

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY APRIL 27, 2006

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 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 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~~ *prospective* employees and volunteers subsequent to the commencement of operation by the facility.

This bill would, ~~commencing July 1, 2007,~~ specify that candidates for mentoring foster children shall ~~comply with the~~ *be subject to a* criminal background investigation ~~requirements~~ prior to having unsupervised contact with the children. This bill would prohibit the Department of Justice ~~and the department~~ *and the State Department of Health Services* from charging a fee for ~~the cost of these~~ *a state level criminal offender record information search and criminal background investigations* ~~investigations~~ *investigation*.

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: 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~~ *a* criminal background
 6 investigation ~~provisions of Section 1522, and shall comply with~~
 7 ~~those provisions~~ prior to having unsupervised contact with the
 8 children. *The criminal background check shall be initiated and*
 9 *conducted pursuant to either Sections 1522 and 1522.1 or*
 10 *Section 1596.03, as applicable. Sections 1522 and 1522.1 may be*
 11 *utilized by a county social services agency in cooperation with,*
 12 *or as a component of, a licensed foster family agency.*

1 ~~(b) Neither the Department of Justice nor the department shall~~
2 ~~charge a fee for the cost of a criminal background investigation~~
3 ~~for any person to whom subdivision (a) applies.~~

4 ~~(e) This section shall become operative on July 1, 2007.~~

5 *(b) (1) The Department of Justice shall not charge a*
6 *processing fee with respect to any individual to whom*
7 *subdivision (a) applies for a state level criminal offender record*
8 *information search pursuant to Section 1522.*

9 *(2) The State Department of Social Services shall not charge a*
10 *fee for the cost of a criminal background investigation under*
11 *Section 1522 with respect to any individual who whom*
12 *subdivision (a) applies.*

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.