

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1979

Introduced by Assembly Member Bass

February 9, 2006

An act to ~~amend Section 1522.03 of~~ *add Section 1522.06* to the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1979, as amended, Bass. Community care facilities: criminal record information: fees.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities by the State Department of Social Services. *A violation of these provisions is a crime.*

Existing law requires that, before issuing any of specified documents allowing for the operation or management of a community care facility, the department or other approving authority secure from an appropriate law enforcement agency a criminal record with respect to the applicant ~~or certain other persons, except as specified and specified employees and volunteers who will have contact with children.~~ Existing law requires the submission of the fingerprints of an applicant or other person who is not otherwise exempted from fingerprinting to the Department of Justice for the purpose of providing criminal record information, and requires the Department of Justice to provide notice of the criminal record information within 14 days of receiving the fingerprints. Existing law allows the Department of Justice to charge a fee sufficient to cover the cost of providing these services. *These requirements also apply to perspective employees and*

volunteers subsequent to the commencement of operation by the facility.

~~This bill would prohibit the Department of Justice from charging a fee for these services to any nonprofit organization that is approved by the state, or by a city or county, to provide mentoring services for children in foster care.~~

This bill would, commencing July 1, 2007, specify that candidates for mentoring foster children shall comply with the criminal background investigation requirements prior to having unsupervised contact with the children.

By imposing additional requirements upon community care facility programs, this bill would create a crime, thus imposing 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: ~~no~~-yes.

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

- 1 SECTION 1. Section 1522.06 is added to the Health and
- 2 Safety Code, to read:
- 3 1522.06. (a) Individuals who are volunteer candidates for
- 4 mentoring children in foster care settings, as defined by the
- 5 department shall be subject to the criminal background
- 6 investigation provisions of Section 1522, and shall comply with
- 7 those provisions prior to having unsupervised contact with the
- 8 children.
- 9 (b) This section shall become operative on July 1, 2007.
- 10 SEC. 2. No reimbursement is required by this act pursuant to
- 11 Section 6 of Article XIII B of the California Constitution because
- 12 the only costs that may be incurred by a local agency or school
- 13 district will be incurred because this act creates a new crime or
- 14 infraction, eliminates a crime or infraction, or changes the
- 15 penalty for a crime or infraction, within the meaning of Section
- 16 17556 of the Government Code, or changes the definition of a

1 *crime within the meaning of Section 6 of Article XIII B of the*
2 *California Constitution.*

3 SECTION 1. ~~Section 1522.03 of the Health and Safety Code~~
4 ~~is amended to read:~~

5 ~~1522.03. The Department of Justice may charge a fee~~
6 ~~sufficient to cover its cost in providing services in accordance~~
7 ~~with Section 1522 to comply with the 14-day requirement for~~
8 ~~provision to the department of the criminal record information, as~~
9 ~~contained in subdivision (c) of Section 1522. However, the~~
10 ~~Department of Justice shall not charge a fee for these services to~~
11 ~~any nonprofit organization that is approved by the state, or by a~~
12 ~~city, county, or city and county, to provide mentoring services for~~
13 ~~children in foster care.~~