid by the applicant. The licensed adoption~~  
24 ~~agency may defer, waive, or reduce the fee when its payment would~~  
25 ~~cause economic hardship to the prospective adoptive parents~~  
26 ~~detrimental to the welfare of the adopted child.~~

27 ~~SEC. 4.~~

28 ~~SECTION 1.~~ Section 432.7 of the Labor Code is amended to  
29 read:

30 432.7. (a) No employer, whether a public agency or private  
31 individual or corporation, shall ask an applicant for employment  
32 to disclose, through any written form or verbally, information  
33 concerning an arrest or detention that did not result in conviction,  
34 or information concerning a referral to, and participation in, any  
35 pretrial or posttrial diversion program, or concerning a conviction  
36 that has been judicially dismissed *or ordered sealed* pursuant to  
37 ~~Section 1203.4 law, including, but not limited to, Sections 1203.4,~~  
38 ~~1203.4a, 1203.45, and 1210.1~~ of the Penal Code, nor shall any  
39 employer seek from any source whatsoever, or utilize, as a factor  
40 in determining any condition of employment including hiring,

1 promotion, termination, or any apprenticeship training program  
2 or any other training program leading to employment, any record  
3 of arrest or detention that did not result in conviction, or any record  
4 regarding a referral to, and participation in, any pretrial or posttrial  
5 diversion program, or concerning a conviction that has been  
6 judicially dismissed *or ordered sealed* pursuant to ~~Section 1203.4~~  
7 *law, including, but not limited to, Sections 1203.4, 1203.4a,*  
8 *1203.45, and 1210.1* of the Penal Code. As used in this section, a  
9 conviction shall include a plea, verdict, or finding of guilt  
10 regardless of whether sentence is imposed by the court. Nothing  
11 in this section shall prevent an employer from asking an employee  
12 or applicant for employment about an arrest for which the employee  
13 or applicant is out on bail or on his or her own recognizance  
14 pending trial.

15 (b) Nothing in this section shall prohibit the disclosure of the  
16 information authorized for release under Sections 13203 and 13300  
17 of the Penal Code, to a government agency employing a peace  
18 officer. However, the employer shall not determine any condition  
19 of employment other than paid administrative leave based solely  
20 on an arrest report. The information contained in an arrest report  
21 may be used as the starting point for an independent, internal  
22 investigation of a peace officer in accordance with Chapter 9.7  
23 (commencing with Section 3300) of Division 4 of Title 1 of the  
24 Government Code.

25 (c) In any case where a person violates this section, or Article  
26 6 (commencing with Section 11140) of Chapter 1 of Title 1 of Part  
27 4 of the Penal Code, the applicant may bring an action to recover  
28 from that person actual damages or two hundred dollars (\$200),  
29 whichever is greater, plus costs, and reasonable attorney's fees.  
30 An intentional violation of this section shall entitle the applicant  
31 to treble actual damages, or five hundred dollars (\$500), whichever  
32 is greater, plus costs, and reasonable attorney's fees. An intentional  
33 violation of this section is a misdemeanor punishable by a fine not  
34 to exceed five hundred dollars (\$500).

35 (d) The remedies under this section shall be in addition to and  
36 not in derogation of all other rights and remedies that an applicant  
37 may have under any other law.

38 (e) Persons seeking employment or persons already employed  
39 as peace officers or persons seeking employment for positions in  
40 the Department of Justice or other criminal justice agencies as



1 defined in Section 13101 of the Penal Code are not covered by  
2 this section.

3 (f) Nothing in this section shall prohibit an employer at a health  
4 facility, as defined in Section 1250 of the Health and Safety Code,  
5 from asking an applicant for employment either of the following:

6 (1) With regard to an applicant for a position with regular access  
7 to patients, to disclose an arrest under any section specified in  
8 Section 290 of the Penal Code.

9 (2) With regard to an applicant for a position with access to  
10 drugs and medication, to disclose an arrest under any section  
11 specified in Section 11590 of the Health and Safety Code.

12 (g) (1) No peace officer or employee of a law enforcement  
13 agency with access to criminal offender record information  
14 maintained by a local law enforcement criminal justice agency  
15 shall knowingly disclose, with intent to affect a person's  
16 employment, any information contained therein pertaining to an  
17 arrest or detention or proceeding that did not result in a conviction,  
18 including information pertaining to a referral to, and participation  
19 in, any pretrial or posttrial diversion program, to any person not  
20 authorized by law to receive that information.

21 (2) No other person authorized by law to receive criminal  
22 offender record information maintained by a local law enforcement  
23 criminal justice agency shall knowingly disclose any information  
24 received therefrom pertaining to an arrest or detention or  
25 proceeding that did not result in a conviction, including information  
26 pertaining to a referral to, and participation in, any pretrial or  
27 posttrial diversion program, to any person not authorized by law  
28 to receive that information.

29 (3) No person, except those specifically referred to in Section  
30 1070 of the Evidence Code, who knowing he or she is not  
31 authorized by law to receive or possess criminal justice records  
32 information maintained by a local law enforcement criminal justice  
33 agency, pertaining to an arrest or other proceeding that did not  
34 result in a conviction, including information pertaining to a referral  
35 to, and participation in, any pretrial or posttrial diversion program,  
36 shall receive or possess that information.

37 (h) "A person authorized by law to receive that information,"  
38 for purposes of this section, means any person or public agency  
39 authorized by a court, statute, or decisional law to receive  
40 information contained in criminal offender records maintained by

1 a local law enforcement criminal justice agency, and includes, but  
2 is not limited to, those persons set forth in Section 11105 of the  
3 Penal Code, and any person employed by a law enforcement  
4 criminal justice agency who is required by that employment to  
5 receive, analyze, or process criminal offender record information.

6 (i) Nothing in this section shall require the Department of Justice  
7 to remove entries relating to an arrest or detention not resulting in  
8 conviction from summary criminal history records forwarded to  
9 an employer pursuant to law.

10 (j) As used in this section, “pretrial or posttrial diversion  
11 program” means any program under Chapter 2.5 (commencing  
12 with Section 1000) or Chapter 2.7 (commencing with Section  
13 1001) of Title 6 of Part 2 of the Penal Code, Section 13201 or  
14 13352.5 of the Vehicle Code, or any other program expressly  
15 authorized and described by statute as a diversion program.

16 (k) (1) Subdivision (a) shall not apply to any city, city and  
17 county, county, or district, or any officer or official thereof, in  
18 screening a prospective concessionaire, or the affiliates and  
19 associates of a prospective concessionaire for purposes of  
20 consenting to, or approving of, the prospective concessionaire’s  
21 application for, or acquisition of, any beneficial interest in a  
22 concession, lease, or other property interest.

23 (2) For purposes of this subdivision the following terms have  
24 the following meanings:

25 (A) “Screening” means a written request for criminal history  
26 information made to a local law enforcement agency.

27 (B) “Prospective concessionaire” means any individual, general  
28 or limited partnership, corporation, trust, association, or other  
29 entity that is applying for, or seeking to obtain, a public agency’s  
30 consent to, or approval of, the acquisition by that individual or  
31 entity of any beneficial ownership interest in any public agency’s  
32 concession, lease, or other property right whether directly or  
33 indirectly held. However, “prospective concessionaire” does not  
34 include any of the following:

35 (i) A lender acquiring an interest solely as security for a bona  
36 fide loan made in the ordinary course of the lender’s business and  
37 not made for the purpose of acquisition.

38 (ii) A lender upon foreclosure or assignment in lieu of  
39 foreclosure of the lender’s security.

1 (C) “Affiliate” means any individual or entity that controls, or  
2 is controlled by, the prospective concessionaire, or who is under  
3 common control with the prospective concessionaire.

4 (D) “Associate” means any individual or entity that shares a  
5 common business purpose with the prospective concessionaire  
6 with respect to the beneficial ownership interest that is subject to  
7 the consent or approval of the city, county, city and county, or  
8 district.

9 (E) “Control” means the possession, direct or indirect, of the  
10 power to direct, or cause the direction of, the management or  
11 policies of the controlled individual or entity.

12 (l) (1) Nothing in subdivision (a) shall prohibit a public agency,  
13 or any officer or official thereof, from denying consent to, or  
14 approval of, a prospective concessionaire’s application for, or  
15 acquisition of, any beneficial interest in a concession, lease, or  
16 other property interest based on the criminal history information  
17 of the prospective concessionaire or the affiliates or associates of  
18 the prospective concessionaire that show any criminal conviction  
19 for offenses involving moral turpitude. Criminal history  
20 information for purposes of this subdivision includes any criminal  
21 history information obtained pursuant to Section 11105 or 13300  
22 of the Penal Code.

23 (2) In considering criminal history information, a public agency  
24 shall consider the crime for which the prospective concessionaire  
25 or the affiliates or associates of the prospective concessionaire was  
26 convicted only if that crime relates to the specific business that is  
27 proposed to be conducted by the prospective concessionaire.

28 (3) Any prospective concessionaire whose application for  
29 consent or approval to acquire a beneficial interest in a concession,  
30 lease, or other property interest is denied based on criminal history  
31 information shall be provided a written statement of the reason for  
32 the denial.

33 (4) (A) If the prospective concessionaire submits a written  
34 request to the public agency within 10 days of the date of the notice  
35 of denial, the public agency shall review its decision with regard  
36 to any corrected record or other evidence presented by the  
37 prospective concessionaire as to the accuracy or incompleteness  
38 of the criminal history information utilized by the public agency  
39 in making its original decision.

1 (B) The prospective concessionaire shall submit the copy or the  
2 corrected record of any other evidence to the public agency within  
3 90 days of a request for review. The public agency shall render its  
4 decision within 20 days of the submission of evidence by the  
5 prospective concessionaire.

6 (m) Subdivision (a) does not prohibit an employer from asking  
7 an applicant about a criminal conviction of, seeking from any  
8 source information regarding a criminal conviction of, utilizing as  
9 a factor in determining any condition of employment of, or entry  
10 into a pretrial diversion or similar program by, the applicant if,  
11 pursuant to Section 1829 of Title 12 of the United States Code or  
12 any other state or federal law, any of the following apply:

13 (1) The employer is required by law to obtain information  
14 regarding a conviction of an applicant.

15 (2) The applicant would be required to possess or use a firearm  
16 in the course of his or her employment.

17 (3) An individual who has been convicted of a crime is  
18 prohibited by law from holding the position sought by the  
19 applicant, regardless of whether that conviction has been expunged,  
20 judicially ordered sealed, statutorily eradicated, or judicially  
21 dismissed following probation.

22 (4) The employer is prohibited by law from hiring an applicant  
23 who has been convicted of a crime.

24 ~~SEC. 5.~~

25 *SEC. 2.* Section 4852.22 is added to the Penal Code, to read:  
26 4852.22. Except in a case requiring registration pursuant to  
27 Section 290, a trial court hearing an application for a certificate  
28 of rehabilitation before the applicable period of rehabilitation has  
29 elapsed may grant the application if the court, in its discretion,  
30 believes relief serves the interests of justice.

31 ~~SEC. 6.~~

32 *SEC. 3.* Section 11105 of the Penal Code is amended to read:  
33 11105. (a) (1) The Department of Justice shall maintain state  
34 summary criminal history information.

35 (2) As used in this section:

36 (A) “State summary criminal history information” means the  
37 master record of information compiled by the Attorney General  
38 pertaining to the identification and criminal history of any person,  
39 such as name, date of birth, physical description, fingerprints,

1 photographs, dates of arrests, arresting agencies and booking  
2 numbers, charges, dispositions, and similar data about the person.

3 (B) “State summary criminal history information” does not refer  
4 to records and data compiled by criminal justice agencies other  
5 than the Attorney General, nor does it refer to records of complaints  
6 to or investigations conducted by, or records of intelligence  
7 information or security procedures of, the office of the Attorney  
8 General and the Department of Justice.

9 (b) The Attorney General shall furnish state summary criminal  
10 history information to any of the following, if needed in the course  
11 of their duties, provided that when information is furnished to  
12 assist an agency, officer, or official of state or local government,  
13 a public utility, or any other entity, in fulfilling employment,  
14 certification, or licensing duties, Chapter 1321 of the Statutes of  
15 1974 and Section 432.7 of the Labor Code shall apply:

16 (1) The courts of the state.

17 (2) Peace officers of the state, as defined in Section 830.1,  
18 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section  
19 830.3, subdivisions (a) and (b) of Section 830.5, and subdivision  
20 (a) of Section 830.31.

21 (3) District attorneys of the state.

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

23 (5) City attorneys pursuing civil gang injunctions pursuant to  
24 Section 186.22a, or drug abatement actions pursuant to Section  
25 3479 or 3480 of the Civil Code, or Section 11571 of the Health  
26 and Safety Code.

27 (6) Probation officers of the state.

28 (7) Parole officers of the state.

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

32 (9) A public defender or attorney of record when representing  
33 a person in a criminal case, or a parole, mandatory supervision  
34 pursuant to paragraph (5) of subdivision (h) of Section 1170, or  
35 postrelease community supervision revocation or revocation  
36 extension proceeding, and if authorized access by statutory or  
37 decisional law.

38 (10) Any agency, officer, or official of the state if the criminal  
39 history information is required to implement a statute or regulation  
40 that expressly refers to specific criminal conduct applicable to the

1 subject person of the state summary criminal history information,  
2 and contains requirements or exclusions, or both, expressly based  
3 upon that specified criminal conduct. The agency, officer, or  
4 official of the state authorized by this paragraph to receive state  
5 summary criminal history information may also transmit fingerprint  
6 images and related information to the Department of Justice to be  
7 transmitted to the Federal Bureau of Investigation.

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

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

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

33 (14) Health officers of a city, county, city and county, or district  
34 when in the performance of their official duties enforcing Section  
35 120175 of the Health and Safety Code.

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

38 (16) Any humane society, or society for the prevention of cruelty  
39 to animals, for the specific purpose of complying with Section

1 14502 of the Corporations Code for the appointment of humane  
2 officers.

3 (17) Local child support agencies established by Section 17304  
4 of the Family Code. When a local child support agency closes a  
5 support enforcement case containing summary criminal history  
6 information, the agency shall delete or purge from the file and  
7 destroy any documents or information concerning or arising from  
8 offenses for or of which the parent has been arrested, charged, or  
9 convicted, other than for offenses related to the parent's having  
10 failed to provide support for minor children, consistent with the  
11 requirements of Section 17531 of the Family Code.

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

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

33 (20) Child welfare agency personnel of a tribe or consortium  
34 of tribes that has entered into an agreement with the state pursuant  
35 to Section 10553.1 of the Welfare and Institutions Code and to  
36 whom the state has delegated duties under paragraph (2) of  
37 subdivision (a) of Section 272 of the Welfare and Institutions Code.  
38 The purposes for use of the information shall be for the purposes  
39 specified in Section 16504.5 of the Welfare and Institutions Code  
40 and for tribal approval or tribal licensing of foster care or adoptive

1 homes. When an agency obtains records on the basis of name  
2 checks and fingerprint checks, final placement decisions shall be  
3 based only on the records obtained pursuant to the fingerprint  
4 check. Article 6 (commencing with Section 11140) shall apply to  
5 child welfare agency personnel receiving criminal record offender  
6 information pursuant to this section.

7 (21) An officer providing conservatorship investigations  
8 pursuant to Sections 5351, 5354, and 5356 of the Welfare and  
9 Institutions Code.

10 (22) A court investigator providing investigations or reviews  
11 in conservatorships pursuant to Section 1826, 1850, 1851, or  
12 2250.6 of the Probate Code.

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

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

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

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

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

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

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

37 (5) To public officers, other than peace officers, of the United  
38 States, other states, or possessions or territories of the United  
39 States, provided that access to records similar to state summary  
40 criminal history information is expressly authorized by a statute



1 of the United States, other states, or possessions or territories of  
2 the United States if the information is needed for the performance  
3 of their official duties.

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

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

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

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

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

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

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

1 (iv) A violation of this paragraph is a misdemeanor, and shall  
2 give the current or prospective employee who is injured by the  
3 violation a cause of action against the public utility or cable  
4 corporation to recover damages proximately caused by the  
5 violations. Any public utility's or cable corporation's request for  
6 state summary criminal history information for purposes of  
7 employing current or prospective employees who may be seeking  
8 entrance to private residences or adjacent grounds in the course  
9 of their employment shall be deemed a "compelling need" as  
10 required to be shown in this subdivision.

11 (v) Nothing in this section shall be construed as imposing any  
12 duty upon public utilities or cable corporations to request state  
13 summary criminal history information on any current or prospective  
14 employees.

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

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

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

29 (ii) Authority for a public utility to request federal level criminal  
30 history information under this paragraph shall commence July 1,  
31 2005.

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

1 to the department under this section shall include the convicted  
2 felon’s fingerprints and any other information specified by the  
3 department.

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

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

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

39 (f) Whenever there is a conflict, the processing of criminal  
40 fingerprints and fingerprints of applicants for security guard or

1 alarm agent registrations or firearms qualification permits  
2 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4  
3 of the Business and Professions Code shall take priority over the  
4 processing of other applicant fingerprints.

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

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

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

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

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

28 (2) 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.

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

37 (C) Every arrest or detention, except for an arrest or detention  
38 resulting in an exoneration, provided however that where the  
39 records of the Department of Justice do not contain a disposition

1 for the arrest, the Department of Justice first makes a genuine effort  
2 to determine the disposition of the arrest.

3 (D) Every successful diversion.

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

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

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

18 (A) Every conviction rendered against the applicant.

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

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

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

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

1 any statute that incorporates the criteria of any of those sections  
2 or this subdivision by reference, and the information is to be used  
3 for employment, licensing, or certification purposes.

4 (2) Notwithstanding any other provision of law, whenever state  
5 summary criminal history information is initially furnished  
6 pursuant to paragraph (1), the Department of Justice shall  
7 disseminate the following information:

8 (A) Every conviction of an offense rendered against the  
9 applicant, except a conviction for which the applicant has been  
10 granted relief pursuant to Section ~~1203.4~~. *1203.4, 1203.4a,*  
11 *1203.45, or 1210.1.*

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

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

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

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

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

35 (B) Section 11105.3 or 11105.4.

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

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

1 (2) With the exception of applications submitted by  
2 transportation companies authorized pursuant to Section 11105.3,  
3 and 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 rendered against the applicant for a  
8 violation or attempted violation of any offense specified in  
9 subdivision (a) of Section 15660 of the Welfare and Institutions  
10 Code, except a conviction for which the applicant has been granted  
11 relief pursuant to ~~Section 1203.4~~: *1203.4, 1203.4a, 1203.45, or*  
12 *1210.1*. However, with the exception of those offenses for which  
13 registration is required pursuant to Section 290, the Department  
14 of Justice shall not disseminate information pursuant to this  
15 subdivision unless the conviction occurred within 10 years of the  
16 date of the agency's request for information or the conviction is  
17 over 10 years old but the subject of the request was incarcerated  
18 within 10 years of the agency's request for information.

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

24 (o) (1) This subdivision shall apply whenever state or federal  
25 summary criminal history information is furnished by the  
26 Department of Justice as the result of an application by an  
27 authorized agency or organization pursuant to Section 379 or 550  
28 of the Financial Code, or any statute that incorporates the criteria  
29 of either of those sections or this subdivision by reference, and the  
30 information is to be used for employment, licensing, or certification  
31 purposes.

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

36 (A) Every conviction rendered against the applicant for a  
37 violation or attempted violation of any offense specified in Section  
38 550 of the Financial Code, except a conviction for which the  
39 applicant has been granted relief pursuant to ~~Section 1203.4~~:  
40 *1203.4, 1203.4a, 1203.45, or 1210.1*.

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

6 (p) (1) This subdivision shall apply whenever state or federal  
7 criminal history information is furnished by the Department of  
8 Justice as the result of an application by an agency, organization,  
9 or individual not defined in subdivision (k), (l), (m), (n), or (o), or  
10 by a transportation company authorized pursuant to Section  
11 11105.3, or any statute that incorporates the criteria of that section  
12 or this subdivision by reference, and the information is to be used  
13 for employment, licensing, or certification purposes.

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

18 (A) Every conviction rendered against the applicant, except a  
19 conviction for which the applicant has been granted relief pursuant  
20 to ~~Section 1203.4~~ *1203.4, 1203.4a, 1203.45, or 1210.1*.

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

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

32 (r) Nothing in this section shall be construed to mean that the  
33 Department of Justice shall cease compliance with any other  
34 statutory notification requirements.

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

38 (t) Whenever state or federal summary criminal history  
39 information is furnished by the Department of Justice as the result  
40 of an application by an authorized agency, organization, or



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

9 ~~SEC. 7.~~

10 *SEC. 4.* No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.