

AMENDED IN SENATE JUNE 24, 1999  
AMENDED IN SENATE JUNE 10, 1999  
AMENDED IN SENATE JUNE 7, 1999  
AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1067**

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**Introduced by Assembly Member Margett**

February 25, 1999

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An act to amend Sections 44346.1 and 44424 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Margett. Teacher credentialing.

(1) Existing law requires the Commission on Teacher Credentialing to immediately revoke the teaching or services credential of a person when the person's conviction of a violation, or attempted violation, of any one or more of certain offenses, including causing, encouraging, or contributing to the delinquency of persons under 18 years of age becomes final.

This bill would add ~~the crimes of burglary,~~ certain offenses regarding assaulting a child under 8 years of age by a custodian of that child; and infliction of cruel or inhuman corporal punishment upon a child, to these offenses.

(2) Existing law defines "sex offense" for purposes of various provisions relating to the employment of school

employees. Among the offenses constituting a sex offense is any offense involving lewd and lascivious conduct under the provision that prohibits causing, encouraging, or contributing to the delinquency of persons under 18 years of age.

This bill would provide that a conviction of encouraging, or contributing to the delinquency of persons under 18 years of age when it involves lewd and lascivious conduct or any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of certain offenses, is a conviction that, upon becoming final, requires the Commission on Teacher Credentialing to immediately revoke the credential of the person so convicted.

(3) Existing law requires the commission to deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined.

This bill would also require the commission to deny any application for the issuance of a credential made by an applicant that has been convicted of one of the offenses that would require revocation of a credential.

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 44346.1 of the Education Code is  
 2 amended to read:  
 3 44346.1. (a) The commission shall deny any  
 4 application for the issuance of a credential made by an  
 5 applicant who has been convicted of a violent or serious  
 6 felony or a crime set forth in subdivision (a) of Section  
 7 44424 or whose employment has been denied or  
 8 terminated pursuant to Section 44830.1.  
 9 (b) This section applies to any violent or serious  
 10 offense which, if committed in this state, would have been  
 11 punishable as a violent or serious felony.  
 12 (c) For purposes of this section, a violent felony is any  
 13 felony listed in subdivision (c) of Section 667.5 of the



1 Penal Code and a serious felony is any felony listed in  
2 subdivision (c) of Section 1192.7 of the Penal Code.

3 (d) Notwithstanding subdivision (a), a person shall  
4 not be denied a credential solely on the basis that the  
5 applicant or holder has been convicted of a violent or  
6 serious felony if the person has obtained a certificate of  
7 rehabilitation and pardon pursuant to Chapter 3.5  
8 (commencing with Section 4852.01) of Title 6 of Part 3 of  
9 the Penal Code.

10 SEC. 2. Section 44424 of the Education Code is  
11 amended to read:

12 44424. (a) Upon the conviction of the holder of any  
13 credential issued by the State Board of Education or the  
14 Commission on Teacher Credentialing of a violation, or  
15 attempted violation, of a violent or serious felony as  
16 described in Section 44346.1, or any one or more of Penal  
17 Code Sections 187 to 191, 192 insofar as said section relates  
18 to voluntary manslaughter, 193, 194 to 217.1, both  
19 inclusive, 220, 222, 244, 245, 261 to 267, both inclusive,  
20 273a, 273ab, 273d, 273f, 273g, 278, 285 to 288a, both  
21 inclusive, 424, 425, ~~459~~, 484 to 488, both inclusive, insofar  
22 as said sections relate to felony convictions, 503 and 504,  
23 or of any offense involving lewd and lascivious conduct  
24 under Section 272 of the Penal Code, or any offense  
25 committed or attempted in any other state or against the  
26 laws of the United States which, if committed or  
27 attempted in this state, would have been punished as one  
28 or more of the offenses specified in this section, becoming  
29 final, the commission shall forthwith revoke the  
30 credential.

31 (b) Upon a plea of nolo contendere as a misdemeanor  
32 to one or more of the crimes set forth in subdivision (a),  
33 all credentials held by the respondent shall be suspended  
34 until a final disposition regarding those credentials is  
35 made by the commission. Any action that the commission  
36 is permitted to take following a conviction may be taken  
37 after the time for appeal has elapsed, or the judgment of  
38 conviction has been affirmed on appeal, or when an order  
39 granting probation is made suspending the imposition of  
40 sentence and the time for appeal has elapsed or the



1 judgment of conviction has been affirmed on appeal,  
2 irrespective of a subsequent order under the provisions  
3 of Section 1203.4 of the Penal Code.

4 (c) The commission shall revoke a credential issued to  
5 a person whose employment has been denied or  
6 terminated pursuant to Section 44830.1.

7 (d) Notwithstanding subdivision (a), a credential shall  
8 not be revoked solely on the basis that the applicant or  
9 holder has been convicted of a violent or serious felony if  
10 the person has obtained a certificate of rehabilitation and  
11 pardon pursuant to Chapter 3.5 (commencing with  
12 Section 4852.01) of Title 6 of Part 3 of the Penal Code.

