

AMENDED IN SENATE SEPTEMBER 8, 1997

AMENDED IN SENATE SEPTEMBER 4, 1997

AMENDED IN SENATE JULY 21, 1997

AMENDED IN SENATE JULY 7, 1997

AMENDED IN ASSEMBLY JUNE 3, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1223**

**Introduced by Assembly Member Strom-Martin**

February 28, 1997

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An act to amend Section 5164 of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1223, as amended, Strom-Martin. Public park and recreational facilities: employees and volunteers: criminal record requests: fees.

Existing law prohibits a city, county, city and county, or special district from hiring a person for employment, or hiring a volunteer to perform services, at specified park and recreational facilities, in a position having supervisory or disciplinary authority over any minor, if the person has been convicted of certain criminal offenses. Existing law authorizes the local agency to screen a prospective employee or volunteer for their criminal background by requesting from the Department of Justice records of all convictions and of any arrests pending adjudication involving those specified

offenses. Existing law authorizes the department to charge a fee for the actual cost of processing such a request, excepting nonprofit organizations.

This bill would require any local agency request for department records to be on a form approved by the department and would prohibit the department from charging any fee to the local agency for requesting the records of a prospective volunteer pursuant to those provisions.

*The bill would require that, if SB 720 is enacted and becomes effective on January 1, 1998, any fees that are charged a local agency for requesting the records of a prospective volunteer who will perform services at a county or city or city and county or special district operated park, playground, recreational center, or beach used for recreational purposes in a position having supervisory or disciplinary authority over any minor, pursuant to specified provisions of that bill that would fund local programs that enhance the ability of local law enforcement to provide fingerprint identification, to be waived.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5164 of the Public Resources  
2 Code is amended to read:  
3 5164. (a) A county or city or city and county or  
4 special district shall not hire a person for employment, or  
5 hire a volunteer to perform services, at a county or city  
6 or city and county or special district operated park,  
7 playground, recreational center, or beach used for  
8 recreational purposes, in a position having supervisory or  
9 disciplinary authority over any minor, if the person has  
10 been convicted of any offense specified in paragraph (1)  
11 of subdivision (g) of Section 11105.3 of the Penal Code, or  
12 any offense specified in paragraph (3) of subdivision (g)  
13 of Section 11105.3 of the Penal Code. However, this  
14 section shall not apply to a misdemeanor conviction  
15 under paragraph (3) of subdivision (g) of Section 11105.3  
16 of the Penal Code unless the person has a total of three or



1 more misdemeanor or felony convictions specified in  
2 Section 11105.3 of the Penal Code within the immediately  
3 preceding 10-year period.

4 (b) (1) To give effect to this section, a county or city  
5 or city and county or special district may screen, pursuant  
6 to Section 11105.3 of the Penal Code, any such prospective  
7 employee or volunteer, having supervisory or  
8 disciplinary authority over any minor, for the person's  
9 criminal background.

10 (2) Any local agency requests for Department of  
11 Justice records pursuant to this subdivision shall include  
12 the prospective employee's or volunteer's fingerprints,  
13 which may be taken by the local agency, and any other  
14 data specified by the Department of Justice. The request  
15 shall be made on a form approved by the Department of  
16 Justice. No fee shall be charged to the local agency for  
17 requesting the records of a prospective volunteer  
18 pursuant to this subdivision.

19 *SEC. 2. If Senate Bill 720 of the 1997-98 Regular*  
20 *Session, which would appropriate money to fund local*  
21 *programs that enhance the ability of local law*  
22 *enforcement to provide fingerprint identification, is*  
23 *enacted and becomes effective on January 1, 1998, any*  
24 *fees that are charged a local agency pursuant to Section*  
25 *9250.19 of the Vehicle Code for requesting the records of*  
26 *a prospective volunteer who will perform services at a*  
27 *county or city or city and county or special district*  
28 *operated park, playground, recreational center, or beach*  
29 *used for recreational purposes, in a position having*  
30 *supervisory or disciplinary authority over any minor, shall*  
31 *be waived.*

