

AMENDED IN ASSEMBLY MAY 31, 2016  
AMENDED IN ASSEMBLY APRIL 28, 2016  
AMENDED IN ASSEMBLY APRIL 14, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2777**

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**Introduced by Assembly Member Nazarian**

February 19, 2016

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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 and arrest notification.~~ *employment: convictions and arrests.*

(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. The bill also would require the department to provide state criminal history information in response to the transportation network company, would require the transportation network company to request from the department subsequent notification service for persons for whom fingerprint images and related information are submitted, and would require the department to charge a fee to cover the cost of processing a request under these provisions. 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:

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:~~

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

3 ~~(2) Subsequent arrest notification services pursuant to Section~~  
4 ~~11105.2 of the Penal Code.~~

5 ~~(b) The Department of Justice shall charge a transportation~~  
6 ~~network company a fee sufficient to cover the cost of processing~~  
7 ~~a request made pursuant to this section.~~

8 (e)

9 22620. (a) A transportation network company ~~may~~ *may, but*  
10 *shall not be required to*, submit to the Department of Justice  
11 fingerprint images and related information required by the  
12 Department of Justice of all persons intended for employment,  
13 employed, retained, contracted, or otherwise compensated to  
14 perform or coordinate services, as defined by Section 5431 of the  
15 Public Utilities Code, for the purposes of obtaining information  
16 as to the existence and content of a record of state convictions and  
17 state arrests and ~~also information~~ as to the existence and content  
18 of a record of state arrests for which the Department of Justice  
19 establishes that the person is free on bail or on his or her  
20 recognizance pending trial or appeal.

21 (b) *The Department of Justice shall provide a state-level*  
22 *response to the transportation network company pursuant to*  
23 *paragraph (1) of subdivision (p) of Section 11105 of the Penal*  
24 *Code.*

25 (c) *The transportation network company shall request from the*  
26 *Department of Justice subsequent notification service, as provided*  
27 *pursuant to Section 11105.2 of the Penal Code, for persons for*  
28 *whom fingerprint images and related information are submitted*  
29 *as described in subdivision (a).*

30 (d) *The Department of Justice shall charge a fee sufficient to*  
31 *cover the cost of processing a request described in this section.*

32 SEC. 2. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 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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