

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1050

Introduced by Assembly Member Dickinson

February 22, 2013

An act to amend Section ~~11105~~ 6027 of the Penal Code, relating to ~~criminal history information~~ *corrections*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1050, as amended, Dickinson. ~~Criminal history information.~~
Board of State and Community Corrections.

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified.

This bill would require the board, in consultation with the California State Association of Counties, California Sheriffs Association, Chief Probation Officers of California, and the Administrative Office of the Courts, to develop definitions of specified key terms in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based programs.

~~Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law requires the department to furnish this information in response to a request from certain authorized agencies, organizations, or individuals that need the information to fulfill~~

employment, certification, or licensing duties, including the employment of peace officers or the licensing of community care facilities.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 SECTION 1. Section 6027 of the Penal Code is amended to
2 read:

3 6027. (a) It shall be the duty of the Board of State and
4 Community Corrections to collect and maintain available
5 information and data about state and community correctional
6 policies, practices, capacities, and needs, including, but not limited
7 to, prevention, intervention, suppression, supervision, and
8 incapacitation, as they relate to both adult corrections, juvenile
9 justice, and gang problems. The board shall seek to collect and
10 make publicly available up-to-date data and information reflecting
11 the impact of state and community correctional, juvenile justice,
12 and gang-related policies and practices enacted in the state, as well
13 as information and data concerning promising and evidence-based
14 practices from other jurisdictions.

15 (b) Consistent with subdivision (c) of Section 6024, the board
16 shall also:

17 (1) Develop recommendations for the improvement of criminal
18 justice and delinquency and gang prevention activity throughout
19 the state.

20 (2) Identify, promote, and provide technical assistance relating
21 to evidence-based programs, practices, and promising and
22 innovative projects consistent with the mission of the board.

23 (3) *In consultation with the California State Association of*
24 *Counties, California Sheriffs Association, Chief Probation Officers*
25 *of California, and the Administrative Office of the Courts, develop*
26 *definitions of key terms, including, but not limited to, “recidivism,”*
27 *“average daily population,” “treatment program completion*
28 *rates,” and any other terms deemed relevant in order to facilitate*
29 *consistency in local data collection, evaluation, and*
30 *implementation of evidence-based practices, promising*

1 *evidence-based practices, and evidence-based practices, promising*
2 *evidence-based practices, and evidence-based programs.*

3 ~~(3)~~

4 (4) Receive and disburse federal funds, and perform all
5 necessary and appropriate services in the performance of its duties
6 as established by federal acts.

7 ~~(4)~~

8 (5) Develop comprehensive, unified, and orderly procedures to
9 ensure that applications for grants are processed fairly, efficiently,
10 and in a manner consistent with the mission of the board.

11 ~~(5)~~

12 (6) Identify delinquency and gang intervention and prevention
13 grants that have the same or similar program purpose, are allocated
14 to the same entities, serve the same target populations, and have
15 the same desired outcomes for the purpose of consolidating grant
16 funds and programs and moving toward a unified single
17 delinquency intervention and prevention grant application process
18 in adherence with all applicable federal guidelines and mandates.

19 ~~(6)~~

20 (7) Cooperate with and render technical assistance to the
21 Legislature, state agencies, units of general local government,
22 combinations of those units, or other public or private agencies,
23 organizations, or institutions in matters relating to criminal justice
24 and delinquency prevention.

25 ~~(7)~~

26 (8) Develop incentives for units of local government to develop
27 comprehensive regional partnerships whereby adjacent jurisdictions
28 pool grant funds in order to deliver services to a broader target
29 population and maximize the impact of state funds at the local
30 level.

31 ~~(8)~~

32 (9) Conduct evaluation studies of the programs and activities
33 assisted by the federal acts.

34 ~~(9)~~

35 (10) Identify and evaluate state, local, and federal gang and
36 youth violence suppression, intervention, and prevention programs
37 and strategies, along with funding for those efforts. The board shall
38 assess and make recommendations for the coordination of the
39 state's programs, strategies, and funding that address gang and
40 youth violence in a manner that maximizes the effectiveness and

1 coordination of those programs, strategies, and resources. By
2 January 1, 2014, the board shall develop funding allocation policies
3 to ensure that within three years no less than 70 percent of funding
4 for gang and youth violence suppression, intervention, and
5 prevention programs and strategies is used in programs that utilize
6 promising and proven evidence-based principles and practices.
7 The board shall communicate with local agencies and programs
8 in an effort to promote the best evidence-based principles and
9 practices for addressing gang and youth violence through
10 suppression, intervention, and prevention.

11 ~~(10)~~

12 (11) The board shall collect from each county the plan submitted
13 pursuant to Section 1230.1 within two months of adoption by the
14 county boards of supervisors. Commencing January 1, 2013, and
15 annually thereafter, the board shall collect and analyze available
16 data regarding the implementation of the local plans and other
17 outcome-based measures, as defined by the board in consultation
18 with the Administrative Office of the Courts, the Chief Probation
19 Officers of California, and the California State Sheriffs Association.
20 By July 1, 2013, and annually thereafter, the board shall provide
21 to the Governor and the Legislature a report on the implementation
22 of the plans described above.

23 ~~(11)~~

24 (12) Commencing on and after July 1, 2012, the board, in
25 consultation with the Administrative Office of the Courts, the
26 California State Association of Counties, the California State
27 Sheriffs Association, and the Chief Probation Officers of
28 California, shall support the development and implementation of
29 first phase baseline and ongoing data collection instruments to
30 reflect the local impact of Chapter 15 of the Statutes of 2011,
31 specifically related to dispositions for felony offenders and
32 postrelease community supervision. The board shall make any
33 data collected pursuant to this paragraph available on the board's
34 Internet Web site. It is the intent of the Legislature that the board
35 promote collaboration and the reduction of duplication of data
36 collection and reporting efforts where possible.

37 (c) The board may do either of the following:

38 (1) Collect, evaluate, publish, and disseminate statistics and
39 other information on the condition and progress of criminal justice
40 in the state.

1 (2) Perform other functions and duties as required by federal
2 acts, rules, regulations, or guidelines in acting as the administrative
3 office of the state planning agency for distribution of federal grants.

4 (d) Nothing in this chapter shall be construed to include in the
5 provisions set forth in this section, funds already designated to the
6 Local Revenue Fund 2011 pursuant to Section 30025 of the
7 Government Code.

8 SECTION 1. ~~Section 11105 of the Penal Code is amended to~~
9 ~~read:~~

10 ~~11105. (a) (1) The Department of Justice shall maintain state~~
11 ~~summary criminal history information.~~

12 ~~(2) As used in this section:~~

13 ~~(A) "State summary criminal history information" means the~~
14 ~~master record of information compiled by the Attorney General~~
15 ~~pertaining to the identification and criminal history of a person,~~
16 ~~such as name, date of birth, physical description, fingerprints,~~
17 ~~photographs, dates of arrests, arresting agencies and booking~~
18 ~~numbers, charges, dispositions, and similar data about the person.~~

19 ~~(B) "State summary criminal history information" does not refer~~
20 ~~to records and data compiled by criminal justice agencies other~~
21 ~~than the Attorney General, nor does it refer to records of complaints~~
22 ~~to or investigations conducted by, or records of intelligence~~
23 ~~information or security procedures of, the office of the Attorney~~
24 ~~General and the Department of Justice.~~

25 ~~(b) The Attorney General shall furnish state summary criminal~~
26 ~~history information to the following, if needed in the course of~~
27 ~~their duties, provided that when information is furnished to assist~~
28 ~~an agency, officer, or official of state or local government, a public~~
29 ~~utility, or another entity, in fulfilling employment, certification,~~
30 ~~or licensing duties, Chapter 1321 of the Statutes of 1974 and~~
31 ~~Section 432.7 of the Labor Code shall apply:~~

32 ~~(1) The courts of the state.~~

33 ~~(2) Peace officers of the state, as defined in Section 830.1,~~
34 ~~subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section~~
35 ~~830.3, subdivisions (a) and (b) of Section 830.5, and subdivision~~
36 ~~(a) of Section 830.31.~~

37 ~~(3) District attorneys of the state.~~

38 ~~(4) Prosecuting city attorneys of a city within the state.~~

39 ~~(5) City attorneys pursuing civil gang injunctions pursuant to~~
40 ~~Section 186.22a, or drug abatement actions pursuant to Section~~

1 ~~3479 or 3480 of the Civil Code, or Section 11571 of the Health~~
2 ~~and Safety Code.~~

3 ~~(6) Probation officers of the state.~~

4 ~~(7) Parole officers of the state.~~

5 ~~(8) A public defender or attorney of record when representing~~
6 ~~a person in proceedings upon a petition for a certificate of~~
7 ~~rehabilitation and pardon pursuant to Section 4852.08.~~

8 ~~(9) A public defender or attorney of record when representing~~
9 ~~a person in a criminal case, or a parole, mandatory supervision~~
10 ~~pursuant to paragraph (5) of subdivision (h) of Section 1170, or~~
11 ~~postrelease community supervision revocation or revocation~~
12 ~~extension proceeding, and if authorized access by statutory or~~
13 ~~decisional law.~~

14 ~~(10) An agency, officer, or official of the state if the criminal~~
15 ~~history information is required to implement a statute or regulation~~
16 ~~that expressly refers to specific criminal conduct applicable to the~~
17 ~~subject person of the state summary criminal history information,~~
18 ~~and contains requirements or exclusions, or both, expressly based~~
19 ~~upon that specified criminal conduct. The agency, officer, or~~
20 ~~official of the state authorized by this paragraph to receive state~~
21 ~~summary criminal history information may also transmit fingerprint~~
22 ~~images and related information to the Department of Justice to be~~
23 ~~transmitted to the Federal Bureau of Investigation.~~

24 ~~(11) A city or county, city and county, district, or an officer or~~
25 ~~official thereof if access is needed in order to assist that agency,~~
26 ~~officer, or official in fulfilling employment, certification, or~~
27 ~~licensing duties, and if the access is specifically authorized by the~~
28 ~~city council, board of supervisors, or governing board of the city,~~
29 ~~county, or district if the criminal history information is required~~
30 ~~to implement a statute, ordinance, or regulation that expressly~~
31 ~~refers to specific criminal conduct applicable to the subject person~~
32 ~~of the state summary criminal history information, and contains~~
33 ~~requirements or exclusions, or both, expressly based upon that~~
34 ~~specified criminal conduct. The city or county, city and county,~~
35 ~~district, or the officer or official thereof authorized by this~~
36 ~~paragraph may also transmit fingerprint images and related~~
37 ~~information to the Department of Justice to be transmitted to the~~
38 ~~Federal Bureau of Investigation.~~

1 ~~(12) The subject of the state summary criminal history~~
2 ~~information under procedures established under Article 5~~
3 ~~(commencing with Section 11120).~~

4 ~~(13) A person or entity when access is expressly authorized by~~
5 ~~statute if the criminal history information is required to implement~~
6 ~~a statute or regulation that expressly refers to specific criminal~~
7 ~~conduct applicable to the subject person of the state summary~~
8 ~~criminal history information, and contains requirements or~~
9 ~~exclusions, or both, expressly based upon that specified criminal~~
10 ~~conduct.~~

11 ~~(14) Health officers of a city, county, city and county, or district~~
12 ~~when in the performance of their official duties enforcing Section~~
13 ~~120175 of the Health and Safety Code.~~

14 ~~(15) A managing or supervising correctional officer of a county~~
15 ~~jail or other county correctional facility.~~

16 ~~(16) A humane society, or society for the prevention of cruelty~~
17 ~~to animals, for the specific purpose of complying with Section~~
18 ~~14502 of the Corporations Code for the appointment of humane~~
19 ~~officers.~~

20 ~~(17) Local child support agencies established by Section 17304~~
21 ~~of the Family Code. When a local child support agency closes a~~
22 ~~support enforcement case containing summary criminal history~~
23 ~~information, the agency shall delete or purge from the file and~~
24 ~~destroy any documents or information concerning or arising from~~
25 ~~offenses for or of which the parent has been arrested, charged, or~~
26 ~~convicted, other than for offenses related to the parent's having~~
27 ~~failed to provide support for minor children, consistent with the~~
28 ~~requirements of Section 17531 of the Family Code.~~

29 ~~(18) County child welfare agency personnel who have been~~
30 ~~delegated the authority of county probation officers to access state~~
31 ~~summary criminal history information pursuant to Section 272 of~~
32 ~~the Welfare and Institutions Code for the purposes specified in~~
33 ~~Section 16504.5 of the Welfare and Institutions Code. Information~~
34 ~~from criminal history records provided pursuant to this subdivision~~
35 ~~shall not be used for any purposes other than those specified in~~
36 ~~this section and Section 16504.5 of the Welfare and Institutions~~
37 ~~Code. When an agency obtains records obtained both on the basis~~
38 ~~of name checks and fingerprint checks, final placement decisions~~
39 ~~shall be based only on the records obtained pursuant to the~~
40 ~~fingerprint check.~~

1 ~~(19) The court of a tribe, or court of a consortium of tribes, that~~
2 ~~has entered into an agreement with the state pursuant to Section~~
3 ~~10553.1 of the Welfare and Institutions Code. This information~~
4 ~~may be used only for the purposes specified in Section 16504.5~~
5 ~~of the Welfare and Institutions Code and for tribal approval or~~
6 ~~tribal licensing of foster care or adoptive homes. Article 6~~
7 ~~(commencing with Section 11140) shall apply to officers, members,~~
8 ~~and employees of a tribal court receiving criminal record offender~~
9 ~~information pursuant to this section.~~

10 ~~(20) Child welfare agency personnel of a tribe or consortium~~
11 ~~of tribes that has entered into an agreement with the state pursuant~~
12 ~~to Section 10553.1 of the Welfare and Institutions Code and to~~
13 ~~whom the state has delegated duties under paragraph (2) of~~
14 ~~subdivision (a) of Section 272 of the Welfare and Institutions Code.~~
15 ~~The purposes for use of the information shall be for the purposes~~
16 ~~specified in Section 16504.5 of the Welfare and Institutions Code~~
17 ~~and for tribal approval or tribal licensing of foster care or adoptive~~
18 ~~homes. When an agency obtains records on the basis of name~~
19 ~~checks and fingerprint checks, final placement decisions shall be~~
20 ~~based only on the records obtained pursuant to the fingerprint~~
21 ~~check. Article 6 (commencing with Section 11140) shall apply to~~
22 ~~child welfare agency personnel receiving criminal record offender~~
23 ~~information pursuant to this section.~~

24 ~~(21) An officer providing conservatorship investigations~~
25 ~~pursuant to Sections 5351, 5354, and 5356 of the Welfare and~~
26 ~~Institutions Code.~~

27 ~~(22) A court investigator providing investigations or reviews~~
28 ~~in conservatorships pursuant to Section 1826, 1850, 1851, or~~
29 ~~2250.6 of the Probate Code.~~

30 ~~(23) A person authorized to conduct a guardianship investigation~~
31 ~~pursuant to Section 1513 of the Probate Code.~~

32 ~~(24) A humane officer pursuant to Section 14502 of the~~
33 ~~Corporations Code for the purposes of performing his or her duties.~~

34 ~~(e) The Attorney General may furnish state summary criminal~~
35 ~~history information and, when specifically authorized by this~~
36 ~~subdivision, federal level criminal history information upon a~~
37 ~~showing of a compelling need to any of the following, provided~~
38 ~~that when information is furnished to assist an agency, officer, or~~
39 ~~official of state or local government, a public utility, or any other~~
40 ~~entity in fulfilling employment, certification, or licensing duties;~~

1 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the
2 Labor Code shall apply:

3 (1) To a public utility, as defined in Section 216 of the Public
4 Utilities Code, that operates a nuclear energy facility when access
5 is needed in order to assist in employing persons to work at the
6 facility, provided that, if the Attorney General supplies the data,
7 he or she shall furnish a copy of the data to the person to whom
8 the data relates:

9 (2) To a peace officer of the state other than those included in
10 subdivision (b):

11 (3) To an illegal dumping enforcement officer as defined in
12 subdivision (j) of Section 830.7.

13 (4) To a peace officer of another country:

14 (5) To public officers, other than peace officers, of the United
15 States, other states, or possessions or territories of the United
16 States, provided that access to records similar to state summary
17 criminal history information is expressly authorized by a statute
18 of the United States, other states, or possessions or territories of
19 the United States if the information is needed for the performance
20 of their official duties:

21 (6) To a person when disclosure is requested by a probation,
22 parole, or peace officer with the consent of the subject of the state
23 summary criminal history information and for purposes of
24 furthering the rehabilitation of the subject.

25 (7) To the courts of the United States, other states, or territories
26 or possessions of the United States:

27 (8) To peace officers of the United States, other states, or
28 territories or possessions of the United States:

29 (9) To an individual who is the subject of the record requested
30 if needed in conjunction with an application to enter the United
31 States or any foreign nation:

32 (10) (A) (i) To a public utility, as defined in Section 216 of
33 the Public Utilities Code, or a cable corporation as defined in
34 subparagraph (B), if receipt of criminal history information is
35 needed in order to assist in employing current or prospective
36 employees, contract employees, or subcontract employees who,
37 in the course of their employment may be seeking entrance to
38 private residences or adjacent grounds. The information provided
39 shall be limited to the record of convictions and any arrest for

1 ~~which the person is released on bail or on his or her own~~
2 ~~recognizance pending trial.~~

3 ~~(ii) If the Attorney General supplies the data pursuant to this~~
4 ~~paragraph, the Attorney General shall furnish a copy of the data~~
5 ~~to the current or prospective employee to whom the data relates.~~

6 ~~(iii) Any information obtained from the state summary criminal~~
7 ~~history is confidential and the receiving public utility or cable~~
8 ~~corporation shall not disclose its contents, other than for the~~
9 ~~purpose for which it was acquired. The state summary criminal~~
10 ~~history information in the possession of the public utility or cable~~
11 ~~corporation and all copies made from it shall be destroyed not~~
12 ~~more than 30 days after employment or promotion or transfer is~~
13 ~~denied or granted, except for those cases where a current or~~
14 ~~prospective employee is out on bail or on his or her own~~
15 ~~recognizance pending trial, in which case the state summary~~
16 ~~criminal history information and all copies shall be destroyed not~~
17 ~~more than 30 days after the case is resolved.~~

18 ~~(iv) A violation of this paragraph is a misdemeanor, and shall~~
19 ~~give the current or prospective employee who is injured by the~~
20 ~~violation a cause of action against the public utility or cable~~
21 ~~corporation to recover damages proximately caused by the~~
22 ~~violations. A public utility's or cable corporation's request for~~
23 ~~state summary criminal history information for purposes of~~
24 ~~employing current or prospective employees who may be seeking~~
25 ~~entrance to private residences or adjacent grounds in the course~~
26 ~~of their employment shall be deemed a "compelling need" as~~
27 ~~required to be shown in this subdivision.~~

28 ~~(v) Nothing in this section shall be construed as imposing a duty~~
29 ~~upon public utilities or cable corporations to request state summary~~
30 ~~criminal history information on a current or prospective employees.~~

31 ~~(B) For purposes of this paragraph, "cable corporation" means~~
32 ~~a corporation or firm that transmits or provides television,~~
33 ~~computer, or telephone services by cable, digital, fiber optic,~~
34 ~~satellite, or comparable technology to subscribers for a fee.~~

35 ~~(C) Requests for federal level criminal history information~~
36 ~~received by the Department of Justice from entities authorized~~
37 ~~pursuant to subparagraph (A) shall be forwarded to the Federal~~
38 ~~Bureau of Investigation by the Department of Justice. Federal level~~
39 ~~criminal history information received or compiled by the~~

1 Department of Justice may then be disseminated to the entities
2 referenced in subparagraph (A), as authorized by law.

3 ~~(D) (i) Authority for a cable corporation to request state or~~
4 ~~federal level criminal history information under this paragraph~~
5 ~~shall commence July 1, 2005.~~

6 ~~(ii) Authority for a public utility to request federal level criminal~~
7 ~~history information under this paragraph shall commence July 1,~~
8 ~~2005.~~

9 ~~(11) To a campus of the California State University or the~~
10 ~~University of California, or a four year college or university~~
11 ~~accredited by a regional accreditation organization approved by~~
12 ~~the United States Department of Education, if needed in~~
13 ~~conjunction with an application for admission by a convicted felon~~
14 ~~to a special education program for convicted felons, including, but~~
15 ~~not limited to, university alternatives and halfway houses. Only~~
16 ~~conviction information shall be furnished. The college or university~~
17 ~~may require the convicted felon to be fingerprinted, and an inquiry~~
18 ~~to the department under this section shall include the convicted~~
19 ~~felon's fingerprints and any other information specified by the~~
20 ~~department.~~

21 ~~(12) To a foreign government, if requested by the individual~~
22 ~~who is the subject of the record requested, if needed in conjunction~~
23 ~~with the individual's application to adopt a minor child who is a~~
24 ~~citizen of that foreign nation. Requests for information pursuant~~
25 ~~to this paragraph shall be in accordance with the process described~~
26 ~~in Sections 11122 to 11124, inclusive. The response shall be~~
27 ~~provided to the foreign government or its designee and to the~~
28 ~~individual who requested the information.~~

29 ~~(d) Whenever an authorized request for state summary criminal~~
30 ~~history information pertains to a person whose fingerprints are on~~
31 ~~file with the Department of Justice and the department has no~~
32 ~~criminal history of that person, and the information is to be used~~
33 ~~for employment, licensing, or certification purposes, the fingerprint~~
34 ~~card accompanying the request for information, if any, may be~~
35 ~~stamped "no criminal record" and returned to the person or entity~~
36 ~~making the request.~~

37 ~~(e) Whenever state summary criminal history information is~~
38 ~~furnished as the result of an application and is to be used for~~
39 ~~employment, licensing, or certification purposes, the Department~~
40 ~~of Justice may charge the person or entity making the request a~~

1 fee that it determines to be sufficient to reimburse the department
2 for the cost of furnishing the information. In addition, the
3 Department of Justice may add a surcharge to the fee to fund
4 maintenance and improvements to the systems from which the
5 information is obtained. Notwithstanding any other law, a person
6 or entity required to pay a fee to the department for information
7 received under this section may charge the applicant a fee sufficient
8 to reimburse the person or entity for this expense. All moneys
9 received by the department pursuant to this section, Sections
10 11105.3 and 26190, and former Section 13588 of the Education
11 Code shall be deposited in a special account in the General Fund
12 to be available for expenditure by the department to offset costs
13 incurred pursuant to those sections and for maintenance and
14 improvements to the systems from which the information is
15 obtained upon appropriation by the Legislature.

16 (f) Whenever there is a conflict, the processing of criminal
17 fingerprints and fingerprints of applicants for security guard or
18 alarm agent registrations or firearms qualification permits
19 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4
20 of the Business and Professions Code shall take priority over the
21 processing of other applicant fingerprints.

22 (g) It is not a violation of this section to disseminate statistical
23 or research information obtained from a record, provided that the
24 identity of the subject of the record is not disclosed.

25 (h) It is not a violation of this section to include information
26 obtained from a record in (1) a transcript or record of a judicial or
27 administrative proceeding or (2) any other public record if the
28 inclusion of the information in the public record is authorized by
29 a court, statute, or decisional law.

30 (i) Notwithstanding any other law, the Department of Justice
31 or a state or local law enforcement agency may require the
32 submission of fingerprints for the purpose of conducting summary
33 criminal history information checks that are authorized by law.

34 (j) The state summary criminal history information shall include
35 any finding of mental incompetence pursuant to Chapter 6
36 (commencing with Section 1367) of Title 10 of Part 2 arising out
37 of a complaint charging a felony offense specified in Section 290.

38 (k) (1) This subdivision shall apply whenever state or federal
39 summary criminal history information is furnished by the
40 Department of Justice as the result of an application by an

1 authorized agency or organization and the information is to be
2 used for peace officer employment or certification purposes. As
3 used in this subdivision, a peace officer is defined in Chapter 4.5
4 (commencing with Section 830) of Title 3 of Part 2.

5 (2) Notwithstanding any other provision of law, whenever state
6 summary criminal history information is initially furnished
7 pursuant to paragraph (1), the Department of Justice shall
8 disseminate the following information:

9 (A) Every conviction rendered against the applicant.

10 (B) Every arrest for an offense for which the applicant is
11 presently awaiting trial, whether the applicant is incarcerated or
12 has been released on bail or on his or her own recognizance
13 pending trial.

14 (C) Every arrest or detention, except for an arrest or detention
15 resulting in an exoneration, provided however that where the
16 records of the Department of Justice do not contain a disposition
17 for the arrest, the Department of Justice first makes a genuine effort
18 to determine the disposition of the arrest.

19 (D) Every successful diversion.

20 (E) Every date and agency name associated with all retained
21 peace officer or nonsworn law enforcement agency employee
22 preemployment criminal offender record information search
23 requests.

24 (f) (1) This subdivision shall apply whenever state or federal
25 summary criminal history information is furnished by the
26 Department of Justice as the result of an application by a criminal
27 justice agency or organization as defined in Section 13101, and
28 the information is to be used for criminal justice employment,
29 licensing, or certification purposes.

30 (2) Notwithstanding any other provision of law, whenever state
31 summary criminal history information is initially furnished
32 pursuant to paragraph (1), the Department of Justice shall
33 disseminate the following information:

34 (A) Every conviction rendered against the applicant.

35 (B) Every arrest for an offense for which the applicant is
36 presently awaiting trial, whether the applicant is incarcerated or
37 has been released on bail or on his or her own recognizance
38 pending trial.

39 (C) Every arrest for an offense for which the records of the
40 Department of Justice do not contain a disposition or did not result

1 in a conviction, provided that the Department of Justice first makes
2 a genuine effort to determine the disposition of the arrest. However,
3 information concerning an arrest shall not be disclosed if the
4 records of the Department of Justice indicate or if the genuine
5 effort reveals that the subject was exonerated, successfully
6 completed a diversion or deferred entry of judgment program, or
7 the arrest was deemed a detention.

8 (D) Every date and agency name associated with all retained
9 peace officer or nonsworn law enforcement agency employee
10 preemployment criminal offender record information search
11 requests.

12 (m) (1) This subdivision shall apply whenever state or federal
13 summary criminal history information is furnished by the
14 Department of Justice as the result of an application by an
15 authorized agency or organization pursuant to Section 1522,
16 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
17 a statute that incorporates the criteria of any of those sections or
18 this subdivision by reference, and the information is to be used for
19 employment, licensing, or certification purposes.

20 (2) Notwithstanding any other provision of law, whenever state
21 summary criminal history information is initially furnished
22 pursuant to paragraph (1), the Department of Justice shall
23 disseminate the following information:

24 (A) Every conviction of an offense rendered against the
25 applicant.

26 (B) Every arrest for an offense for which the applicant is
27 presently awaiting trial, whether the applicant is incarcerated or
28 has been released on bail or on his or her own recognizance
29 pending trial.

30 (C) Every arrest for an offense for which the Department of
31 Social Services is required by paragraph (1) of subdivision (a) of
32 Section 1522 of the Health and Safety Code to determine if an
33 applicant has been arrested. However, if the records of the
34 Department of Justice do not contain a disposition for an arrest,
35 the Department of Justice shall first make a genuine effort to
36 determine the disposition of the arrest.

37 (3) Notwithstanding the requirements of the sections referenced
38 in paragraph (1) of this subdivision, the Department of Justice
39 shall not disseminate information about an arrest subsequently

1 deemed a detention or an arrest that resulted in either the successful
2 completion of a diversion program or exoneration.

3 ~~(n) (1) This subdivision shall apply whenever state or federal~~
4 ~~summary criminal history information, to be used for employment,~~
5 ~~licensing, or certification purposes, is furnished by the Department~~
6 ~~of Justice as the result of an application by an authorized agency,~~
7 ~~organization, or individual pursuant to any of the following:~~

8 ~~(A) Paragraph (10) of subdivision (c), when the information is~~
9 ~~to be used by a cable corporation.~~

10 ~~(B) Section 11105.3 or 11105.4.~~

11 ~~(C) Section 15660 of the Welfare and Institutions Code.~~

12 ~~(D) A statute that incorporates the criteria of any of the statutory~~
13 ~~provisions listed in subparagraph (A), (B), or (C), or of this~~
14 ~~subdivision, by reference.~~

15 ~~(2) With the exception of applications submitted by~~
16 ~~transportation companies authorized pursuant to Section 11105.3,~~
17 ~~and notwithstanding any other provision of law, whenever state~~
18 ~~summary criminal history information is initially furnished~~
19 ~~pursuant to paragraph (1), the Department of Justice shall~~
20 ~~disseminate the following information:~~

21 ~~(A) Every conviction rendered against the applicant for a~~
22 ~~violation or attempted violation of an offense specified in~~
23 ~~subdivision (a) of Section 15660 of the Welfare and Institutions~~
24 ~~Code. However, with the exception of those offenses for which~~
25 ~~registration is required pursuant to Section 290, the Department~~
26 ~~of Justice shall not disseminate information pursuant to this~~
27 ~~subdivision unless the conviction occurred within 10 years of the~~
28 ~~date of the agency's request for information or the conviction is~~
29 ~~over 10 years old but the subject of the request was incarcerated~~
30 ~~within 10 years of the agency's request for information.~~

31 ~~(B) Every arrest for a violation or attempted violation of an~~
32 ~~offense specified in subdivision (a) of Section 15660 of the Welfare~~
33 ~~and Institutions Code for which the applicant is presently awaiting~~
34 ~~trial, whether the applicant is incarcerated or has been released on~~
35 ~~bail or on his or her own recognizance pending trial.~~

36 ~~(o) (1) This subdivision shall apply whenever state or federal~~
37 ~~summary criminal history information is furnished by the~~
38 ~~Department of Justice as the result of an application by an~~
39 ~~authorized agency or organization pursuant to Section 379 or 550~~
40 ~~of the Financial Code, or a statute that incorporates the criteria of~~

1 either of those sections or this subdivision by reference, and the
2 information is to be used for employment, licensing, or certification
3 purposes:

4 (2) Notwithstanding any other provision of law, whenever state
5 summary criminal history information is initially furnished
6 pursuant to paragraph (1), the Department of Justice shall
7 disseminate the following information:

8 (A) Every conviction rendered against the applicant for a
9 violation or attempted violation of an offense specified in Section
10 550 of the Financial Code.

11 (B) Every arrest for a violation or attempted violation of an
12 offense specified in Section 550 of the Financial Code for which
13 the applicant is presently awaiting trial, whether the applicant is
14 incarcerated or has been released on bail or on his or her own
15 recognizance pending trial.

16 (p) (1) This subdivision shall apply whenever state or federal
17 criminal history information is furnished by the Department of
18 Justice as the result of an application by an agency, organization,
19 or individual not defined in subdivision (k), (l), (m), (n), or (o), or
20 by a transportation company authorized pursuant to Section
21 11105.3, or a statute that incorporates the criteria of that section
22 or this subdivision by reference, and the information is to be used
23 for employment, licensing, or certification purposes.

24 (2) Notwithstanding any other provisions of law, whenever state
25 summary criminal history information is initially furnished
26 pursuant to paragraph (1), the Department of Justice shall
27 disseminate the following information:

28 (A) Every conviction rendered against the applicant.

29 (B) Every arrest for an offense for which the applicant is
30 presently awaiting trial, whether the applicant is incarcerated or
31 has been released on bail or on his or her own recognizance
32 pending trial.

33 (q) All agencies, organizations, or individuals defined in
34 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the
35 Department of Justice for subsequent notification pursuant to
36 Section 11105.2. This subdivision shall not supersede sections that
37 mandate an agency, organization, or individual to contract with
38 the Department of Justice for subsequent notification pursuant to
39 Section 11105.2.

1 ~~(r) Nothing in this section shall be construed to mean that the~~
2 ~~Department of Justice shall cease compliance with any other~~
3 ~~statutory notification requirements.~~

4 ~~(s) The provisions of Section 50.12 of Title 28 of the Code of~~
5 ~~Federal Regulations are to be followed in processing federal~~
6 ~~criminal history information.~~

7 ~~(t) Whenever state or federal summary criminal history~~
8 ~~information is furnished by the Department of Justice as the result~~
9 ~~of an application by an authorized agency, organization, or~~
10 ~~individual defined in subdivisions (k) to (p), inclusive, and the~~
11 ~~information is to be used for employment, licensing, or certification~~
12 ~~purposes, the authorized agency, organization, or individual shall~~
13 ~~expeditiously furnish a copy of the information to the person to~~
14 ~~whom the information relates if the information is a basis for an~~
15 ~~adverse employment, licensing, or certification decision. When~~
16 ~~furnished other than in person, the copy shall be delivered to the~~
17 ~~last contact information provided by the applicant.~~