

**ASSEMBLY BILL**

**No. 1857**

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**Introduced by Assembly Member Rodriguez**

February 10, 2016

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An act to add Section 13306 to the Penal Code, relating to criminal history information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1857, as introduced, Rodriguez. Criminal history information: medical facilities.

Existing law requires a local agency to furnish local summary criminal history information to certain authorized agencies, organizations, or individuals, when needed in the course of their duties, and authorizes a local agency to furnish local summary criminal history information to certain other authorized agencies, organizations, or individuals, upon a showing of compelling need. Existing law makes it a misdemeanor for any person authorized by law to receive a record or information obtained from a record to knowingly furnish the record or information to a person who is not authorized by law to receive the record or information.

This bill would require a peace officer to disclose to staff at a medical facility local summary criminal history information of a person that the peace officer has brought to the medical facility for treatment if the local summary criminal history information indicates that the person could be a danger to staff at the medical facility. By requiring local criminal justice agencies to provide this information and by expanding the scope of a crime, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 13306 is added to the Penal Code,  
2 immediately following Section 13305, to read:

3 13306. (a) Notwithstanding Section 13300, a peace officer  
4 shall disclose to staff at a medical facility local summary criminal  
5 history information of a person that the peace officer has brought  
6 to the medical facility for treatment if the local summary criminal  
7 history information indicates that the person could be a danger to  
8 staff at the medical facility.

9 (b) For the purposes of this section, a person shall only be  
10 deemed a person that could be a danger to staff at the medical  
11 facility if his or her local summary criminal history information  
12 includes convictions for violent offenses, including, but not limited  
13 to, homicide, rape, mayhem, and assault.

14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution for certain  
16 costs that may be incurred by a local agency or school district  
17 because, in that regard, this act creates a new crime or infraction,  
18 eliminates a crime or infraction, or changes the penalty for a crime  
19 or infraction, within the meaning of Section 17556 of the  
20 Government Code, or changes the definition of a crime within the  
21 meaning of Section 6 of Article XIII B of the California  
22 Constitution.

23 However, if the Commission on State Mandates determines that  
24 this act contains other costs mandated by the state, reimbursement  
25 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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