

Assembly Bill No. 1979

CHAPTER 382

An act to add Section 1522.06 to the Health and Safety Code, relating to community care facilities.

[Approved by Governor September 22, 2006. Filed with
Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1979, 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 prospective employees and volunteers subsequent to the commencement of operation by the facility.

This bill would specify that candidates for mentoring foster children shall be subject to a criminal background investigation prior to having unsupervised contact with the children. This bill would prohibit the Department of Justice and the State Department of Health Services from charging a fee for a state-level criminal offender record information search and criminal background 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.

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

SECTION 1. Section 1522.06 is added to the Health and Safety Code, to read:

1522.06. (a) Individuals who are volunteer candidates for mentoring children in foster care settings, as defined by the department, shall be subject to a criminal background investigation prior to having unsupervised contact with the children. The criminal background check shall be initiated and conducted pursuant to either Sections 1522 and 1522.1 or Section 1596.603, as applicable. Sections 1522 and 1522.1 may be utilized by a county social services agency in cooperation with, or as a component of, a licensed foster family agency.

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

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

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