

AMENDED IN SENATE MAY 9, 2012
AMENDED IN SENATE FEBRUARY 8, 2012
AMENDED IN ASSEMBLY MARCH 8, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 666

Introduced by Assembly Member Jeffries

February 17, 2011

~~An act to add Article 4 (commencing with Section 789) to Chapter 2.5 of Division 1 of the Public Resources Code, relating to forestry and fire protection.~~ *An act to add Section 21538.5 to the Government Code, relating to special death benefits.*

LEGISLATIVE COUNSEL'S DIGEST

AB 666, as amended, Jeffries. ~~Department of Forestry and Fire Protection: employment: criminal background checks.~~ *Special death benefits: Riverside County.*

The Public Employees' Retirement Law (PERL) requires the Public Employees' Retirement System to be liable for either a basic or special death benefit upon the death of a member, as specified. Among other circumstances, PERL authorizes the special death benefit to be payable when there is a qualifying survivor if the deceased was a patrol, state peace officer/firefighter, state safety, state industrial, or local safety member, if his or her death was industrial.

This bill would authorize the special death benefit to be payable if the deceased was a Riverside County Sheriff's Department Correctional Deputy or a Correctional Corporal, if his or her death occurred as a direct result of injury arising out of and in the course of his or her

official duties with the Riverside County Sheriff’s Department, and if there was a qualifying survivor.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Riverside.

~~Existing law requires the Department of Forestry and Fire Protection to be responsible for the fire protection, fire prevention, maintenance, and enhancement of the state’s forest, range, and brushland resources; contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies.~~

~~This bill would require the department to conduct a state and federal level criminal offender record information search through the Department of Justice prior to hiring an applicant, as defined, for a position with the department or the State Board of Forestry and Fire Protection, with exceptions. The bill would require the Department of Justice to provide the information electronically, and require the department to request the Department of Justice to provide subsequent arrest notification services.~~

~~This bill would require the department to make and enforce those regulations necessary and proper for the implementation and maintenance of the requirements of these provisions. The bill would require the department to implement the requirements of these provisions utilizing any existing funds that are available to the department.~~

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 21538.5 is added to the Government Code,
2 to read:
3 21538.5. (a) *The special death benefit is payable if the*
4 *deceased was a Riverside County Sheriff’s Department*
5 *Correctional Deputy or a Correctional Corporal, if his or her*
6 *death occurred as a direct result of injury arising out of and in*
7 *the course of his or her official duties with the Riverside County*
8 *Sheriff’s Department, and if there is a survivor who qualifies under*
9 *subdivision (a) of Section 21541. The Workers’ Compensation*
10 *Appeals Board, using the same procedures as in workers’*
11 *compensation hearings, shall, in disputed cases, determine whether*
12 *the death of the member occurred as a result of that injury.*

1 ***(b) The jurisdiction of the Workers’ Compensation Appeals***
 2 ***Board shall be limited solely to the issue of industrial causation,***
 3 ***and this section may not be construed to authorize the Workers’***
 4 ***Compensation Appeals Board to award costs against this system***
 5 ***pursuant to Section 4600 or 5811 or any other provision of the***
 6 ***Labor Code.***

7 ***(c) This section shall not become operative unless and until a***
 8 ***memorandum of understanding has been agreed to by the County***
 9 ***of Riverside and the Riverside Sheriffs’ Association making this***
 10 ***section applicable to those members described in subdivision (a).***

11 ***SEC. 2. The Legislature finds and declares that a special law***
 12 ***is necessary and that a general law cannot be made applicable***
 13 ***within the meaning of Section 16 of Article IV of the California***
 14 ***Constitution because of the unique circumstances in the County***
 15 ***of Riverside with respect to death benefits.***

16 **SECTION 1.** ~~Article 4 (commencing with Section 789) is added~~
 17 **to Chapter 2.5 of Division 1 of the Public Resources Code, to read:**

18
 19 **Article 4. Employment Applicant Criminal Background Check**

20
 21 ~~789. For purposes of this article, “applicant” means a person~~
 22 ~~applying for permanent, full-time employment with the department~~
 23 ~~or the board.~~

24 ~~790. Each applicant shall have his or her fingerprint images~~
 25 ~~and related information submitted to the department for submission~~
 26 ~~to the Department of Justice, pursuant to regulations adopted~~
 27 ~~pursuant to Section 794, for a state and federal level criminal~~
 28 ~~offender record information search, including subsequent arrest~~
 29 ~~information.~~

30 ~~791. Each application for employment shall require the~~
 31 ~~applicant’s social security number in order to establish the identity~~
 32 ~~of the applicant. The information obtained as a result of a state~~
 33 ~~and federal level criminal offender record information search shall~~
 34 ~~be used in accordance with Section 11105 of the Penal Code, and~~
 35 ~~to determine whether the applicant is eligible for employment.~~

36 ~~792. (a) (1) Prior to hiring an applicant for employment with~~
 37 ~~the department or the board, the department shall electronically~~
 38 ~~submit to the Department of Justice fingerprint images and related~~
 39 ~~information of the applicant that the Department of Justice requires~~
 40 ~~to determine the existence and content of a record of state or federal~~

1 ~~convictions and state or federal arrests, and also information as to~~
2 ~~the existence and content of a record of state or federal arrests for~~
3 ~~which the Department of Justice establishes that the person is free~~
4 ~~on bail or on his or her own recognizance pending trial or appeal,~~
5 ~~as provided pursuant to subdivision (p) of Section 11105 of the~~
6 ~~Penal Code.~~

7 ~~(2) When received, the Department of Justice shall forward to~~
8 ~~the Federal Bureau of Investigation requests for federal summary~~
9 ~~criminal history information received pursuant to this subdivision.~~
10 ~~The Department of Justice shall review the information returned~~
11 ~~from the Federal Bureau of Investigation and compile and~~
12 ~~electronically disseminate a response to the department, as provided~~
13 ~~pursuant to Section 11105 of the Penal Code.~~

14 ~~(3) The Department of Justice shall electronically provide the~~
15 ~~response to the department.~~

16 ~~(b) The department shall request the Department of Justice to~~
17 ~~provide subsequent arrest notification service, as provided pursuant~~
18 ~~to Section 11105.2 of the Penal Code, for persons described in~~
19 ~~subdivision (a).~~

20 ~~(c) The Department of Justice shall charge a fee sufficient to~~
21 ~~cover the cost of processing the request described in this section.~~

22 ~~793. A certified EMT-I or EMT-II shall be exempt from the~~
23 ~~requirements of this article if he or she meets all of the following~~
24 ~~conditions:~~

25 ~~(a) He or she is currently certified pursuant to Division 2.5~~
26 ~~(commencing with Section 1797) of the Health and Safety Code.~~

27 ~~(b) His or her fingerprint images were previously submitted to~~
28 ~~the Department of Justice and a state and federal level criminal~~
29 ~~offender record information search, including subsequent arrest~~
30 ~~information, has been conducted.~~

31 ~~(c) He or she submits to the department a written verification~~
32 ~~that the certifying entity, as defined in Section 1797.62 of the~~
33 ~~Health and Safety Code, the Emergency Medical Services~~
34 ~~Authority, as described in Section 1797.101 of the Health and~~
35 ~~Safety Code, or the employer has had a state and federal level~~
36 ~~criminal offender record information search conducted, including~~
37 ~~subsequent arrest information, and that nothing in the criminal~~
38 ~~offender record information search precluded the individual from~~
39 ~~obtaining EMT-I or EMT-II certification.~~

1 ~~794. The department shall make and enforce those regulations~~
2 ~~that are necessary and proper for the implementation and~~
3 ~~maintenance of the requirements of this article.~~

4 ~~795. The department shall implement the requirements of this~~
5 ~~article utilizing any existing funds that are available to the~~
6 ~~department.~~

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