

AMENDED IN ASSEMBLY APRIL 15, 1998

AMENDED IN ASSEMBLY MARCH 25, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2001**

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**Introduced by Assembly Member Kuehl**

February 18, 1998

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An act to add Section 1812.5093 to the Civil Code, and to amend Section 1596.65 of the Health and Safety Code, relating to employment agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Kuehl. Employment agencies: child care providers.

Existing law generally regulates employment agencies, as defined. Existing law prohibits a babysitting, domestic, or other employment agency which procures babysitting or domestic employment for employers from referring babysitters or domestics without first personally interviewing the job seeker and making a reasonable effort to verify the experience or training of the job seeker. Under existing law, the violation of these provisions is a misdemeanor.

Existing law authorizes a child care provider, as defined, who possesses any one of 4 identification cards to initiate a background examination process by submitting one set of fingerprints and a completed trustline application to the Department of Justice.

Existing law prohibits an employment agency from placing a child care provider with parents or guardians who are not required to be licensed as a child day care facility, if the child care provider is not a trustline applicant or registered child care provider.

This bill would require every employment agency that refers a child care provider to an employer who is not required to be a licensed day care facility to provide specified information to these employers regarding the trustline registry. ~~This bill would also make it a misdemeanor for an employment agency to violate the above described prohibition.~~ *It also would provide that an employment agency that makes such a referral shall not make a placement of a provider who is not a trustline applicant or a registered child care provider. A violation of this latter prohibition would be a misdemeanor.* Since this bill would establish new crimes, it 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 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. Section 1812.5093 is added to the Civil  
2 Code, immediately preceding Section 1812.5095, to read:  
3 1812.5093. Every employment agency that refers a  
4 child care provider to an employer who is not required to  
5 be a licensed child day care facility pursuant to Section  
6 1596.792 of the Health and Safety Code shall notify the  
7 employer of all the following:  
8 (a) A description of the child care provider trustline  
9 registry established pursuant to Chapter 3.35  
10 (commencing with Section 1596.60) of Division 2 of the  
11 Health and Safety Code that provides criminal history  
12 checks on child care providers.



1 (b) An explanation of how an employer may obtain  
2 more information about the child care provider trustline  
3 registry.

4 (c) A statement that an employment agency is  
5 prohibited by law from placing a child care provider  
6 unless the provider is a trustline applicant or a registered  
7 child care provider.

8 (d) An explanation of how the employer may verify  
9 the prospective child care provider's trustline registry  
10 registration.

11 SEC. 2. Section 1596.65 of the Health and Safety Code  
12 is amended to read:

13 1596.65. (a) An employment agency, as defined in  
14 Section 1812.501 of the Civil Code, that refers a child care  
15 provider to parents or guardians who are not required to  
16 be a licensed child day care facility shall not make a  
17 placement of a child care provider who is not a trustline  
18 applicant or a registered child care provider.

19 ~~(b) The violation of this section by an employment~~  
20 ~~agency, as defined in Section 1812.501 of the Civil Code,~~  
21 ~~is a misdemeanor.~~

22 *(b) Any violation of this section is a misdemeanor and*  
23 *shall be punishable by a fine of one hundred dollars*  
24 *(\$100).*

25 SEC. 3. No reimbursement is required by this act  
26 pursuant to Section 6 of Article XIII B of the California  
27 Constitution because the only costs that may be incurred  
28 by a local agency or school district will be incurred  
29 because this act creates a new crime or infraction,  
30 eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section  
32 17556 of the Government Code, or changes the definition  
33 of a crime within the meaning of Section 6 of Article  
34 XIII B of the California Constitution.

35 Notwithstanding Section 17580 of the Government  
36 Code, unless otherwise specified, the provisions of this act  
37 shall become operative on the same date that the act  
38 takes effect pursuant to the California Constitution.

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