

Assembly Bill No. 1067

Passed the Assembly September 7, 1999

Chief Clerk of the Assembly

Passed the Senate July 15, 1999

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, 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 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 causing, 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.

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

SECTION 1. Section 44346.1 of the Education Code is amended to read:

44346.1. (a) The commission shall deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony or a crime set forth in subdivision (a) of Section 44424 or whose employment has been denied or terminated pursuant to Section 44830.1.

(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.

(c) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

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

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

44424. (a) Upon the conviction of the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing of a violation, or attempted violation, of a violent or serious felony as described in Section 44346.1, or any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194 to 217.1, both



inclusive, 220, 222, 244, 245, 261 to 267, both inclusive, 273a, 273ab, 273d, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to felony convictions, 503 and 504, or of any offense involving lewd and lascivious conduct under Section 272 of the Penal Code, 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 the offenses specified in this section, becoming final, the commission shall forthwith revoke the credential.

(b) Upon a plea of nolo contendere as a misdemeanor to one or more of the crimes set forth in subdivision (a), all credentials held by the respondent shall be suspended until a final disposition regarding those credentials is made by the commission. Any action that the commission is permitted to take following a conviction may be taken after the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

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

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



Approved _____, 1999

Governor

