

AB1855 and SB900
Criminal Record Check
Effective 1/1/03

This bill would permit employers to request a Criminal Record Check on individuals applying to become volunteers to care for, transport, or have supervisory or disciplinary power over a minor or any person under his or her care. This includes children, the elderly, the handicapped, the mentally impaired, or individuals impaired by drugs or alcohol.

The Criminal Record Check would review offenses specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code and include records of all convictions or any arrest pending adjudication unless the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the application. It will also include every arrest for a violation or attempted violation of an offense (specified in Section 15660 of the Welfare and Institutions Code) for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial. A conviction for a violation or attempted violation of an offense committed outside the State of California shall be included if the offense would have been a crime specified in this subdivision if committed in California.

The department shall furnish the information to the requesting employer and shall also send a copy of the information to the applicant. Any criminal history information obtained pursuant to this section is confidential and no recipient shall disclose its contents other than for the purpose for which it was acquired.

The request must include the applicant's fingerprints, which may be taken by the requester, and any other data specified by the department. The request shall be on a form approved by the department, and the department may charge a fee to be paid by the employer, human resource agency, or applicant for the actual cost of processing the request. However, no fee shall be charged a nonprofit organization. The Department shall destroy an application within six months after the requested information is sent to the employer and applicant.

If a prospective employee or volunteer has been convicted of an offense and the employer hires the prospective employee or volunteer, the employer shall notify the parents or guardians of any minor who will be supervised or disciplined by the employee or volunteer. The notice shall be given to the parents or guardians with whom the child resides, and shall be given at least 10 days prior to the day that the employee or volunteer begins his or her duties or tasks. Notwithstanding any other provision of law, any person who conveys or receives information in good faith conformity with this section is exempt from prosecution for that conveying or receiving of information. This requirement is in addition to any other requirement of any other provision of law requiring criminal record access or dissemination of criminal history information.