

AMENDED IN ASSEMBLY APRIL 28, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, Nazarian. Transportation network company: ~~criminal history~~; *history and arrest notification*.

(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 transportation network 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 transportation network company. The bill would further require the department to charge a transportation network 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. *The bill would authorize a transportation network company to submit to the Department of Justice fingerprint images and related information required by the department of all persons intended for employment, employed, retained, contracted, or otherwise compensated to perform or coordinate services for the purposes of obtaining information as to the existence and content of a record of state convictions and state arrests, as specified.*

(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:

4
 5 CHAPTER 22.6. TRANSPORTATION NETWORK COMPANY:
 6 CRIMINAL HISTORY
 7

8 22620. (a) The Department of Justice shall provide at the
 9 request of a transportation network company, as defined in Section
 10 5431 of the Public Utilities Code, for an individual who is
 11 employed, retained, contracted, or otherwise compensated to
 12 perform services coordinated by the transportation network
 13 company either of the following:

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

16 (2) Subsequent arrest notification services pursuant to Section
 17 11105.2 of the Penal Code.

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

21 (c) *A transportation network company may submit to the*
 22 *Department of Justice fingerprint images and related information*
 23 *required by the Department of Justice of all persons intended for*

1 *employment, employed, retained, contracted, or otherwise*
2 *compensated to perform or coordinate services, as defined by*
3 *Section 5431 of the Public Utilities Code, for the purposes of*
4 *obtaining information as to the existence and content of a record*
5 *of state convictions and state arrests and also information as to*
6 *the existence and content of a record of state arrests for which the*
7 *Department of Justice establishes that the person is free on bail*
8 *or on his or her recognizance pending trial or appeal.*

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