

ASSEMBLY BILL

No. 2777

Introduced by Assembly Member Nazarian

February 19, 2016

An act to add Chapter 22.6 (commencing with Section 22620) to Division 8 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as introduced, Nazarian. Sharing economy company: criminal history.

(1) Existing law authorizes the Department of Justice to provide state summary criminal information history and subsequent arrest notification services to employers for employees that perform specific types of duties and services. A person authorized to receive this criminal record information who knowingly furnishes that information to a person who is not authorized by law to receive that information is guilty of a misdemeanor.

This bill would require the Department of Justice to provide, at the request of a sharing economy company, as defined, state summary criminal information history and subsequent arrest notification services for an individual who is employed, retained, contracted, or otherwise compensated to perform services coordinated by the sharing economy company. The bill would further require the department to charge a sharing economy company a fee sufficient to cover the cost of processing a request made pursuant to this provision. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(2) 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. Chapter 22.6 (commencing with Section 22620)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

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5 CHAPTER 22.6. SHARING ECONOMY COMPANY CRIMINAL
6 HISTORY
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8 22620. (a) The Department of Justice shall provide at the
9 request of a sharing economy company for an individual who is
10 employed, retained, contracted, or otherwise compensated to
11 perform services coordinated by the sharing economy company
12 either of the following:

13 (1) State summary criminal history information pursuant to
14 subdivision (p) of Section 11105 of the Penal Code.

15 (2) Subsequent arrest notification services pursuant to Section
16 11105.2 of the Penal Code.

17 (b) The Department of Justice shall charge a sharing economy
18 company a fee sufficient to cover the cost of processing a request
19 made pursuant to this section.

20 (c) For purposes of this section, “sharing economy company”
21 shall mean an organization, including, but not limited to, a
22 corporation, limited liability company, partnership, sole
23 proprietorship, or other entity, operating within California that
24 coordinates the provision of services using personal property for
25 compensation by an individual to a consumer through an Internet
26 application or platform.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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