

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1857

Introduced by Assembly Member Rodriguez

February 10, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1857, as amended, 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 an acute care hospital if a person ~~that~~ whom the peace officer has brought to the medical facility for treatment ~~if~~ has a violent criminal history as indicated by the local summary criminal history information ~~indicates~~ that the person could be a danger to staff at the ~~medical facility~~ hospital. 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) (1) Notwithstanding Section 13300, a peace officer
4 shall disclose to staff at a medical facility local summary criminal
5 history information of clinically licensed staff associated with the
6 care of the patient at a licensed general acute care hospital, as
7 defined in subdivision (a) of subdivision 1250 of the Health and
8 Safety Code, in a timely manner and prior to leaving the licensed
9 general acute care hospital, if a person that whom the peace officer
10 has brought to the medical facility for treatment if has a violent
11 criminal history as indicated by the local summary criminal history
12 information indicates that the person could be a danger to staff at
13 the medical facility. licensed general acute care hospital.

14 (2) Information may be provided verbally by a peace officer.

15 (3) Information is only required to the extent the peace officer
16 knows the identity of the person he or she has brought to the
17 licensed general acute care hospital. An officer will only be
18 considered to know the identity of the person he or she has brought
19 if the person has a form of government-issued identification.

20 (4) The information required pursuant to this subdivision shall
21 only be whether or not the individual has a violent criminal history,
22 and not the specific local summary criminal history information.

23 (b) For the purposes of this section, a person shall only be
24 deemed a person that who could be a danger to staff at the medical

1 ~~facility~~ *hospital* if his or her local summary criminal history
2 information includes convictions *within the past five years* for
3 violent offenses, including, but not limited to, homicide, rape,
4 mayhem, and assault.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution for certain
7 costs that may be incurred by a local agency or school district
8 because, in that regard, this act creates a new crime or infraction,
9 eliminates a crime or infraction, or changes the penalty for a crime
10 or infraction, within the meaning of Section 17556 of the
11 Government Code, or changes the definition of a crime within the
12 meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 However, if the Commission on State Mandates determines that
15 this act contains other costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.