

ASSEMBLY BILL

No. 29

**Introduced by Assembly Member Cooper
(Coauthor: Assembly Member Blanca Rubio)**

December 7, 2020

An act to amend Section 11125 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as introduced, Cooper. State bodies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which

those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

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 11125 of the Government Code is
2 amended to read:

3 11125. (a) The state body shall provide notice of its meeting
4 to any person who requests that notice in writing. Notice shall be
5 given and also made available on the ~~Internet~~ *state body's internet*
6 *website* at least 10 days in advance of the ~~meeting~~, *meeting* and
7 shall include the name, address, and telephone number of any
8 person who can provide further information ~~prior to~~ *before* the
9 ~~meeting~~, *meeting* but need not include a list of witnesses expected
10 to appear at the meeting. The written notice shall additionally
11 include the address of the ~~Internet site~~ *internet website* where
12 notices required by this article are made available.

13 (b) The notice of a meeting of a body that is a state body shall
14 include a specific agenda for the meeting, containing a brief
15 description of the items of business to be transacted or discussed
16 in either open or closed session. A brief general description of an
17 item generally need not exceed 20 words. A description of an item
18 to be transacted or discussed in closed session shall include a
19 citation of the specific statutory authority under which a closed
20 session is being held. No item shall be added to the agenda
21 subsequent to the provision of this notice, unless otherwise
22 permitted by this article.

23 (c) (1) *A notice provided pursuant to subdivision (a) shall*
24 *include all writings or materials provided for the noticed meeting*
25 *to a member of the state body by the staff of a state agency, board,*
26 *or commission, or another member of the state body that are in*
27 *connection with a matter subject to discussion or consideration*
28 *at the meeting.*

29 (2) *The writings or materials described in paragraph (1) shall*
30 *be made available on the state body's internet website, and to any*
31 *person who requests the writings or materials in writing, on the*
32 *same day as the dissemination of the writings and materials to*

1 *members of the state body or at least 72 hours in advance of the*
 2 *meeting, whichever is earlier.*

3 *(3) A state body may not distribute or discuss writings or*
 4 *materials described in paragraph (1), or take action on an item*
 5 *to which those writings or materials pertain, at a meeting of the*
 6 *state body unless the state body has complied with this subdivision.*

7 ~~(e)~~

8 *(d) Notice of a meeting of a state body that complies with this*
 9 *section shall also constitute notice of a meeting of an advisory*
 10 *body of that state body, provided that the business to be discussed*
 11 *by the advisory body is covered by the notice of the meeting of*
 12 *the state body, provided that the specific time and place of the*
 13 *advisory body's meeting is announced during the open and public*
 14 *state body's meeting, and provided that the advisory body's*
 15 *meeting is conducted within a reasonable time of, and nearby, the*
 16 *meeting of the state body.*

17 ~~(d)~~

18 *(e) A person may request, and shall be provided, notice pursuant*
 19 *to subdivision (a) for all meetings of a state body or for a specific*
 20 *meeting or meetings. In addition, at the state body's discretion, a*
 21 *person may request, and may be provided, notice of only those*
 22 *meetings of a state body at which a particular subject or subjects*
 23 *specified in the request will be discussed.*

24 ~~(e)~~

25 *(f) A request for notice of more than one meeting of a state body*
 26 *shall be subject to the provisions of Section 14911.*

27 ~~(f)~~

28 *(g) The notice shall be made available in appropriate alternative*
 29 *formats, as required by Section 202 of the Americans with*
 30 *Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal*
 31 *rules and regulations adopted in implementation thereof, upon*
 32 *request by any person with a disability. The notice shall include*
 33 *information regarding how, to whom, and by when a request for*
 34 *any disability-related modification or accommodation, including*
 35 *auxiliary aids or services may be made by a person with a disability*
 36 *who requires these aids or services in order to participate in the*
 37 *public meeting.*

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AMENDED IN SENATE JUNE 23, 2021

AMENDED IN SENATE JUNE 14, 2021

AMENDED IN ASSEMBLY APRIL 21, 2021

AMENDED IN ASSEMBLY MARCH 1, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 105

**Introduced by Assembly Member Holden
(Coauthor: Assembly Member Cooper)**

December 14, 2020

An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, 19574, and 19818.6 and 19574 of, and to add Sections ~~8310.6 and 18553~~ 8310.6, 18553, and 18930.1 to, ~~and to repeal and add Section 18930.5 of,~~ the Government Code, relating to human resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 105, as amended, Holden. The Upward Mobility Act of 2021: boards and commissions: civil service: examinations: classifications.

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill would require that, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or

Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender. The bill would apply these requirements only as vacancies on state boards and commissions occur.

The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. The Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board's administrative and ministerial functions.

This bill, among other things, would instead authorize the ~~department~~ *department, at the direction of and in conjunction with the State Personnel Board*, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance of rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board's constitutional authority, and require the ~~department~~ *department, pursuant to a process established by the State Personnel Board*, to investigate complaints filed by employees in a state department's equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or

ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations. Existing law, with regard to the requirements governing examinations for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, ~~in conjunction with the department,~~ *developing qualifications for determining the fitness and qualifications of employees,* create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each ~~examination.~~ *examination, as specified.* The bill would also require the announcement for an examination include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require ~~the department to oversee the hiring process for that appointing authority if the appointing authority is unable to meet the goals or timelines for 2 consecutive fiscal years, as specified.~~ *the appointing authority to submit a report explaining the failure to*

achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2022, require the department to develop model upward mobility goals that include race, gender, and LGBTQ as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings. Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Speaker of the Assembly and the President pro Tempore of the Senate with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.

~~Existing law requires the department to administer the Personnel Classification Plan, including allocating every position to the appropriate class. Existing law requires the allocation of a position to a class be derived from, and determined by, ascertaining the duties and responsibilities of the position, and be based on the principle that all positions are to be included in the same class if certain qualifications apply, including, but not limited to, that the positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used, and substantially the same requirements as to education, experience, knowledge, and ability are demanded of incumbents.~~

~~This bill would require instead that the allocation of a position to a class be derived from, and determined by, the type of work, level of difficulty and responsibility, and qualifications requirements, and instead of the qualifications stated above, would require that the allocation be based on the principle that all positions are to be included in the same class if the positions share a similar objective, scope of job responsibility, and work conditions, and that substantially the same core competencies are demanded of incumbents.~~

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. This act shall be known, and may be cited, as the
 2 Upward Mobility Act of 2021.

3 SEC. 2. Section 11140 of the Government Code is amended
 4 to read:

5 11140. (a) It is the policy of the State of California that the
 6 composition of state boards and commissions shall be broadly
 7 reflective of the general public.

8 (b) On or after January 1, 2022, all state boards and commissions
 9 consisting of one or more volunteer members or commissioners
 10 shall have at least one volunteer board member or commissioner
 11 from an underrepresented community.

12 (c) For purposes of this section, ~~“board”~~ *the following definitions*
 13 *apply:*

14 (1) *“Board member or commissioner from an underrepresented*
 15 *community”* means an individual who self-identifies as Black,
 16 African American, Hispanic, Latino, Asian, Pacific Islander, Native
 17 American, Native Hawaiian, or Alaska Native, or who
 18 self-identifies as gay, lesbian, bisexual, or transgender.

19 (2) *“Volunteer member or commissioner”* means an
 20 *“administrative volunteer”* as defined in subdivision (b) of Section
 21 *3111, who is selected to serve on a board or commission by the*
 22 *appropriate nominating authority and who does not receive any*
 23 *compensation or financial gain from any state agency, as defined*
 24 *in Section 11000. A volunteer may receive per diem and remain*
 25 *a volunteer within the meaning of this section, and that volunteer*
 26 *shall not be considered to be an employee solely on the basis of*
 27 *receiving the per diem.*

28 (d) Notwithstanding the date specified in subdivision (b), the
 29 requirements of this section shall only apply as vacancies on state
 30 boards and commissions occur.

31 (e) Subject to subdivision (d), this section shall only apply to a
 32 vacancy appointment by the Governor or the Governor’s designees,
 33 the chair of a board or commission or the chair’s designees, the
 34 Speaker of the Assembly, and the President pro Tempore of the
 35 Senate or Senate Rules Committee, or any combination thereof.

1 SEC. 3. Section 18502 of the Government Code is amended
2 to read:

3 18502. (a) There is hereby created in state government the
4 Department of Human Resources. The department succeeds to and
5 is vested with the following:

6 (1) All of the powers and duties exercised and performed by
7 the Department of Personnel Administration.

8 (2) Those powers, duties, and authorities necessary to operate
9 the state civil service system pursuant to Article VII of the
10 California Constitution, this code, the merit principle, and
11 applicable rules duly adopted by the State Personnel Board.

12 (b) (1) The State Personnel Board shall prescribe rules
13 consistent with a merit based civil service system to govern
14 appointments, classifications, examinations, probationary periods,
15 disciplinary actions, and other matters related to the board's
16 authority under Article VII of the California Constitution. The
17 State Personnel Board shall ensure that all changes to regulations
18 are circulated for public comment.

19 (2) The department shall oversee compliance of rules prescribed
20 by the State Personnel Board consistent with a merit-based civil
21 service system to govern appointments, classifications,
22 examinations, probationary periods, disciplinary actions, and other
23 matters related to the board's authority under Article VII of the
24 California Constitution.

25 (3) ~~The department~~ *department, at the direction of and in*
26 *conjunction with the State Personnel Board,* may conduct audits
27 and investigations of personnel practices of other departments and
28 appointing authorities to ensure compliance with civil service
29 policies, procedures, and statutes.

30 (4) ~~The~~ *Pursuant to a process established by the State Personnel*
31 *Board, the* department shall investigate complaints filed by
32 employees in a state department's equal employment opportunity
33 program and personnel office, other civil service employees,
34 applicants, and members of the public alleging violations of civil
35 service laws and report findings to the State Personnel Board for
36 adjudication.

37 (c) This section shall not limit the authority of the Department
38 of Human Resources and the State Personnel Board to delegate,
39 share, or transfer between them responsibilities for programs within
40 their respective jurisdictions pursuant to an agreement.

1 (d) The rules and regulations of the State Personnel Board and
2 of the Department of Personnel Administration shall remain in
3 effect unless and until contradicted by the terms of this chapter or
4 amended or repealed by the board or the Department of Human
5 Resources.

6 SEC. 4. Section 8310.6 is added to the Government Code, to
7 read:

8 8310.6. (a) A state agency, board, or commission that directly
9 or by contract collects demographic data as to the ancestry or ethnic
10 origin of Californians shall use separate collection categories and
11 tabulations for the following:

12 (1) African Americans who are descendants of persons enslaved
13 in the United States.

14 (2) African Americans who are not descendants of persons
15 enslaved in the United States, including, but not limited to, African
16 Blacks, Caribbean Blacks, and other African Americans or Blacks.

17 (b) The data collected pursuant to the different collection
18 categories and tabulations described in subdivision (a) shall be
19 included in every demographic report on ancestry or ethnic origins
20 of Californians by the state agency, board, or commission published
21 or released on or after January 1, 2022. The data shall be made
22 available to the public in accordance with state and federal law,
23 except for personal identifying information, which shall be deemed
24 confidential.

25 (c) As used in this section, the following definitions apply:

26 (1) "African Americans who are descendants of persons enslaved
27 in the United States" means individuals who self-identify as Black
28 or African American with at least one ancestor who was enslaved
29 or subject to chattelization in the United States.

30 (2) "African Blacks" means individuals with origins from the
31 continent of Africa, including, but not limited to, one or more of
32 the following countries: Algeria, Angola, Benin, Botswana,
33 Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African
34 Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of
35 Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,
36 Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,
37 Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,
38 Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,
39 Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,

1 Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,
2 Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

3 (3) “Caribbean Blacks” means individuals with origins from
4 Caribbean countries, including, but not limited to, one or more of
5 the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,
6 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.
7 Kitts, the Bahamas, and the Dominican Republic.

8 (4) “Other African Americans or Blacks” means individuals
9 with African ancestry originating from any country not included
10 in paragraph (2) or (3).

11 SEC. 5. Section 18553 is added to the Government Code, to
12 read:

13 18553. “Core competencies” mean the particular education,
14 experience, knowledge, and abilities that each applicant is required
15 to have in order to be considered eligible for a particular group of
16 classifications.

17 ~~SEC. 6. Section 18930.5 of the Government Code is repealed.~~

18 ~~SEC. 7. Section 18930.5 is added to the Government Code, to
19 read:~~

20 ~~18930.5.—~~

21 ~~SEC. 6. Section 18930.1 is added to the Government Code, to
22 read:~~

23 ~~18930.1. The board shall establish a process that includes
24 diversity and best practices in each aspect of the design,
25 announcement, and administration of examinations for the
26 establishment of employment lists.~~

27 ~~SEC. 8.~~

28 ~~SEC. 7. Section 18931 of the Government Code is amended
29 to read:~~

30 ~~18931. (a) The board shall establish minimum qualifications
31 for determining the fitness and qualifications of employees for
32 each class of position. The department may require applicants for
33 examination or appointment to provide documentation as it deems
34 necessary to establish the applicants’ qualifications.~~

35 ~~(b) The board, in conjunction with the department, shall create
36 developing the qualifications referenced in subdivision (a), shall
37 also incorporate standards for statements of qualifications used
38 as examination criteria for the State of California in determining
39 the fitness and qualifications of employees for each class of
40 position. The department may require applicants for examination~~

1 or appointment to provide documentation as it deems necessary
 2 to establish the applicants' qualifications.

3 ~~(b)~~

4 (c) Whenever the law requires that an applicant for a position
 5 as a peace officer be screened to ensure that the applicant is free
 6 from emotional and mental impairment, the department or the
 7 designated appointing authority shall undertake that screening
 8 subject to the applicant's right to appeal to the board.

9 ~~SEC. 9.~~

10 SEC. 8. Section 18933 of the Government Code is amended
 11 to read:

12 18933. (a) Within a reasonable time before the scheduled date,
 13 the department or a designated appointing power shall announce
 14 or advertise examinations for the establishment of eligible lists.
 15 The announcement shall include the following:

16 (1) The date and place of the examination.

17 (2) The *nature of the minimum qualifications and the functional*
 18 *core competencies.*

19 (3) The general scope of the examination.

20 (4) The relative weight of its several parts if more than one type
 21 of test is to be utilized.

22 (5) Any other information the department deems proper.

23 (6) The standard statement of qualifications, if applicable.

24 (b) The department shall notify the Department of Veterans
 25 Affairs when any promotional examination for the establishment
 26 of an eligible list is announced or advertised to eligible candidates.
 27 The notification shall state the job position and include all of the
 28 information listed in paragraphs (1) to (6), inclusive, of subdivision
 29 (a).

30 ~~SEC. 10.~~

31 SEC. 9. Section 18936 of the Government Code is amended
 32 to read:

33 18936. (a) Examinations that have an oral examination
 34 component shall be video and otherwise electronically recorded
 35 and all other examination materials, including examination
 36 questions and any written material shall be maintained for each
 37 ~~examination.~~ *examination for three years, after which they shall*
 38 *be disposed of pursuant to a policy adopted by the board.*
 39 *Examinees shall be informed that they are being recorded.*

1 (b) The final earned rating of each person competing in any
2 examination shall be determined by the weighted average of the
3 earned ratings on all phases of the examination, according to the
4 weights for each phase established by the department or a
5 designated appointing power in advance of the giving of the
6 examination and published as a part of the announcement of the
7 examination.

8 (c) The department or a designated appointing power may set
9 minimum qualifying ratings for each phase of an examination and
10 may provide that competitors failing to achieve those ratings in
11 any phase shall be disqualified from any further participation in
12 the examination.

13 ~~SEC. 11.~~

14 *SEC. 10.* Section 19402 of the Government Code is amended
15 to read:

16 19402. (a) All upward mobility programs shall include annual
17 goals that include the number of employees expected to progress
18 from positions in low-paying occupational groups to entry-level
19 technical, professional, and administrative positions, and the
20 timeframe within which this progress shall occur. The Department
21 of Human Resources shall be responsible for approving each
22 department's annual upward mobility goals and timetables.

23 (b) (1) By July 1, 2022, the Department of Human Resources
24 shall develop model upward mobility goals based on department
25 workforce analysis and shall post the model goals on its internet
26 website.

27 (2) The model upward mobility goals may include race, gender,
28 and LGBTQ as factors to the extent permissible under state and
29 federal equal protection laws.

30 (3) On or before July 1, 2022, the Department of Human
31 Resources shall provide a copy of the model upward mobility goals
32 and a corresponding report outlining the workforce analysis used
33 to develop the model upward mobility goals to each member of
34 the Legislature. The report shall be submitted in compliance with
35 Section 9795.

36 (c) If the appointing authority is unable to meet its annual
37 upward mobility goals and timetables for two consecutive fiscal
38 years, ~~the Department of Human Resources shall oversee the hiring~~
39 ~~process for that appointing authority for two consecutive fiscal~~
40 ~~years. Unless otherwise prohibited by law, the appointing authority~~

1 ~~shall reimburse the Department of Human Resources for costs~~
2 ~~associated with overseeing the hiring process. the appointing~~
3 ~~authority shall submit a report explaining why it failed to achieve~~
4 ~~its goals and what requirements are necessary to facilitate~~
5 ~~achieving its goals in the subsequent two fiscal years. The~~
6 ~~appointing authority shall submit the report to the department,~~
7 ~~the Director of the Department of Finance, and the Legislative~~
8 ~~Analyst.~~

9 ~~SEC. 12.~~

10 *SEC. 11.* Section 19574 of the Government Code is amended
11 to read:

12 19574. (a) The appointing power, or its authorized
13 representative, may take adverse action against an employee for
14 one or more of the causes for discipline specified in this article.
15 Adverse action is valid only if a written notice is served on the
16 employee prior to the effective date of the action, as defined by
17 board rule. The notice shall be served upon the employee either
18 personally or by mail and shall include: (1) a statement of the
19 nature of the adverse action; (2) the effective date of the action;
20 (3) a statement of the reasons therefor in ordinary language; (4) a
21 statement advising the employee of the right to answer the notice
22 orally or in writing; and (5) a statement advising the employee of
23 the time within which an appeal must be filed. The notice shall be
24 filed with the board not later than 15 calendar days after the
25 effective date of the adverse action.

26 (b) Effective January 1, 1996, this subdivision shall apply only
27 to state employees in State Bargaining Unit 5. This section shall
28 not apply to discipline as defined by Section 19576.1.

29 (c) (1) No later than April 1 of each year, each appointing power
30 shall provide to the Department of Human Resources a report
31 detailing all of the following information:

32 (A) The total number of adverse actions served on state
33 employees in the preceding calendar year.

34 (B) The ethnicity or race of each employee served with an
35 adverse action in the preceding calendar year, if available.

36 (C) The gender identity or sexual orientation of each employee
37 served with an adverse action in the preceding calendar year, if
38 available.

39 (D) The statutory basis for discipline under Section 19572 for
40 each adverse action served in the preceding calendar year.

1 (E) A brief factual summary of the basis for discipline for each
2 adverse action served in the preceding calendar year.

3 (F) The type of discipline imposed in each adverse action,
4 including, but not limited to, outright termination, the nature of
5 any demotion, the length of any suspension, or any other type of
6 discipline.

7 (2) No later than June 1 of each year, the department shall
8 include in its annual workforce analysis and census report the items
9 as reported by each appointing authority pursuant to this
10 subdivision and submit this report to the Legislature.

11 (3) This report shall be submitted in compliance with Section
12 9795.

13 (4) The information required pursuant to subparagraphs (B) and
14 (C) of paragraph (1) may be provided at the discretion of the
15 employee, and an appointing power shall not require an employee
16 to disclose this information.

17 ~~SEC. 13. Section 19818.6 of the Government Code is amended~~
18 ~~to read:~~

19 ~~19818.6. The department shall administer the Personnel~~
20 ~~Classification Plan of the State of California, including the~~
21 ~~allocation of every position to the appropriate class in the~~
22 ~~classification plan. The allocation of a position to a class shall~~
23 ~~derive from and be determined by the ascertainment of the type~~
24 ~~of work, level of difficulty and responsibility, and qualifications~~
25 ~~requirements, and shall be based on the principle that all positions~~
26 ~~shall be included in the same class if:~~

27 ~~(a) The positions share a similar objective, scope of job~~
28 ~~responsibility, and work conditions.~~

29 ~~(b) Substantially the same core competencies are demanded of~~
30 ~~incumbents.~~

31 ~~(c) Substantially the same tests of fitness may be used in~~
32 ~~choosing qualified appointees.~~

33 ~~(d) The same schedule of compensation can be made to apply~~
34 ~~with equity.~~

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AMENDED IN SENATE JUNE 21, 2021
AMENDED IN ASSEMBLY APRIL 20, 2021
AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Salas
(~~Coauthor: Assembly Member Smith~~)
(Coauthors: Assembly Members Bauer-Kahan, Gallagher, Muratsuchi,
and Smith)
(Coauthor: Senator Dodd)

December 16, 2020

An act to amend Sections ~~115.6~~ 115.6, 2946, and 5132 of, and to add Section 115.8 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses. Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory

to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. *The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.* The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By

establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would instead provide that these temporary licenses shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

This bill would also require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, ~~service members~~, *servicemembers*, and their spouses.

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.

This bill would also authorize a psychologist certified or licensed in another state or Canadian province who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.

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: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:

1 115.6. (a) (1) Except as provided in subdivision (i), a board
2 within the department shall, after appropriate investigation, issue
3 a temporary license to practice a profession or vocation to an
4 applicant who meets the requirements set forth in ~~subdivision (e).~~
5 *subdivisions (c) and (d).*

6 (2) Revenues from fees for temporary licenses issued by the
7 California Board of Accountancy shall be credited to the
8 Accountancy Fund in accordance with Section 5132.

9 (b) The board may conduct an investigation of an applicant for
10 purposes of denying or revoking a temporary license issued
11 pursuant to this section. This investigation may include a criminal
12 background check.

13 (c) An applicant seeking a temporary license pursuant to this
14 section shall meet the following requirements:

15 (1) The applicant shall supply evidence satisfactory to the board
16 that the applicant is married to, or in a domestic partnership or
17 other legal union with, an active duty member of the Armed Forces
18 of the United States who is assigned to a duty station in this state
19 under official active duty military orders.

20 (2) The applicant shall hold a current, active, and unrestricted
21 license that confers upon the applicant the authority to practice,
22 in another state, district, or territory of the United States, the
23 profession or vocation for which the applicant seeks a temporary
24 license from the board.

25 (3) The applicant shall submit an application to the board that
26 shall include a signed affidavit attesting to the fact that the
27 applicant meets all of the requirements for the temporary license,
28 and that the information submitted in the application is accurate,
29 to the best of the applicant's knowledge. The application shall also
30 include written verification from the applicant's original licensing
31 jurisdiction stating that the applicant's license is in good standing
32 in that jurisdiction.

33 (4) The applicant shall not have committed an act in any
34 jurisdiction that would have constituted grounds for denial,
35 suspension, or revocation of the license under this code at the time
36 the act was committed. A violation of this paragraph may be
37 grounds for the denial or revocation of a temporary license issued
38 by the board.

39 (5) The applicant shall not have been disciplined by a licensing
40 entity in another jurisdiction and shall not be the subject of an

1 unresolved complaint, review procedure, or disciplinary proceeding
2 conducted by a licensing entity in another jurisdiction.

3 (6) The applicant shall, upon request by a board, furnish a full
4 set of fingerprints for purposes of conducting a criminal
5 background check.

6 *(d) The applicant shall pass a California law and ethics*
7 *examination if otherwise required by the board for the profession*
8 *or vocation for which the applicant seeks licensure.*

9 ~~(d)~~

10 *(e) A board shall issue a temporary license pursuant to this*
11 *section within 30 days following receipt of the of receiving*
12 *documentation that the applicant has met the requirements*
13 *specified in subdivision (e) subdivisions (c) and (d) if the results*
14 *of the criminal background check do not show grounds for denial.*

15 ~~(e)~~

16 *(f) A temporary license issued pursuant to this section may be*
17 *immediately terminated upon a finding that the temporary*
18 *licenseholder failed to meet any of the requirements described in*
19 *subdivision (c) or (d) or provided substantively inaccurate*
20 *information that would affect the person's eligibility for temporary*
21 *licensure. Upon termination of the temporary license, the board*
22 *shall issue a notice of termination that shall require the temporary*
23 *licenseholder to immediately cease the practice of the licensed*
24 *profession upon receipt.*

25 ~~(f)~~

26 *(g) An applicant seeking a temporary license as a civil engineer,*
27 *geotechnical engineer, structural engineer, land surveyor,*
28 *professional geologist, professional geophysicist, certified*
29 *engineering geologist, or certified hydrogeologist pursuant to this*
30 *section shall successfully pass the appropriate California-specific*
31 *examination or examinations required for licensure in those*
32 *respective professions by the Board for Professional Engineers,*
33 *Land Surveyors, and Geologists.*

34 ~~(g)~~

35 *(h) A temporary license issued pursuant to this section shall*
36 *expire 12 months after issuance, upon issuance of a standard*
37 *license, upon issuance of a license by endorsement, or upon*
38 *issuance of an expedited license pursuant to Section 115.5,*
39 *whichever occurs first.*

40 ~~(h)~~

1 (i) A board shall submit to the department for approval, if
 2 necessary to implement this section, draft regulations necessary
 3 to administer this section by June 15, 2022. These regulations shall
 4 be adopted pursuant to the Administrative Procedure Act (Chapter
 5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
 6 Title 2 of the Government Code).

7 (†)

8 (j) (A) This section shall not apply to a board that has a process
 9 in place by which an out-of-state licensed applicant in good
 10 standing who is married to, or in a domestic partnership or other
 11 legal union with, an active duty member of the Armed ~~Forces~~
 12 *Forces* of the United States is able to receive expedited, temporary
 13 authorization to practice while meeting state-specific requirements
 14 for a period of at least one year or is able to receive an expedited
 15 license by endorsement with no additional requirements
 16 superseding those described in ~~subdivision (e)~~. *subdivisions (c)*
 17 *and (d)*.

18 (B) This section shall apply only to the extent that it does not
 19 amend an initiative or violate constitutional requirements.

20 SEC. 2. Section 115.8 is added to the Business and Professions
 21 Code, to read:

22 115.8. The Department of Consumer Affairs, the Commission
 23 on Teacher Credentialing, the Department of Real Estate, and the
 24 State Department of Public Health shall compile information on
 25 military, veteran, and spouse licensure into an annual report for
 26 the Legislature, which shall be submitted in conformance with
 27 Section 9795 of the Government Code. The report shall include
 28 all of the following:

29 (a) The number of applications for a temporary license submitted
 30 by active duty ~~service members~~, *servicemembers*, veterans, or
 31 military spouses per calendar year, pursuant to Section 115.6.

32 (b) The number of applications for expedited licenses submitted
 33 by veterans and active duty spouses pursuant to Sections 115.4
 34 and 115.5.

35 (c) The number of licenses issued and denied per calendar year
 36 pursuant to Sections 115.4, 115.5, and 115.6.

37 (d) The number of licenses issued pursuant to Section 115.6
 38 that were suspended or revoked per calendar year.

39 (e) The number of applications for waived renewal fees received
 40 and granted pursuant to Section 114.3 per calendar year.

1 (f) The average length of time between application and issuance
 2 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board
 3 and occupation.

4 *SEC. 3. Section 2946 of the Business and Professions Code is*
 5 *amended to read:*

6 2946. (a) The board shall grant a license to any person who
 7 passes the board's supplemental licensing examination and, at the
 8 time of application, has been licensed for at least five years by a
 9 psychology licensing authority in another state or Canadian
 10 province if the requirements for obtaining a certificate or license
 11 in that state or province were substantially equivalent to the
 12 requirements of this chapter.

13 ~~A~~

14 (b) A psychologist certified or licensed in another state or
 15 province and who has made application to the board for a license
 16 in this state may perform activities and services of a psychological
 17 nature without a valid license for a period not to exceed 180
 18 calendar days from the time of submitting ~~his or her~~ *their*
 19 application or from the commencement of residency in this state,
 20 whichever first occurs.

21 (c) *A psychologist certified or licensed in another state or*
 22 *province who is married to, or in a domestic partnership or other*
 23 *legal union with, an active duty member of the Armed Forces of*
 24 *the United States and who has made application to the board for*
 25 *a license in this state may perform activities and services of a*
 26 *psychological nature without a valid license for a period not to*
 27 *exceed twelve months from the time of submitting their application*
 28 *or from the commencement of residency in this state, whichever*
 29 *first occurs.*

30 ~~The~~

31 (d) *The board at its discretion may waive the ~~examinations,~~*
 32 *examinations* when in the judgment of the board the applicant has
 33 already demonstrated competence in areas covered by the
 34 examinations. The board at its discretion may waive the
 35 examinations for diplomates of the American Board of Professional
 36 Psychology.

37 ~~SEC. 3.~~

38 *SEC. 4. Section 5132 of the Business and Professions Code is*
 39 *amended to read:*

1 5132. (a) All moneys received by the board under this chapter
2 from any source and for any purpose and from a temporary license
3 issued under Section 115.6 shall be accounted for and reported
4 monthly by the board to the Controller and at the same time the
5 moneys shall be remitted to the State Treasury to the credit of the
6 Accountancy Fund.

7 (b) The secretary-treasurer of the board shall, from time to time,
8 but not less than once each fiscal year, prepare or have prepared
9 on their behalf, a financial report of the Accountancy Fund that
10 contains information that the board determines is necessary for
11 the purposes for which the board was established.

12 (c) The report of the Accountancy Fund, which shall be
13 published pursuant to Section 5008, shall include the revenues and
14 the related costs from examination, initial licensing, license
15 renewal, citation and fine authority, and cost recovery from
16 enforcement actions and case settlements.

17 ~~SEC. 4.~~

18 *SEC. 5.* No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

AMENDED IN SENATE JUNE 28, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 20, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 225

Introduced by Assembly Members Gray, Gallagher, and Patterson
(Coauthor: Senator Dodd)

January 11, 2021

An act to amend Section 115.6 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as amended, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current,

active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within ~~6 months~~ *60 months* of separation from active duty under ~~other than dishonorable~~ *other than dishonorable* conditions, ~~and an applicant who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under~~ *other than dishonorable other than dishonorable* conditions. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

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: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary

1 licenses to an applicant if the applicant meets the requirements set
2 forth in subdivision (c):

3 (1) Registered nurse license by the Board of Registered Nursing.

4 (2) Vocational nurse license issued by the Board of Vocational
5 Nursing and Psychiatric Technicians of the State of California.

6 (3) Psychiatric technician license issued by the Board of
7 Vocational Nursing and Psychiatric Technicians of the State of
8 California.

9 (4) Speech-language pathologist license issued by the
10 Speech-Language Pathology and Audiology and Hearing Aid
11 Dispensers Board.

12 (5) Audiologist license issued by the Speech-Language
13 Pathology and Audiology and Hearing Aid Dispensers Board.

14 (6) Veterinarian license issued by the Veterinary Medical Board.

15 (7) All licenses issued by the Board for Professional Engineers,
16 Land Surveyors, and Geologists.

17 (8) All licenses issued by the Medical Board of California.

18 (9) All licenses issued by the Podiatric Medical Board of
19 California.

20 (b) The board may conduct an investigation of an applicant for
21 purposes of denying or revoking a temporary license issued
22 pursuant to this section. This investigation may include a criminal
23 background check.

24 (c) An applicant seeking a temporary license pursuant to this
25 section shall meet the following requirements:

26 (1) The applicant shall supply evidence satisfactory to the board
27 that the applicant is one of the following:

28 (A) Married to, or in a domestic partnership or other legal union
29 with, an active duty member of the Armed Forces of the United
30 States who is assigned to a duty station in this state under official
31 active duty military orders.

32 (B) A veteran of the Armed Forces of the United States within
33 ~~six~~ 60 months of separation from active duty under
34 ~~other than dishonorable~~ *other than dishonorable* conditions.

35 (C) *A veteran of the Armed Forces of the United States within*
36 *120 months of separation from active duty under other than*
37 *dishonorable conditions and a resident of California prior to*
38 *entering into military service.*

39 (E)

1 (D) An active duty member of the Armed Forces of the United
2 States with official orders for separation within 90 days under
3 ~~other than dishonorable~~ *other than dishonorable* conditions.

4 (2) The applicant shall hold a current, active, and unrestricted
5 license that confers upon the applicant the authority to practice,
6 in another state, district, or territory of the United States, the
7 profession or vocation for which the applicant seeks a temporary
8 license from the board.

9 (3) The applicant shall submit an application to the board that
10 shall include a signed affidavit attesting to the fact that the
11 applicant meets all of the requirements for the temporary license
12 and that the information submitted in the application is accurate,
13 to the best of the applicant's knowledge. The application shall also
14 include written verification from the applicant's original licensing
15 jurisdiction stating that the applicant's license is in good standing
16 in that jurisdiction.

17 (4) The applicant shall not have committed an act in any
18 jurisdiction that would have constituted grounds for denial,
19 suspension, or revocation of the license under this code at the time
20 the act was committed. A violation of this paragraph may be
21 grounds for the denial or revocation of a temporary license issued
22 by the board.

23 (5) The applicant shall not have been disciplined by a licensing
24 entity in another jurisdiction and shall not be the subject of an
25 unresolved complaint, review procedure, or disciplinary proceeding
26 conducted by a licensing entity in another jurisdiction.

27 (6) The applicant shall, upon request by a board, furnish a full
28 set of fingerprints for purposes of conducting a criminal
29 background check.

30 (d) A board may adopt regulations necessary to administer this
31 section.

32 (e) A temporary license issued pursuant to this section may be
33 immediately terminated upon a finding that the temporary
34 licenseholder failed to meet any of the requirements described in
35 subdivision (c) or provided substantively inaccurate information
36 that would affect the person's eligibility for temporary licensure.
37 Upon termination of the temporary license, the board shall issue
38 a notice of termination that shall require the temporary
39 licenseholder to immediately cease the practice of the licensed
40 profession upon receipt.

1 (f) An applicant seeking a temporary license as a civil engineer,
2 geotechnical engineer, structural engineer, land surveyor,
3 professional geologist, professional geophysicist, certified
4 engineering geologist, or certified hydrogeologist pursuant to this
5 section shall successfully pass the appropriate California-specific
6 examination or examinations required for licensure in those
7 respective professions by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.

9 (g) A temporary license issued pursuant to this section shall
10 expire 12 months after issuance, upon issuance of a standard
11 license, a license by endorsement, or an expedited license pursuant
12 to Section 115.5, whichever occurs first.

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 penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

O

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 646

Introduced by Assembly Members Low, Cunningham, and Gipson
(Coauthor: Senator Roth)

February 12, 2021

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the

person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee to the ~~person in an amount up to \$50;~~ *person*, not to exceed the cost of administering the bill's provisions. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

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 493.5 is added to the Business and
2 Professions Code, to read:
3 493.5. (a) A board within the department that has posted on
4 its internet website that a person's license was revoked because
5 the person was convicted of a crime, upon receiving from the
6 person a certified copy of an expungement order granted pursuant
7 to Section 1203.4 of the Penal Code for the underlying offense,
8 shall, within 90 days of receiving the expungement order, unless
9 it is otherwise prohibited by law, or by other terms or conditions,
10 do either of the following:
11 (1) If the person reapplies for licensure or has been relicensed,
12 post notification of the expungement order and the date thereof on
13 its internet website.
14 (2) If the person is not currently licensed and does not reapply
15 for licensure, remove the initial posting on its internet website that
16 the person's license was revoked and information previously posted
17 regarding arrests, charges, and convictions.
18 (b) A board within the department may charge a fee to a person
19 described in subdivision ~~(a) in an amount up to fifty dollars (\$50);~~
20 *(a)*, not to exceed the reasonable cost of administering this section.

- 1 The fee shall be deposited by the board into the appropriate fund
- 2 and shall be available only upon appropriation by the Legislature.
- 3 (c) For purposes of this section, “board” means an entity listed
- 4 in Section 101.
- 5 (d) If any provision in this section conflicts with Section 2027,
- 6 Section 2027 shall prevail.

AMENDED IN ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 607

Introduced by ~~Senator Roth~~ *Senators Min and Roth*

February 18, 2021

An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5 and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, ~~Roth~~ *Min*. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure

process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California within the Department of Consumer Affairs. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal

application every 7 years and to pay a specified renewal fee. The act prohibits the board from accepting new applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was approved prior to January 1, 2020, through a date between January 1, 2024, and December 31, 2026, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process.

(3) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board within the Department of Consumer Affairs.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law, the Contractors State License Law, provides for the licensure and regulation of contractors by the Contractors State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners,

partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met. Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building

contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

(6) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

Existing law requires the bureau to automatically revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law. Existing law additionally requires the bureau to seek an emergency order against the holder of the firearms permit if a specified event occurs, including that the permitholder was arrested for assault or battery, or the permitholder has been determined incapable of exercising appropriate judgment, restraint, and self-control, among other events, and the bureau determines that the holder of the firearm permit presents an undue hazard to public safety that may result in substantial injury to another.

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. *The bill would require an applicant who is a registered security guard to have met the requirement of being found capable of exercising appropriate judgment, restraint, and self control, for purposes of carrying and using a firearm during the course of their duties, within the 6 months preceding the date the application is submitted to the*

bureau. The bill would prohibit an applicant who fails the assessment from completing another assessment ~~within 90~~ *any earlier than 180* days after the results of *the previous assessment* are provided to the bureau.

This bill would instead authorize the bureau to revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law, and would instead authorize the bureau to seek an emergency order against a permitholder if a specified event occurs. The bill would remove from the list of specified events the determination that a permitholder is incapable of exercising appropriate judgment, restraint, and self-control.

(7) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 115.5 of the Business and Professions
2 Code is amended to read:

3 115.5. (a) A board within the department shall expedite the
4 licensure process and waive all fees charged by the board
5 associated with the application and initial license for an applicant
6 who meets both of the following requirements:

7 (1) Supplies evidence satisfactory to the board that the applicant
8 is married to, or in a domestic partnership or other legal union
9 with, an active duty member of the Armed Forces of the United
10 States who is assigned to a duty station in this state under official
11 active duty military orders.

12 (2) Holds a current license in another state, district, or territory
13 of the United States in the profession or vocation for which the
14 applicant seeks a license from the board.

1 (b) A board may adopt regulations necessary to administer this
2 section.

3 SEC. 2. Section 1636.5 is added to the Business and Professions
4 Code, to read:

5 1636.5. Notwithstanding Section 1636.4, any foreign dental
6 school whose program was approved prior to January 1, 2020,
7 through any date between January 1, 2024, and December 31,
8 2026, shall maintain approval through that date. Upon expiration
9 of the approval, the foreign dental school shall be required to
10 comply with the provisions of Section 1636.4.

11 SEC. 3. Section 1724 of the Business and Professions Code,
12 as added by Section 13 of Chapter 929 of the Statutes of 2018, is
13 amended to read:

14 1724. The amount of charges and fees for dentists licensed
15 pursuant to this chapter shall be established by the board as is
16 necessary for the purpose of carrying out the responsibilities
17 required by this chapter as it relates to dentists, subject to the
18 following limitations:

19 (a) The fee for an application for licensure qualifying pursuant
20 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
21 one thousand five hundred dollars (\$1,500). The fee for an
22 application for licensure qualifying pursuant to paragraph (2) of
23 subdivision (c) of Section 1632 shall not exceed one thousand
24 dollars (\$1,000).

25 (b) The fee for an application for licensure qualifying pursuant
26 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

27 (c) The fee for an application for licensure qualifying pursuant
28 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

29 (d) The fee for an initial license and for the renewal of a license
30 is five hundred twenty-five dollars (\$525). On and after January
31 1, 2016, the fee for an initial license shall not exceed six hundred
32 fifty dollars (\$650), and the fee for the renewal of a license shall
33 not exceed six hundred fifty dollars (\$650). On and after January
34 1, 2018, the fee for an initial license shall not exceed eight hundred
35 dollars (\$800), and the fee for the renewal of a license shall not
36 exceed eight hundred dollars (\$800).

37 (e) The fee for an application for a special permit shall not
38 exceed one thousand dollars (\$1,000), and the renewal fee for a
39 special permit shall not exceed six hundred dollars (\$600).

1 (f) The delinquency fee shall be 50 percent of the renewal fee
2 for such a license or permit in effect on the date of the renewal of
3 the license or permit.

4 (g) The penalty for late registration of change of place of
5 practice shall not exceed seventy-five dollars (\$75).

6 (h) The fee for an application for an additional office permit
7 shall not exceed seven hundred fifty dollars (\$750), and the fee
8 for the renewal of an additional office permit shall not exceed three
9 hundred seventy-five dollars (\$375).

10 (i) The fee for issuance of a replacement pocket license,
11 replacement wall certificate, or replacement engraved certificate
12 shall not exceed one hundred twenty-five dollars (\$125).

13 (j) The fee for a provider of continuing education shall not
14 exceed five hundred dollars (\$500) per year.

15 (k) The fee for application for a referral service permit and for
16 renewal of that permit shall not exceed twenty-five dollars (\$25).

17 (l) The fee for application for an extramural facility permit and
18 for the renewal of a permit shall not exceed twenty-five dollars
19 (\$25).

20 (m) The fee for an application for an elective facial cosmetic
21 surgery permit shall not exceed four thousand dollars (\$4,000),
22 and the fee for the renewal of an elective facial cosmetic surgery
23 permit shall not exceed eight hundred dollars (\$800).

24 (n) The fee for an application for an oral and maxillofacial
25 surgery permit shall not exceed one thousand dollars (\$1,000), and
26 the fee for the renewal of an oral and maxillofacial surgery permit
27 shall not exceed one thousand two hundred dollars (\$1,200).

28 (o) The fee for an application for a general anesthesia permit
29 shall not exceed one thousand dollars (\$1,000), and the fee for the
30 renewal of a general anesthesia permit shall not exceed six hundred
31 dollars (\$600).

32 (p) The fee for an onsite inspection and evaluation related to a
33 general anesthesia or moderate sedation permit shall not exceed
34 four thousand five hundred dollars (\$4,500).

35 (q) The fee for an application for a moderate sedation permit
36 shall not exceed one thousand dollars (\$1,000), and the fee for the
37 renewal of a conscious sedation permit shall not exceed six hundred
38 dollars (\$600).

39 (r) The fee for an application for an oral conscious sedation
40 permit shall not exceed one thousand dollars (\$1,000), and the fee

1 for the renewal of an oral conscious sedation permit shall not
2 exceed six hundred dollars (\$600).

3 (s) The fee for an application for a pediatric minimal sedation
4 permit shall not exceed one thousand dollars (\$1,000), and the fee
5 for the renewal of a pediatric minimal sedation permit shall not
6 exceed six hundred dollars (\$600).

7 (t) The fee for a certification of licensure shall not exceed one
8 hundred twenty-five dollars (\$125).

9 (u) The fee for an application for the law and ethics examination
10 shall not exceed two hundred fifty dollars (\$250).

11 (v) This section shall become operative on January 1, 2022.

12 SEC. 4. Section 1753 of the Business and Professions Code is
13 amended to read:

14 1753. (a) On and after January 1, 2010, the board may license
15 as a registered dental assistant in extended functions a person who
16 submits written evidence, satisfactory to the board, of all of the
17 following eligibility requirements:

18 (1) Current licensure as a registered dental assistant or
19 completion of the requirements for licensure as a registered dental
20 assistant.

21 (2) Successful completion of a board-approved course in the
22 application of pit and fissure sealants.

23 (3) Successful completion of either of the following:

24 (A) An extended functions postsecondary program approved
25 by the board in all of the procedures specified in Section 1753.5.

26 (B) An extended functions postsecondary program approved
27 by the board to teach the duties that registered dental assistants in
28 extended functions were allowed to perform pursuant to board
29 regulations prior to January 1, 2010, and a course approved by the
30 board in the procedures specified in paragraphs (1), (2), (5), and
31 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

32 (4) Passage of a written examination administered by the board.
33 The board shall designate whether the written examination shall
34 be administered by the board or by the board-approved extended
35 functions program.

36 (b) A registered dental assistant in extended functions may apply
37 for an orthodontic assistant permit or a dental sedation assistant
38 permit, or both, by providing written evidence of the following:

39 (1) Successful completion of a board-approved orthodontic
40 assistant or dental sedation assistant course, as applicable.

1 (2) Passage of a written examination administered by the board
2 that shall encompass the knowledge, skills, and abilities necessary
3 to competently perform the duties of the particular permit.

4 (c) A registered dental assistant in extended functions with
5 permits in either orthodontic assisting or dental sedation assisting
6 shall be referred to as an “RDAEF with orthodontic assistant
7 permit,” or “RDAEF with dental sedation assistant permit,” as
8 applicable. These terms shall be used for reference purposes only
9 and do not create additional categories of licensure.

10 (d) Completion of the continuing education requirements
11 established by the board pursuant to Section 1645 by a registered
12 dental assistant in extended functions who also holds a permit as
13 an orthodontic assistant or dental sedation assistant shall fulfill the
14 continuing education requirement for such permit or permits.

15 SEC. 5. Section 1753.4 of the Business and Professions Code
16 is repealed.

17 SEC. 6. Section 1753.55 of the Business and Professions Code
18 is amended to read:

19 1753.55. (a) A registered dental assistant in extended functions
20 is authorized to perform the additional duties as set forth in
21 subdivision (b) pursuant to the order, control, and full professional
22 responsibility of a supervising dentist, if the licensee meets one of
23 the following requirements:

24 (1) Is licensed on or after January 1, 2010.

25 (2) Is licensed prior to January 1, 2010, and has successfully
26 completed a board-approved course in the additional procedures
27 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
28 subdivision (b) of Section 1753.5.

29 (b) (1) Determine which radiographs to perform on a patient
30 who has not received an initial examination by the supervising
31 dentist for the specific purpose of the dentist making a diagnosis
32 and treatment plan for the patient. In these circumstances, the
33 dental assistant in extended functions shall follow protocols
34 established by the supervising dentist. This paragraph only applies
35 in the following settings:

36 (A) In a dental office setting.

37 (B) In public health settings, using telehealth, as defined by
38 Section 2290.5, for the purpose of communication with the
39 supervising dentist, including, but not limited to, schools, head

1 start and preschool programs, and community clinics, under the
2 general supervision of a dentist.

3 (2) Place protective restorations, which for this purpose are
4 identified as interim therapeutic restorations, and defined as a
5 direct provisional restoration placed to stabilize the tooth until a
6 licensed dentist diagnoses the need for further definitive treatment.
7 An interim therapeutic restoration consists of the removal of soft
8 material from the tooth using only hand instrumentation, without
9 the use of rotary instrumentation, and subsequent placement of an
10 adhesive restorative material. Local anesthesia shall not be
11 necessary for interim therapeutic restoration placement. Interim
12 therapeutic restorations shall be placed only in accordance with
13 both of the following:

14 (A) In either of the following settings:

15 (i) In a dental office setting, under the direct or general
16 supervision of a dentist as determined by the dentist.

17 (ii) In public health settings, using telehealth, as defined by
18 Section 2290.5, for the purpose of communication with the
19 supervising dentist, including, but not limited to, schools, head
20 start and preschool programs, and community clinics, under the
21 general supervision of a dentist.

22 (B) After the diagnosis, treatment plan, and instruction to
23 perform the procedure provided by a dentist.

24 (c) The functions described in subdivision (b) may be performed
25 by a registered dental assistant in extended functions only after
26 completion of a program that includes training in performing those
27 functions, or after providing evidence, satisfactory to the board,
28 of having completed a board-approved course in those functions.

29 (d) No later than January 1, 2018, the board shall adopt
30 regulations to establish requirements for courses of instruction for
31 the procedures authorized to be performed by a registered dental
32 assistant in extended functions pursuant to this section using the
33 competency-based training protocols established by the Health
34 Workforce Pilot Project (HWPP) No. 172 through the Office of
35 Statewide Health Planning and Development. The board shall
36 submit to the committee proposed regulatory language for the
37 curriculum for the Interim Therapeutic Restoration to the
38 committee for the purpose of promulgating regulations for
39 registered dental hygienists and registered dental hygienists in
40 alternative practice as described in Section 1910.5. The language

1 submitted by the board shall mirror the instructional curriculum
2 for the registered dental assistant in extended functions. Any
3 subsequent amendments to the regulations that are promulgated
4 by the board for the Interim Therapeutic Restoration curriculum
5 shall be submitted to the committee.

6 (e) The board may issue a permit to a registered dental assistant
7 in extended functions who files a completed application, including
8 the fee, to provide the duties specified in this section after the board
9 has determined the registered dental assistant in extended functions
10 has completed the coursework required in subdivision (c).

11 (f) This section shall become operative on January 1, 2018.

12 SEC. 7. Section 1753.6 of the Business and Professions Code
13 is amended to read:

14 1753.6. (a) Each person who holds a license as a registered
15 dental assistant in extended functions on the operative date of this
16 section may only perform those procedures that a registered dental
17 assistant is allowed to perform as specified in and limited by
18 Section 1752.4, and the procedures specified in paragraphs (1) to
19 (6), inclusive, until the person provides evidence of having
20 completed a board-approved course in the additional procedures
21 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
22 subdivision (b) of Section 1753.5:

- 23 (1) Cord retraction of gingiva for impression procedures.
- 24 (2) Take final impressions for permanent indirect restorations.
- 25 (3) Formulate indirect patterns for endodontic post and core
26 castings.
- 27 (4) Fit trial endodontic filling points.
- 28 (5) Apply pit and fissure sealants.
- 29 (6) Remove excess cement from subgingival tooth surfaces with
30 a hand instrument.

31 (b) This section shall become operative on January 1, 2010.

32 SEC. 8. Section 5650.5 is added to the Business and Professions
33 Code, to read:

34 5650.5. (a) Pursuant to Section 144, the board has the authority
35 to obtain and review criminal offender record information. The
36 information obtained as a result of the fingerprinting shall be used
37 in accordance with Section 11105 of the Penal Code to determine
38 whether the applicant is subject to denial, suspension, or revocation
39 of a license pursuant to Division 1.5 (commencing with Section
40 475) or Section 5660, 5675, or 5676.

1 (b) As a condition of application for a license, each applicant
2 shall furnish to the Department of Justice a full set of fingerprints
3 for the purpose of conducting a criminal history record check and
4 to undergo a state- and federal- level criminal offender record
5 information search conducted through the Department of Justice,
6 as follows:

7 (1) The board shall electronically submit to the Department of
8 Justice fingerprint images and related information required by the
9 Department of Justice of all landscape architect license applicants
10 for the purpose of obtaining information as to the existence and
11 content of a record of state or federal arrests and state or federal
12 convictions and also information as to the existence and content
13 of a record of state or federal arrests for which the Department of
14 Justice establishes that the person is free on bail or on their
15 recognizance pending trial or appeal.

16 (2) When received, the Department of Justice shall transmit
17 fingerprint images and related information received pursuant to
18 this section, to the Federal Bureau of Investigation for the purpose
19 of obtaining a federal criminal history records check. The
20 Department of Justice shall review the information returned from
21 the Federal Bureau of Investigation and compile and disseminate
22 a response to the board.

23 (3) The Department of Justice shall provide a state or federal
24 response to the board pursuant to subdivision (p) of Section 11105
25 of the Penal Code.

26 (4) The board shall request from the Department of Justice
27 subsequent notification service, as provided pursuant to Section
28 11105.2 of the Penal Code, for persons described in paragraph (1).

29 (5) The Department of Justice shall charge the applicant a fee
30 sufficient to cover the cost of processing the request described in
31 this subdivision.

32 (c) The applicant shall certify, under penalty of perjury, when
33 applying for a license whether the applicant's fingerprints have
34 been furnished to the Department of Justice in compliance with
35 this section.

36 (d) Failure to comply with the requirements of this section
37 renders the application for a license incomplete, and the application
38 shall not be considered until the applicant demonstrates compliance
39 with all requirements of this section.

1 (e) Notwithstanding any other law, the results of any criminal
2 offender record information request by either state or federal law
3 enforcement authorities shall not be released by the board except
4 in accordance with state and federal requirements.

5 (f) As used in this section, the term “applicant” shall be limited
6 to an initial applicant who has never been registered or licensed
7 by the board or to an applicant for a new licensure or registration
8 category.

9 (g) As a condition of petitioning the board for reinstatement of
10 a revoked or surrendered license, an applicant shall comply with
11 subdivision (a).

12 SEC. 9. Section 7071.6 of the Business and Professions Code
13 is amended to read:

14 7071.6. (a) The board shall require as a condition precedent
15 to the issuance, reinstatement, reactivation, renewal, or continued
16 maintenance of a license, that the applicant or licensee file or have
17 on file a contractor’s bond in the sum of fifteen thousand dollars
18 (\$15,000).

19 (b) Excluding the claims brought by the beneficiaries specified
20 in subdivision (a) of Section 7071.5, the aggregate liability of a
21 surety on claims brought against a bond required by this section
22 shall not exceed the sum of seven thousand five hundred dollars
23 (\$7,500). The bond proceeds in excess of seven thousand five
24 hundred dollars (\$7,500) shall be reserved exclusively for the
25 claims of the beneficiaries specified in subdivision (a) of Section
26 7071.5. However, nothing in this section shall be construed so as
27 to prevent any beneficiary specified in subdivision (a) of Section
28 7071.5 from claiming or recovering the full measure of the bond
29 required by this section.

30 (c) A bond shall not be required of a holder of a license that has
31 been inactivated on the official records of the board during the
32 period the license is inactive.

33 (d) Notwithstanding any other law, as a condition precedent to
34 licensure, the board may require an applicant to post a contractor’s
35 bond in twice the amount required pursuant to subdivision (a) until
36 the time that the license is renewed, under the following conditions:

37 (1) The applicant has either been convicted of a violation of
38 Section 7028 or has been cited pursuant to Section 7028.7.

39 (2) If the applicant has been cited pursuant to Section 7028.7,
40 the citation has been reduced to a final order of the registrar.

1 (3) The violation of Section 7028, or the basis for the citation
2 issued pursuant to Section 7028.7, constituted a substantial injury
3 to the public.

4 (e) (1) The board shall conduct a study to obtain information
5 to evaluate whether the current fifteen-thousand-dollar (\$15,000)
6 amount of the contractor bond is sufficient, or whether an increase
7 may be necessary.

8 (2) The board shall report its findings and recommendations to
9 the appropriate policy committees of the Legislature, in accordance
10 with Section 9795 of the Government Code, by January 1, 2021.

11 (f) This section shall remain in effect only until January 1, 2023,
12 and as of that date is repealed.

13 SEC. 10. Section 7071.6 is added to the Business and
14 Professions Code, to read:

15 7071.6. (a) The board shall require as a condition precedent
16 to the issuance, reinstatement, reactivation, renewal, or continued
17 maintenance of a license, that the applicant or licensee file or have
18 on file a contractor's bond in the sum of twenty-five thousand
19 dollars (\$25,000).

20 (b) Excluding the claims brought by the beneficiaries specified
21 in subdivision (a) of Section 7071.5, the aggregate liability of a
22 surety on claims brought against a bond required by this section
23 shall not exceed the sum of seven thousand five hundred dollars
24 (\$7,500). The bond proceeds in excess of seven thousand five
25 hundred dollars (\$7,500) shall be reserved exclusively for the
26 claims of the beneficiaries specified in subdivision (a) of Section
27 7071.5. However, nothing in this section shall be construed so as
28 to prevent any beneficiary specified in subdivision (a) of Section
29 7071.5 from claiming or recovering the full measure of the bond
30 required by this section.

31 (c) A bond shall not be required of a holder of a license that has
32 been inactivated on the official records of the board during the
33 period the license is inactive.

34 (d) Notwithstanding any other law, as a condition precedent to
35 licensure, the board may require an applicant to post a contractor's
36 bond in twice the amount required pursuant to subdivision (a) until
37 the time that the license is renewed, under the following conditions:

38 (1) The applicant has either been convicted of a violation of
39 Section 7028 or has been cited pursuant to Section 7028.7.

1 (2) If the applicant has been cited pursuant to Section 7028.7,
2 the citation has been reduced to a final order of the registrar.

3 (3) The violation of Section 7028, or the basis for the citation
4 issued pursuant to Section 7028.7, constituted a substantial injury
5 to the public.

6 (e) This section shall become operative on January 1, 2023.

7 SEC. 11. Section 7071.8 of the Business and Professions Code
8 is amended to read:

9 7071.8. (a) This section applies to an application for a license,
10 for renewal or restoration of a license, an application to change
11 officers or members of a corporation or a limited liability company,
12 or for continued valid use of a license which has been disciplined,
13 whether or not the disciplinary action has been stayed, made by
14 any of the following persons or firms:

15 (1) A person whose license has been suspended or revoked as
16 a result of disciplinary action, or a person who was a qualifying
17 individual for a licensee at any time during which cause for
18 disciplinary action occurred resulting in suspension or revocation
19 of the licensee's license, whether or not the qualifying individual
20 had knowledge or participated in the prohibited act or omission.

21 (2) A person who was an officer, director, manager, partner, or
22 member of the personnel of record of a licensee at any time during
23 which cause for disciplinary action occurred resulting in suspension
24 or revocation of the licensee's license and who had knowledge of
25 or participated in the act or omission which was the cause for the
26 disciplinary action.

27 (3) A partnership, corporation, limited liability company, firm,
28 or association of which an existing or new officer, director,
29 manager, partner, qualifying person, or member of the personnel
30 of record has had a license suspended or revoked as a result of
31 disciplinary action.

32 (4) A partnership, corporation, limited liability company, firm,
33 or association of which a member of the personnel of record,
34 including, but not limited to, an officer, director, manager, partner,
35 or qualifying person was, likewise, a manager, officer, director,
36 or partner of a licensee at any time during which cause for
37 disciplinary action occurred resulting in suspension or revocation
38 of the license, and who had knowledge of or participated in the
39 act or omission which was the cause for the disciplinary action.

1 (b) The board shall require as a condition precedent to the
2 issuance, reissuance, renewal, or restoration of a license to the
3 applicant, or to the approval of an application to change officers
4 of a corporation or a limited liability company, or removal of
5 suspension, or to the continued valid use of a license which has
6 been suspended or revoked, but which suspension or revocation
7 has been stayed, that the applicant or licensee file or have on file
8 a contractor's bond in a sum to be fixed by the registrar based upon
9 the seriousness of the violation, but which sum shall not be less
10 than fifteen thousand dollars (\$15,000) nor more than 10 times
11 that amount required by Section 7071.6.

12 (c) The bond is in addition to, may not be combined with, and
13 does not replace any other type of bond required by this chapter.
14 The bond shall remain on file with the registrar for a period of at
15 least two years and for any additional time that the registrar
16 determines. The bond period shall run only while the license is
17 current, active, and in good standing, and shall be extended until
18 the license has been current, active, and in good standing for the
19 required period. Each applicant or licensee shall be required to file
20 only one disciplinary contractor's bond of the type described in
21 this section for each application or license subject to this bond
22 requirement.

23 (d) This section shall remain in effect only until January 1, 2023,
24 and as of that date is repealed.

25 SEC. 12. Section 7071.8 is added to the Business and
26 Professions Code, to read:

27 7071.8. (a) This section applies to an application for a license,
28 for renewal or restoration of a license, an application to change
29 officers or members of a corporation or a limited liability company,
30 or for continued valid use of a license which has been disciplined,
31 whether or not the disciplinary action has been stayed, made by
32 any of the following persons or firms:

33 (1) A person whose license has been suspended or revoked as
34 a result of disciplinary action, or a person who was a qualifying
35 individual for a licensee at any time during which cause for
36 disciplinary action occurred resulting in suspension or revocation
37 of the licensee's license, whether or not the qualifying individual
38 had knowledge or participated in the prohibited act or omission.

39 (2) A person who was an officer, director, manager, partner, or
40 member of the personnel of record of a licensee at any time during

1 which cause for disciplinary action occurred resulting in suspension
2 or revocation of the licensee's license and who had knowledge of
3 or participated in the act or omission which was the cause for the
4 disciplinary action.

5 (3) A partnership, corporation, limited liability company, firm,
6 or association of which an existing or new officer, director,
7 manager, partner, qualifying person, or member of the personnel
8 of record has had a license suspended or revoked as a result of
9 disciplinary action.

10 (4) A partnership, corporation, limited liability company, firm,
11 or association of which a member of the personnel of record,
12 including, but not limited to, an officer, director, manager, partner,
13 or qualifying person was, likewise, a manager, officer, director,
14 or partner of a licensee at any time during which cause for
15 disciplinary action occurred resulting in suspension or revocation
16 of the license, and who had knowledge of or participated in the
17 act or omission which was the cause for the disciplinary action.

18 (b) The board shall require as a condition precedent to the
19 issuance, reissuance, renewal, or restoration of a license to the
20 applicant, or to the approval of an application to change officers
21 of a corporation or a limited liability company, or removal of
22 suspension, or to the continued valid use of a license which has
23 been suspended or revoked, but which suspension or revocation
24 has been stayed, that the applicant or licensee file or have on file
25 a contractor's bond in a sum to be fixed by the registrar based upon
26 the seriousness of the violation, but which sum shall not be less
27 than twenty-five thousand dollars (\$25,000) nor more than 10
28 times that amount required by Section 7071.6.

29 (c) The bond is in addition to, may not be combined with, and
30 does not replace any other type of bond required by this chapter.
31 The bond shall remain on file with the registrar for a period of at
32 least two years and for any additional time that the registrar
33 determines. The bond period shall run only while the license is
34 current, active, and in good standing, and shall be extended until
35 the license has been current, active, and in good standing for the
36 required period. Each applicant or licensee shall be required to file
37 only one disciplinary contractor's bond of the type described in
38 this section for each application or license subject to this bond
39 requirement.

40 (d) This section shall become operative on January 1, 2023.

1 SEC. 13. Section 7071.9 of the Business and Professions Code
2 is amended to read:

3 7071.9. (a) If the qualifying individual, as referred to in
4 Sections 7068 and 7068.1, is neither the proprietor, a general
5 partner, nor a joint licensee, the qualifying individual shall file or
6 have on file a qualifying individual's bond as provided in Section
7 7071.10 in the sum of twelve thousand five hundred dollars
8 (\$12,500). This bond is in addition to, and shall not be combined
9 with, any contractor's bond required by Sections 7071.5 to 7071.8,
10 inclusive, and is required for the issuance, reinstatement,
11 reactivation, or continued valid use of a license.

12 (b) Excluding the claims brought by the beneficiaries specified
13 in paragraph (1) of subdivision (a) of Section 7071.10, the
14 aggregate liability of a surety on claims brought against the bond
15 required by this section shall not exceed the sum of seven thousand
16 five hundred dollars (\$7,500). The bond proceeds in excess of
17 seven thousand five hundred dollars (\$7,500) shall be reserved
18 exclusively for the claims of the beneficiaries specified in
19 paragraph (1) of subdivision (a) of Section 7071.10. However,
20 nothing in this section shall be construed to prevent any beneficiary
21 specified in paragraph (1) of subdivision (a) of Section 7071.10
22 from claiming or recovering the full measure of the bond required
23 by this section. This bond is in addition to, and shall not be
24 combined with, any contractor's bond required by Sections 7071.5
25 to 7071.8, inclusive, and is required for the issuance, reinstatement,
26 reactivation, or continued valid use of a license.

27 (c) The responsible managing officer of a corporation shall not
28 be required to file or have on file a qualifying individual's bond,
29 if the responsible managing officer owns 10 percent or more of
30 the voting stock of the corporation and certifies to that fact on a
31 form prescribed by the registrar.

32 (d) The qualifying individual for a limited liability company
33 shall not be required to file or have on file a qualifying individual's
34 bond if the qualifying individual owns at least a 10-percent
35 membership interest in the limited liability company and certifies
36 to that fact on a form prescribed by the registrar.

37 (e) This section shall remain in effect only until January 1, 2023,
38 and as of that date is repealed.

39 SEC. 14. Section 7071.9 is added to the Business and
40 Professions Code, to read:

1 7071.9. (a) If the qualifying individual, as referred to in
2 Sections 7068 and 7068.1, is neither the proprietor, a general
3 partner, nor a joint licensee, the qualifying individual shall file or
4 have on file a qualifying individual's bond as provided in Section
5 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This
6 bond is in addition to, and shall not be combined with, any
7 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,
8 and is required for the issuance, reinstatement, reactivation, or
9 continued valid use of a license.

10 (b) Excluding the claims brought by the beneficiaries specified
11 in paragraph (1) of subdivision (a) of Section 7071.10, the
12 aggregate liability of a surety on claims brought against the bond
13 required by this section shall not exceed the sum of seven thousand
14 five hundred dollars (\$7,500). The bond proceeds in excess of
15 seven thousand five hundred dollars (\$7,500) shall be reserved
16 exclusively for the claims of the beneficiaries specified in
17 paragraph (1) of subdivision (a) of Section 7071.10. However,
18 nothing in this section shall be construed to prevent any beneficiary
19 specified in paragraph (1) of subdivision (a) of Section 7071.10
20 from claiming or recovering the full measure of the bond required
21 by this section. This bond is in addition to, and shall not be
22 combined with, any contractor's bond required by Sections 7071.5
23 to 7071.8, inclusive, and is required for the issuance, reinstatement,
24 reactivation, or continued valid use of a license.

25 (c) The responsible managing officer of a corporation shall not
26 be required to file or have on file a qualifying individual's bond,
27 if the responsible managing officer owns 10 percent or more of
28 the voting stock of the corporation and certifies to that fact on a
29 form prescribed by the registrar.

30 (d) The qualifying individual for a limited liability company
31 shall not be required to file or have on file a qualifying individual's
32 bond if the qualifying individual owns at least a 10-percent
33 membership interest in the limited liability company and certifies
34 to that fact on a form prescribed by the registrar.

35 (e) This section shall become operative on January 1, 2023.

36 SEC. 15. Section 7137 of the Business and Professions Code
37 is amended to read:

38 7137. (a) The board may set fees by regulation. These fees
39 shall be set according to the following schedule:

40 (1) Application fees shall be set as follows:

1 (A) The application fee for an original license in a single
2 classification shall be four hundred fifty dollars (\$450) and may
3 be increased to not more than five hundred sixty-three dollars
4 (\$563).

5 (B) The application fee for each additional classification applied
6 for in connection with an original license shall be one hundred
7 fifty dollars (\$150) and may be increased to not more than one
8 hundred eighty-eight dollars (\$188).

9 (C) The application fee for each additional classification
10 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)
11 and may be increased to not more than two hundred eighty-eight
12 dollars (\$288).

13 (D) The application fee to replace a responsible managing
14 officer, responsible managing manager, responsible managing
15 member, or responsible managing employee pursuant to Section
16 7068.2 shall be two hundred thirty dollars (\$230) and may be
17 increased to not more than two hundred eighty-eight dollars (\$288).

18 (E) The application fee to add personnel, other than a qualifying
19 individual, to an existing license shall be one hundred twenty-five
20 dollars (\$125) and may be increased to not more than one hundred
21 fifty-seven dollars (\$157).

22 (F) The application fee for an asbestos certification examination
23 shall be one hundred twenty-five dollars (\$125) and may be
24 increased to not more than one hundred fifty-seven dollars (\$157).

25 (G) The application fee for a hazardous substance removal or
26 remedial action certification examination shall be one hundred
27 twenty-five dollars (\$125) and may be increased to not more than
28 one hundred fifty-seven dollars (\$157).

29 (2) Examination scheduling fees shall be set as follows:

30 (A) The fee for rescheduling an examination for an applicant
31 who has applied for an original license, additional classification,
32 a change of responsible managing officer, responsible managing
33 manager, responsible managing member, or responsible managing
34 employee, or for an asbestos certification or hazardous substance
35 removal certification, shall be one hundred dollars (\$100) and may
36 be increased to not more than one hundred twenty-five dollars
37 (\$125).

38 (B) The fee for scheduling or rescheduling an examination for
39 a licensee who is required to take the examination as a condition

1 of probation shall be one hundred dollars (\$100) and may be
2 increased to not more than one hundred twenty-five dollars (\$125).

3 (3) Initial license and registration fees shall be set as follows:

4 (A) The initial license fee for an active or inactive license for
5 an individual owner shall be two hundred dollars (\$200) and may
6 be increased to not more than two hundred fifty dollars (\$250).

7 (B) The initial license fee for an active or inactive license for a
8 partnership, corporation, limited liability company, or joint venture
9 shall be three hundred fifty dollars (\$350) and may be increased
10 to not more than four hundred thirty-eight dollars (\$438).

11 (C) The registration fee for a home improvement salesperson
12 shall be two hundred dollars (\$200) and may be increased to not
13 more than two hundred fifty dollars (\$250).

14 (4) License and registration renewal fees shall be set as follows:

15 (A) The renewal fee for an active license for an individual owner
16 shall be four hundred fifty dollars (\$450) and may be increased to
17 not more than five hundred sixty-three dollars (\$563).

18 (B) The renewal fee for an inactive license for an individual
19 owner shall be three hundred dollars (\$300) and may be increased
20 to not more than three hundred seventy-five dollars (\$375).

21 (C) The renewal fee for an active license for a partnership,
22 corporation, limited liability company, or joint venture shall be
23 seven hundred dollars (\$700) and may be increased to not more
24 than eight hundred seventy-five dollars (\$875).

25 (D) The renewal fee for an inactive license for a partnership,
26 corporation, limited liability company, or joint venture shall be
27 five hundred dollars (\$500) and may be increased to not more than
28 six hundred twenty-five dollars (\$625).

29 (E) The renewal fee for a home improvement salesperson
30 registration shall be two hundred dollars (\$200) and may be
31 increased to not more than two hundred fifty dollars (\$250).

32 (5) The delinquency fee is an amount equal to 50 percent of the
33 renewal fee, if the license is renewed after its expiration.

34 (6) Miscellaneous fees shall be set as follows:

35 (A) In addition to any other fees charged to C-10 contractors,
36 the board shall charge a fee of twenty dollars (\$20), to be assessed
37 with the renewal fee for an active license, which shall be used by
38 the board to enforce provisions of the Labor Code related to
39 electrician certification.

1 (B) The service fee to deposit with the registrar lawful money
2 or cashier's check pursuant to paragraph (1) of subdivision (a) of
3 Section 995.710 of the Code of Civil Procedure for purposes of
4 compliance with any provision of Article 5 (commencing with
5 Section 7065) shall be one hundred dollars (\$100), which shall be
6 used by the board only to process each deposit filed with the
7 registrar, to cover the reasonable costs to the registrar for holding
8 money or cashier's checks in trust in interest bearing deposit or
9 share accounts, and to offset the costs of processing payment of
10 lawful claims against a deposit in a civil action.

11 (C) The fee for the processing and issuance of a duplicate copy
12 of any certificate of licensure or other form evidencing licensure
13 or renewal of licensure pursuant to Section 122 shall be twenty-five
14 dollars (\$25).

15 (D) The fee to change the business name of a license as it is
16 recorded under this chapter shall be one hundred dollars (\$100)
17 and may be increased to not more than one hundred twenty-five
18 dollars (\$125).

19 (E) The service charge for a dishonored check authorized by
20 Section 6157 of the Government Code shall be twenty-five dollars
21 (\$25) for each check.

22 (b) The board shall, by regulation, establish criteria for the
23 approval of expedited processing of applications. Approved
24 expedited processing of applications for licensure or registration,
25 as required by other provisions of law, shall not be subject to this
26 subdivision.

27 SEC. 16. Section 7583.22 of the Business and Professions
28 Code is amended to read:

29 7583.22. (a) A licensee, qualified manager of a licensee, or
30 security guard who, in the course of their employment, may be
31 required to carry a firearm shall, prior to carrying a firearm, do
32 ~~both~~ all of the following:

33 (1) Complete a course of training in the carrying and use of
34 firearms.

35 (2) Receive a firearms qualification card or be otherwise
36 qualified to carry a firearm as provided in Section 7583.12.

37 (b) A security guard who, in the course of their employment,
38 may be required to carry a firearm, shall, prior to carrying a firearm,
39 be found capable of exercising appropriate judgment, restraint,

1 and self-control for the purposes of carrying and using a firearm
2 during the course of their duties, pursuant to Section 7583.47.

3 (c) A licensee shall not permit an employee to carry or use a
4 loaded or unloaded firearm, whether or not it is serviceable or
5 operative, unless the employee possesses a valid and current
6 firearms qualification card issued by the bureau or is so otherwise
7 qualified to carry a firearm as provided in Section 7583.12.

8 (d) A pocket card issued by the bureau pursuant to Section
9 7582.13 may also serve as a firearms qualification card if so
10 indicated on the face of the card.

11 (e) Paragraph (1) of subdivision (a) shall not apply to a peace
12 officer as defined in Chapter 4.5 (commencing with Section 830)
13 of Title 3 of Part 2 of the Penal Code, who has successfully
14 completed a course of study in the use of firearms or to a federal
15 qualified law enforcement officer, as defined in Section 926B of
16 Title 18 of the United States Code, who has successfully completed
17 a course of study in the use of firearms.

18 SEC. 17. Section 7583.23 of the Business and Professions
19 Code is amended to read:

20 7583.23. The bureau shall issue a firearms permit when all of
21 the following conditions are satisfied:

22 (a) The applicant is a licensee, a qualified manager of a licensee,
23 or a registered security guard subject to the following:

24 (1) The firearms permit may only be associated with the
25 following:

26 (A) A sole owner of a sole ownership licensee, pursuant to
27 Section 7582.7 or 7525.1.

28 (B) A partner of a partnership licensee, pursuant to Section
29 7582.7 or 7525.1.

30 (C) A qualified manager of a licensee, pursuant to Section 7536
31 or 7582.22.

32 (D) A security guard registrant.

33 (2) If the firearms permit is associated with a security guard
34 registration, they are subject to the provisions of Section 7583.47,
35 regardless of any other license possessed or associated with the
36 firearms permit.

37 (b) A certified firearms training instructor has certified that the
38 applicant has successfully completed a written examination
39 prepared by the bureau and training course in the carrying and use
40 of firearms approved by the bureau.

1 (c) The applicant has filed with the bureau a classifiable
2 fingerprint card, a completed application for a firearms permit on
3 a form prescribed by the director, dated and signed by the applicant,
4 certifying under penalty of perjury that the information in the
5 application is true and correct. In lieu of a classifiable fingerprint
6 card, the applicant may submit fingerprints into an electronic
7 fingerprinting system administered by the Department of Justice.
8 An applicant who submits their fingerprints by electronic means
9 shall have their fingerprints entered into the system through a
10 terminal operated by a law enforcement agency or other facility
11 authorized by the Department of Justice to conduct electronic
12 fingerprinting. The terminal operator may charge a fee sufficient
13 to reimburse it for the costs incurred in providing this service.

14 (d) The applicant is at least 21 years of age and the bureau has
15 determined, after investigation, that the carrying and use of a
16 firearm by the applicant, in the course of their duties, presents no
17 apparent threat to the public safety, or that the carrying and use of
18 a firearm by the applicant is not in violation of the Penal Code.

19 (e) The applicant has produced evidence to the firearm training
20 facility that the applicant is a citizen of the United States or has
21 permanent legal alien status in the United States. Evidence of
22 citizenship or permanent legal alien status shall be deemed
23 sufficient by the bureau to ensure compliance with federal laws
24 prohibiting possession of firearms by persons unlawfully in the
25 United States and may include, but not be limited to, United States
26 Department of Justice, Immigration and Naturalization Service
27 Form I-151 or I-551, Alien Registration Receipt Card,
28 naturalization documents, or birth certificates evidencing lawful
29 residence or status in the United States.

30 (f) The application is accompanied by the application fees
31 prescribed in this chapter.

32 (g) ~~The~~ (1) If the applicant is a registered security guard and
33 they have been found capable of exercising appropriate judgment,
34 restraint, and self-control, for the purposes of carrying and using
35 a firearm during the course of their duties, pursuant to Section
36 7583.47.

37 (2) *The requirement in paragraph (1) shall be completed within*
38 *six months preceding the date the application is submitted to the*
39 *bureau.*

1 SEC. 18. Section 7583.24 of the Business and Professions
2 Code is amended to read:

3 7583.24. (a) The bureau shall not issue a firearm permit if the
4 applicant is prohibited from possessing, receiving, owning, or
5 purchasing a firearm pursuant to state or federal law.

6 (b) Before issuing an initial firearm permit the bureau shall
7 provide the Department of Justice with the name, address, social
8 security number, and fingerprints of the applicant.

9 (c) The Department of Justice shall inform the bureau, within
10 60 days from receipt of the information specified in subdivision
11 (b), of the applicant's eligibility to possess, receive, purchase, or
12 own a firearm pursuant to state and federal law.

13 (d) An applicant who has been denied a firearm permit based
14 upon subdivision (a) may reapply for the permit after the
15 prohibition expires. The bureau shall treat this application as an
16 initial application and shall follow the required screening process
17 as specified in this section.

18 SEC. 19. Section 7583.27 of the Business and Professions
19 Code is amended to read:

20 7583.27. (a) A firearm permit may be revoked if at any time
21 the Department of Justice notifies the bureau that the holder of the
22 firearm permit is prohibited from possessing, receiving, or
23 purchasing a firearm pursuant to state or federal law. Following
24 the automatic revocation, an administrative hearing shall be
25 provided upon written request to the bureau in accordance with
26 Chapter 5 (commencing with Section 11500) of Part 1 of Division
27 3 of Title 2 of the Government Code.

28 (b) The bureau may seek an emergency order pursuant to Article
29 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1
30 of Division 3 of Title 2 of the Government Code against the holder
31 of the firearms permit if, after the bureau's investigation relating
32 to any of the following events, the bureau determines that the
33 holder of the firearms permit presents an undue hazard to public
34 safety that may result in substantial injury to another:

35 (1) Receipt of subsequent arrest information of an arrest for any
36 of the following:

37 (A) Assault.

38 (B) Battery.

39 (C) Any use of force or violence on any person committed by
40 the permitholder.

1 (2) A report from a bureau-approved firearms training facility
2 or instructor made pursuant to Section 7585.18.

3 (3) A report from the permitholder's employer or former
4 employer that the permitholder may be a threat to public safety.

5 (4) A complaint filed by any member of the public that the
6 permitholder may be a threat to public safety.

7 SEC. 20. Section 7583.29 of the Business and Professions
8 Code is amended to read:

9 7583.29. If a firearms permit is denied, the denial of the permit
10 shall be in writing and shall describe the basis for the denial. The
11 denial shall inform the applicant that if the applicant desires a
12 review by a disciplinary review committee to contest the denial,
13 the review shall be requested of the director within 30 days
14 following notice of the issuance of the denial. A review or hearing
15 shall be held pursuant to Section 7581.3. However, no review or
16 hearing shall be granted to an individual who is otherwise
17 prohibited by law from carrying a firearm.

18 SEC. 21. Section 7583.47 of the Business and Professions
19 Code is amended to read:

20 7583.47. (a) As used in this section, "assessment" means the
21 application of a testing instrument identified by the bureau that
22 evaluates whether an applicant for a firearms permit who is a
23 registered security guard, at the time of the assessment, possesses
24 appropriate judgment, restraint, and self-control for the purposes
25 of carrying and using a firearm during the course of their security
26 guard duties.

27 (b) The applicant shall complete the assessment, as specified
28 in this section.

29 (c) (1) The bureau shall implement a process to administer the
30 assessment specified in this section. The establishment of the
31 assessment and the process for administering the assessment shall
32 not be subject to the requirements of Chapter 3.5 (commencing
33 with Section 11340) of Part 1 of Division 3 of Title 2 of the
34 Government Code.

35 (2) The bureau shall consult with a California licensed
36 psychologist, psychologists, or other persons with subject matter
37 expertise, whose minimum duties shall include, but are not limited
38 to, assisting the bureau with all of the following:

39 (A) Establishing criteria for a contract with a vendor to
40 administer the assessment.

- 1 (B) Identifying minimum standards for the assessment.
2 (C) Evaluating currently available assessments.
3 (D) Providing consultative services on the bids received by the
4 bureau from third-party vendors seeking to administer and interpret
5 the assessment, to ensure both of the following:
6 (i) Compliance with the applicable standards of care for the
7 administration and interpretation of such assessments.
8 (ii) The assessment will be administered in accordance with the
9 assessment manufacturer's requirements.
- 10 (3) The bureau shall contract with a third-party vendor to
11 administer the assessment. All third-party vendors seeking to
12 administer the assessment must meet the minimum standards
13 established by the bureau, its consultants, and the assessment
14 manufacturer's requirements for administering the assessment.
15 Considerations for the third-party vendor contract shall include,
16 but are not limited to, all of the following:
17 (A) Cost to the applicant to complete the assessment.
18 (B) Geographic accessibility statewide of the assessment to
19 applicants.
20 (C) Assessment compliance with the established minimum
21 standards for the assessment and assessment process.
22 (D) Ensuring an assessment carried out on an applicant complies
23 with the applicable professional standards of care for such
24 assessments, as well as the assessment manufacturer's requirements
25 for administering the assessment.
- 26 (d) The applicant, or the applicant's designee or employer if the
27 employer voluntarily chooses, shall bear the cost of the assessment.
28 (e) Within 30 days of administering an applicant's assessment,
29 the vendor shall directly provide the bureau, on a form and in a
30 manner prescribed by the bureau, the applicant's assessment results.
31 If the results of the applicant's assessment indicate that the
32 applicant is incapable of exercising appropriate judgment, restraint,
33 and self-control for the purposes of carrying and using a firearm
34 during the course of the applicant's duties, at the point in time of
35 the evaluation, the bureau shall not issue a firearms permit. If the
36 applicant fails the assessment, the applicant may complete another
37 assessment no earlier than ~~90~~ 180 days after the results of the
38 previous assessment are provided to the bureau.
39 (f) The application shall be deemed incomplete until the bureau
40 receives the results of the applicant's assessment and the results

1 indicate that the applicant is capable of exercising appropriate
2 judgment, restraint, and self-control for the purposes of carrying
3 and using a firearm during the course of the applicant's duties.

4 (g) Notwithstanding any other law, an applicant who fails the
5 assessment shall not be entitled to an administrative hearing or an
6 appeal subject to Chapter 5 (commencing with Section 11500) of
7 Part 1 of Division 3 of Title 2 of the Government Code. However,
8 such an applicant who is denied a firearms permit may request
9 review of the denial pursuant to Section 7583.29.

10 (h) The bureau may prescribe, adopt, and enforce emergency
11 regulations, and promulgate regulations to implement this section.
12 Any emergency regulation prescribed, adopted, or enforced
13 pursuant to this section shall be adopted in accordance with Chapter
14 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
15 Title 2 of the Government Code, and for purposes of that chapter,
16 including Section 11349.6 of the Government Code, the adoption
17 of the regulation is an emergency and shall be considered by the
18 Office of Administrative Law as necessary for the immediate
19 preservation of the public peace, health and safety, and general
20 welfare.

21 (i) The assessment required pursuant to this section shall be
22 subject to review by the appropriate policy committees of the
23 Legislature. The review shall be performed as if this section was
24 scheduled to be repealed as of January 1, 2025.

25 (j) *Nothing in this section requires any private business entity*
26 *that contracts with the bureau for the administration of the*
27 *assessment to produce documents related to the content,*
28 *methodology, results, or scoring criteria of the assessment, or any*
29 *trade secret, as defined in subdivision (d) of Section 3426.1 of the*
30 *Civil Code, for any private individual, firm, copartnership,*
31 *association, or corporation.*

32 SEC. 22. Section 17973 of the Health and Safety Code is
33 amended to read:

34 17973. (a) Exterior elevated elements that include load-bearing
35 components in all buildings containing three or more multifamily
36 dwelling units shall be inspected. The inspection shall be performed
37 by a licensed architect; licensed civil or structural engineer; a
38 building contractor holding any or all of the "A," "B," or "C-5"
39 license classifications issued by the Contractors State License
40 Board, with a minimum of five years' experience, as a holder of

1 the aforementioned classifications or licenses, in constructing
2 multistory wood frame buildings; or an individual certified as a
3 building inspector or building official from a recognized state,
4 national, or international association, as determined by the local
5 jurisdiction. These individuals shall not be employed by the local
6 jurisdiction while performing these inspections. The purpose of
7 the inspection is to determine that exterior elevated elements and
8 their associated waterproofing elements are in a generally safe
9 condition, adequate working order, and free from any hazardous
10 condition caused by fungus, deterioration, decay, or improper
11 alteration to the extent that the life, limb, health, property, safety,
12 or welfare of the public or the occupants is not endangered. The
13 person or business performing the inspection shall be hired by the
14 owner of the building.

15 (b) For purposes of this section, the following terms have the
16 following definitions:

17 (1) “Associated waterproofing elements” include flashings,
18 membranes, coatings, and sealants that protect the load-bearing
19 components of exterior elevated elements from exposure to water
20 and the elements.

21 (2) “Exterior elevated element” means the following types of
22 structures, including their supports and railings: balconies, decks,
23 porches, stairways, walkways, and entry structures that extend
24 beyond exterior walls of the building and which have a walking
25 surface that is elevated more than six feet above ground level, are
26 designed for human occupancy or use, and rely in whole or in
27 substantial part on wood or wood-based products for structural
28 support or stability of the exterior elevated element.

29 (3) “Load-bearing components” are those components that
30 extend beyond the exterior walls of the building to deliver structural
31 loads from the exterior elevated element to the building.

32 (c) The inspection required by this section shall at a minimum
33 include:

34 (1) Identification of each type of exterior elevated element that,
35 if found to be defective, decayed, or deteriorated to the extent that
36 it does not meet its load requirements, would, in the opinion of the
37 inspector, constitute a threat to the health or safety of the occupants.

38 (2) Assessment of the load-bearing components and associated
39 waterproofing elements of the exterior elevated elements identified
40 in paragraph (1) using methods allowing for evaluation of their

1 performance by direct visual examination or comparable means
2 of evaluating their performance. For purposes of this section, a
3 sample of at least 15 percent of each type of exterior elevated
4 element shall be inspected.

5 (3) The evaluation and assessment shall address each of the
6 following as of the date of the evaluation:

7 (A) The current condition of the exterior elevated elements.

8 (B) Expectations of future performance and projected service
9 life.

10 (C) Recommendations of any further inspection necessary.

11 (4) A written report of the evaluation stamped or signed by the
12 inspector presented to the owner of the building or the owner's
13 designated agent within 45 days of completion of the inspection.
14 The report shall include photographs, any test results, and narrative
15 sufficient to establish a baseline of the condition of the components
16 inspected that can be compared to the results of subsequent
17 inspections. In addition to the evaluation required by this section,
18 the report shall advise which, if any, exterior elevated element
19 poses an immediate threat to the safety of the occupants, and
20 whether preventing occupant access or conducting emergency
21 repairs, including shoring, are necessary.

22 (d) The inspection shall be completed by January 1, 2025, and
23 by January 1 every six years thereafter. The inspector conducting
24 the inspection shall produce an initial report pursuant to paragraph
25 (4) of subdivision (c) and, if requested by the owner, a final report
26 indicating that any required repairs have been completed. A copy
27 of any report that recommends immediate repairs, advises that any
28 building assembly poses an immediate threat to the safety of the
29 occupants, or that preventing occupant access or emergency repairs,
30 including shoring, are necessary, shall be provided by the inspector
31 to the owner of the building and to the local enforcement agency
32 within 15 days of completion of the report. Subsequent inspection
33 reports shall incorporate copies of prior inspection reports,
34 including the locations of the exterior elevated elements inspected.
35 Local enforcement agencies may determine whether any additional
36 information is to be provided in the report and may require a copy
37 of the initial or final reports, or both, be submitted to the local
38 jurisdiction. Copies of all inspection reports shall be maintained
39 in the building owner's permanent records for not less than two

1 inspection cycles, and shall be disclosed and delivered to the buyer
2 at the time of any subsequent sale of the building.

3 (e) The inspection of buildings for which a building permit
4 application has been submitted on or after January 1, 2019, shall
5 occur no later than six years following issuance of a certificate of
6 occupancy from the local jurisdiction and shall otherwise comply
7 with the provisions of this section.

8 (f) If the property was inspected within three years prior to
9 January 1, 2019, by an inspector as described in subdivision (a)
10 and a report of that inspector was issued stating that the exterior
11 elevated elements and associated waterproofing elements are in
12 proper working condition and do not pose a threat to the health
13 and safety of the public, no new inspection pursuant to this section
14 shall be required until January 1, 2025.

15 (g) An exterior elevated element found by the inspector that is
16 in need of repair or replacement shall be corrected by the owner
17 of the building. All necessary permits for repair or replacement
18 shall be obtained from the local jurisdiction. All repair and
19 replacement work shall be performed by a qualified and licensed
20 contractor in compliance with all of the following:

21 (1) The recommendations of a licensed professional described
22 in subdivision (a).

23 (2) Any applicable manufacturer's specifications.

24 (3) The California Building Standards Code, consistent with
25 subdivision (d) of Section 17922 of the Health and Safety Code.

26 (4) All local jurisdictional requirements.

27 (h) (1) An exterior elevated element that the inspector advises
28 poses an immediate threat to the safety of the occupants, or finds
29 preventing occupant access or emergency repairs, including
30 shoring, or both, are necessary, shall be considered an emergency
31 condition and the owner of the building shall perform required
32 preventive measures immediately. Immediately preventing
33 occupant access to the exterior elevated element until emergency
34 repairs can be completed constitutes compliance with this
35 paragraph. Repairs of emergency conditions shall comply with the
36 requirements of subdivision (g), be inspected by the inspector, and
37 reported to the local enforcement agency.

38 (2) The owner of the building requiring corrective work to an
39 exterior elevated element that, in the opinion of the inspector, does
40 not pose an immediate threat to the safety of the occupants, shall

1 apply for a permit within 120 days of receipt of the inspection
2 report. Once the permit is approved, the owner of the building
3 shall have 120 days to make the repairs unless an extension of time
4 is granted by the local enforcement agency.

5 (i) (1) The owner of the building shall be responsible for
6 complying with the requirements of this section.

7 (2) If the owner of the building does not comply with the repair
8 requirements within 180 days, the inspector shall notify the local
9 enforcement agency and the owner of the building. If within 30
10 days of the date of the notice the repairs are not completed, the
11 owner of the building shall be assessed a civil penalty based on
12 the fee schedule set by the local authority of not less than one
13 hundred dollars (\$100) nor more than five hundred dollars (\$500)
14 per day until the repairs are completed, unless an extension of time
15 is granted by the local enforcement agency.

16 (3) In the event that a civil penalty is assessed pursuant to this
17 section, a building safety lien may be recorded in the county
18 recorder's office by the local jurisdiction in the county in which
19 the parcel of land is located and from the date of recording shall
20 have the force, effect, and priority of a judgment lien.

21 (j) (1) A building safety lien authorized by this section shall
22 specify the amount of the lien, the name of the agency on whose
23 behalf the lien is imposed, the street address, the legal description
24 and assessor's parcel number of the parcel on which the lien is
25 imposed, and the name and address of the recorded owner of the
26 building.

27 (2) In the event that the lien is discharged, released, or satisfied,
28 either through payment or foreclosure, notice of the discharge
29 containing the information specified in paragraph (1) shall be
30 recorded by the governmental agency. A safety lien and the release
31 of the lien shall be indexed in the grantor-grantee index.

32 (3) A building safety lien may be foreclosed by an action
33 brought by the appropriate local jurisdiction for a money judgment.

34 (4) Notwithstanding any other law, the county recorder may
35 impose a fee on the city to reimburse the costs of processing and
36 recording the lien and providing notice to the owner of the building.
37 A city may recover from the owner of the building any costs
38 incurred regarding the processing and recording of the lien and
39 providing notice to the owner of the building as part of its
40 foreclosure action to enforce the lien.

1 (k) The continued and ongoing maintenance of exterior elevated
2 elements in a safe and functional condition in compliance with
3 these provisions shall be the responsibility of the owner of the
4 building.

5 (l) Local enforcement agencies shall have the ability to recover
6 enforcement costs associated with the requirements of this section.

7 (m) For any building subject to the provisions of this section
8 that is proposed for conversion to condominiums to be sold to the
9 public after January 1, 2019, the inspection required by this section
10 shall be conducted prior to the first close of escrow of a separate
11 interest in the project and shall include the inspector's
12 recommendations for repair or replacement of any exterior elevated
13 element found to be defective, decayed, or deteriorated to the extent
14 that it does not meet its load requirements, and would, in the
15 opinion of the inspector, constitute a threat to the health or safety
16 of the occupants. The inspection report and written confirmation
17 by the inspector that any repairs or replacements recommended
18 by the inspector have been completed shall be submitted to the
19 Department of Real Estate by the proponent of the conversion and
20 shall be a condition to the issuance of the final public report. A
21 complete copy of the inspection report and written confirmation
22 by the inspector that any repairs or replacements recommended
23 by the inspector have been completed shall be included with the
24 written statement of defects required by Section 1134 of the Civil
25 Code, and provided to the local jurisdiction in which the project
26 is located. The inspection, report, and confirmation of completed
27 repairs shall be a condition of the issuance of a final inspection or
28 certificate of occupancy by the local jurisdiction.

29 (n) This section shall not apply to a common interest
30 development, as defined in Section 4100 of the Civil Code.

31 (o) The governing body of any city, county, or city and county,
32 may enact ordinances or laws imposing requirements greater than
33 those imposed by this section.

34 SEC. 23. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution for certain
36 costs that may be incurred by a local agency or school district
37 because, in that regard, this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty for a crime
39 or infraction, within the meaning of Section 17556 of the
40 Government Code, or changes the definition of a crime within the

1 meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 However, if the Commission on State Mandates determines that
4 this act contains other costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY JUNE 23, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE APRIL 20, 2021

AMENDED IN SENATE APRIL 5, 2021

AMENDED IN SENATE MARCH 3, 2021

SENATE BILL

No. 731

Introduced by Senators Durazo and Bradford
(Coauthors: Senators ~~Skinner~~ Kamlager, Skinner, and Wiener)
(Coauthors: Assembly Members Carrillo, Cristina Garcia, Gipson,
Kalra, Lee, Medina, and Stone)

February 19, 2021

An act to amend Sections 851.93, 1203.41, and 1203.425 of the Penal Code, relating to criminal records.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Durazo. Criminal records: relief.

Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified.

This bill would make this relief available to a defendant who has been convicted of any felony.

Commencing July 1, 2022, existing law requires the Department of Justice, on a monthly basis, to review the records in the statewide

criminal justice databases and identify persons who are eligible for specified automatic conviction and records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 2021, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 2021, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole, and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.

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 851.93 of the Penal Code is amended to
2 read:
3 851.93. (a) (1) On a monthly basis, the Department of Justice
4 shall review the records in the statewide criminal justice databases,
5 and based on information in the state summary criminal history
6 repository, shall identify persons with records of arrest that meet
7 the criteria set forth in paragraph (2) and are eligible for arrest
8 record relief.
9 (2) A person is eligible for relief pursuant to this section, if the
10 arrest occurred on or after January 1, 2021, and meets any of the
11 following conditions:

1 (A) The arrest was for a misdemeanor offense and the charge
2 was dismissed.

3 (B) The arrest was for a misdemeanor offense, there is no
4 indication that criminal proceedings have been initiated, at least
5 one calendar year has elapsed since the date of the arrest, and no
6 conviction occurred, or the arrestee was acquitted of any charges
7 that arose, from that arrest.

8 (C) (i) The arrest was for a felony offense not described in
9 clause (ii), there is no indication that criminal proceedings have
10 been initiated, at least three calendar years have elapsed since the
11 date of the arrest, and no conviction occurred, or the arrestee was
12 acquitted of any charges arising, from that arrest.

13 (ii) If the arrest was for an offense punishable by imprisonment
14 in the state prison for eight years or more or by imprisonment
15 pursuant to subdivision (h) of Section 1170 for eight years or more,
16 there is no indication that criminal proceedings have been initiated,
17 at least six years have elapsed since the date of the arrest, and no
18 conviction occurred, or the arrestee was acquitted of any charges
19 arising, from that arrest.

20 (D) The person successfully completed any of the following,
21 relating to that arrest:

22 (i) A prefiling diversion program, as defined in subdivision (d)
23 of Section 851.87, administered by a prosecuting attorney in lieu
24 of filing an accusatory pleading.

25 (ii) A drug diversion program administered by a superior court
26 pursuant to Section 1000.5, or a deferred entry of judgment
27 program pursuant to Section 1000 or 1000.8.

28 (iii) A pretrial diversion program, pursuant to Section 1000.4.

29 (iv) A diversion program, pursuant to Section 1001.9.

30 (v) A diversion program described in Chapter 2.8 (commencing
31 with Section 1001.20), Chapter 2.8A (commencing with Section
32 1001.35), Chapter 2.81 (commencing with Section 1001.40),
33 Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A
34 (commencing with Section 1001.60), Chapter 2.9B (commencing
35 with Section 1001.70), Chapter 2.9C (commencing with Section
36 1001.80), Chapter 2.9D (commencing with Section 1001.81), or
37 Chapter 2.92 (commencing with Section 1001.85), of Title 6.

38 (b) (1) The department shall grant relief to a person identified
39 pursuant to subdivision (a), without requiring a petition or motion

1 by a party for that relief if the relevant information is present in
2 the department's electronic records.

3 (2) The state summary criminal history information shall
4 include, directly next to or below the entry or entries regarding the
5 person's arrest record, a note stating "arrest relief granted," listing
6 the date that the department granted relief, and this section. This
7 note shall be included in all statewide criminal databases with a
8 record of the arrest.

9 (3) Except as otherwise provided in subdivision (d), an arrest
10 for which arrest relief has been granted is deemed not to have
11 occurred, and a person who has been granted arrest relief is released
12 from any penalties and disabilities resulting from the arrest, and
13 may answer any question relating to that arrest accordingly.

14 (c) On a monthly basis, the department shall electronically
15 submit a notice to the superior court having jurisdiction over the
16 criminal case, informing the court of all cases for which a
17 complaint was filed in that jurisdiction and for which relief was
18 granted pursuant to this section. Commencing on August 1, 2022,
19 for any record retained by the court pursuant to Section 68152 of
20 the Government Code, except as provided in subdivision (d), the
21 court shall not disclose information concerning an arrest that is
22 granted relief pursuant to this section to any person or entity, in
23 any format, except to the person whose arrest was granted relief
24 or a criminal justice agency, as defined in Section 851.92.

25 (d) Relief granted pursuant to this section is subject to all of the
26 following conditions:

27 (1) Arrest relief does not relieve a person of the obligation to
28 disclose an arrest in response to a direct question contained in a
29 questionnaire or application for employment as a peace officer, as
30 defined in Section 830.

31 (2) Relief granted pursuant to this section has no effect on the
32 ability of a criminal justice agency, as defined in Section 851.92,
33 to access and use records that are granted relief to the same extent
34 that would have been permitted for a criminal justice agency had
35 relief not been granted.

36 (3) This section does not limit the ability of a district attorney
37 to prosecute, within the applicable statute of limitations, an offense
38 for which arrest relief has been granted pursuant to this section.

39 (4) Relief granted pursuant to this section does not affect a
40 person's authorization to own, possess, or have in the person's

1 custody or control a firearm, or the person's susceptibility to
2 conviction under Chapter 2 (commencing with Section 29800) of
3 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
4 this authorization or susceptibility.

5 (5) Relief granted pursuant to this section does not affect any
6 prohibition from holding public office that would otherwise apply
7 under law as a result of the arrest.

8 (6) Relief granted pursuant to this section does not affect the
9 authority to receive, or take adverse action based on, criminal
10 history information, including the authority to receive certified
11 court records received or evaluated pursuant to Section 1522,
12 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
13 pursuant to any statutory or regulatory provisions that incorporate
14 the criteria of those sections.

15 (e) This section does not limit petitions, motions, or orders for
16 arrest record relief, as required or authorized by any other law,
17 including, but not limited to, Sections 851.87, 851.90, 851.91,
18 1000.4, and 1001.9.

19 (f) The department shall annually publish on the OpenJustice
20 Web portal, as described under Section 13010, statistics for each
21 county regarding the total number of arrests granted relief pursuant
22 to this section and the percentage of arrests for which the state
23 summary criminal history information does not include a
24 disposition.

25 (g) This section shall be operative commencing July 1, 2022,
26 subject to an appropriation in the annual Budget Act.

27 SEC. 2. Section 1203.41 of the Penal Code is amended to read:

28 1203.41. (a) If a defendant is convicted of a felony, the court,
29 in its discretion and in the interests of justice, may order the
30 following relief, subject to the conditions of subdivision (b):

31 (1) The court may permit the defendant to withdraw their plea
32 of guilty or plea of nolo contendere and enter a plea of not guilty,
33 or, if the defendant has been convicted after a plea of not guilty,
34 the court shall set aside the verdict of guilty, and, in either case,
35 the court shall dismiss the accusations or information against the
36 defendant and the defendant shall thereafter be released from all
37 penalties and disabilities resulting from the offense of which they
38 have been convicted, except as provided in Section 13555 of the
39 Vehicle Code.

1 (2) The relief available under this section may be granted only
2 after the lapse of one year following the defendant's completion
3 of the sentence, if the sentence was imposed pursuant to
4 subparagraph (B) of paragraph (5) of subdivision (h) of Section
5 1170, or after the lapse of two years following the defendant's
6 completion of the sentence, if the sentence was imposed pursuant
7 to subparagraph (A) of paragraph (5) of subdivision (h) of Section
8 1170 or if the defendant was sentenced to the state prison.

9 (3) The relief available under this section may be granted only
10 if the defendant is not on parole or under supervision pursuant to
11 subparagraph (B) of paragraph (5) of subdivision (h) of Section
12 1170, and is not serving a sentence for, on probation for, or charged
13 with the commission of any offense.

14 (4) The defendant shall be informed, either orally or in writing,
15 of the provisions of this section and of their right, if any, to petition
16 for a certificate of rehabilitation and pardon at the time they are
17 sentenced.

18 (5) The defendant may make the application and change of plea
19 in person or by attorney, or by a probation officer authorized in
20 writing.

21 (b) Relief granted pursuant to subdivision (a) is subject to all
22 of the following conditions:

23 (1) In any subsequent prosecution of the defendant for any other
24 offense, the prior conviction may be pleaded and proved and shall
25 have the same effect as if the accusation or information had not
26 been dismissed.

27 (2) The order shall state, and the defendant shall be informed,
28 that the order does not relieve them of the obligation to disclose
29 the conviction in response to any direct question contained in any
30 questionnaire or application for public office, for licensure by any
31 state or local agency, or for contracting with the California State
32 Lottery Commission.

33 (3) Dismissal of an accusation or information pursuant to this
34 section does not permit a person to own, possess, or have in their
35 custody or control any firearm or prevent their conviction under
36 Chapter 2 (commencing with Section 29800) of Division 9 of Title
37 4 of Part 6.

38 (4) Dismissal of an accusation or information underlying a
39 conviction pursuant to this section does not permit a person

1 prohibited from holding public office as a result of that conviction
2 to hold public office.

3 (c) This section applies to any conviction specified in
4 subdivision (a) that occurred before, on, or after January 1, 2021.

5 (d) A person who petitions for a change of plea or setting aside
6 of a verdict under this section may be required to reimburse the
7 court for the actual costs of services rendered, whether or not the
8 petition is granted and the records are sealed or expunged, at a rate
9 to be determined by the court not to exceed one hundred fifty
10 dollars (\$150), and to reimburse the county for the actual costs of
11 services rendered, whether or not the petition is granted and the
12 records are sealed or expunged, at a rate to be determined by the
13 county board of supervisors not to exceed one hundred fifty dollars
14 (\$150), and to reimburse any city for the actual costs of services
15 rendered, whether or not the petition is granted and the records are
16 sealed or expunged, at a rate to be determined by the city council
17 not to exceed one hundred fifty dollars (\$150). Ability to make
18 this reimbursement shall be determined by the court using the
19 standards set forth in paragraph (2) of subdivision (g) of Section
20 987.8 and shall not be a prerequisite to a person's eligibility under
21 this section. The court may order reimbursement in any case in
22 which the petitioner appears to have the ability to pay, without
23 undue hardship, all or any portion of the costs for services
24 established pursuant to this subdivision.

25 (e) (1) Relief shall not be granted under this section unless the
26 prosecuting attorney has been given 15 days' notice of the petition
27 for relief. The probation officer shall notify the prosecuting attorney
28 when a petition is filed, pursuant to this section, if the defendant
29 was on mandatory supervision. The parole officer shall notify the
30 prosecuting attorney when a petition is filed, pursuant to this
31 section, if the defendant was on parole.

32 (2) It shall be presumed that the prosecuting attorney has
33 received notice if proof of service is filed with the court.

34 (f) If, after receiving notice pursuant to subdivision (e), the
35 prosecuting attorney fails to appear and object to a petition for
36 dismissal, the prosecuting attorney shall not move to set aside or
37 otherwise appeal the grant of that petition.

38 (g) *Relief granted pursuant to this section does not release the*
39 *defendant from the terms and conditions of any unexpired criminal*
40 *protective orders that have been issued by the court pursuant to*

1 *paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)*
2 *of Section 273.5, subdivision (l) of Section 368, or subdivision (k)*
3 *of Section 646.9. These protective orders shall remain in full effect*
4 *until expiration or until any further order by the court modifying*
5 *or terminating the order, despite the dismissal of the underlying*
6 *accusation or information.*

7 SEC. 3. Section 1203.425 of the Penal Code is amended to
8 read:

9 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject
10 to an appropriation in the annual Budget Act, on a monthly basis,
11 the Department of Justice shall review the records in the statewide
12 criminal justice databases, and based on information in the state
13 summary criminal history repository and the Supervised Release
14 File, shall identify persons with convictions that meet the criteria
15 set forth in subparagraph (B) and are eligible for automatic
16 conviction record relief.

17 (B) A person is eligible for automatic conviction relief pursuant
18 to this section if they meet all of the following conditions:

19 (i) The person is not required to register pursuant to the Sex
20 Offender Registration Act.

21 (ii) The person does not have an active record for local, state,
22 or federal supervision in the Supervised Release File.

23 (iii) Based upon the information available in the department's
24 record, including disposition dates and sentencing terms, it does
25 not appear that the person is currently serving a sentence for an
26 offense and there is no indication of pending criminal charges.

27 (iv) The conviction meets either of the following criteria:

28 (I) The conviction occurred on or after January 1, 2021, and
29 meets either of the following criteria:

30 (ia) The defendant was sentenced to probation, and, based upon
31 the disposition date and the term of probation specified in the
32 department's records, appears to have completed their term of
33 probation without revocation.

34 (ib) The defendant was convicted of an infraction or
35 misdemeanor, was not granted probation, and, based upon the
36 disposition date and the term specified in the department's records,
37 the defendant appears to have completed their sentence, and at
38 least one calendar year has elapsed since the date of judgment.

39 (II) The conviction occurred on or after January 1, 2005, the
40 defendant was convicted of a felony other than one for which the

1 defendant completed probation without revocation, and based upon
2 the disposition date and the sentence specified in the department's
3 records, appears to have completed all terms of incarceration,
4 probation, mandatory supervision, postrelease supervision, and
5 parole, and a period of four years has elapsed since the date on
6 which the defendant completed probation or supervision for that
7 conviction and during which the defendant was not convicted of
8 a new felony offense. This subclause does not apply to a conviction
9 of a serious felony defined in subdivision (c) of Section 1192.7, a
10 violent felony as defined in Section 667.5, or a felony offense
11 requiring registration pursuant to Chapter 5.5 (commencing with
12 Section 290) of Title 9 of Part 1.

13 (2) (A) Except as specified in subdivision (b), the department
14 shall grant relief, including dismissal of a conviction, to a person
15 identified pursuant to paragraph (1) without requiring a petition
16 or motion by a party for that relief if the relevant information is
17 present in the department's electronic records.

18 (B) The state summary criminal history information shall
19 include, directly next to or below the entry or entries regarding the
20 person's criminal record, a note stating "relief granted," listing the
21 date that the department granted relief and this section. This note
22 shall be included in all statewide criminal databases with a record
23 of the conviction.

24 (C) Except as otherwise provided in paragraph (4) and in Section
25 13555 of the Vehicle Code, a person granted conviction relief
26 pursuant to this section shall be released from all penalties and
27 disabilities resulting from the offense of which the person has been
28 convicted.

29 (3) Commencing July 1, 2022, and subject to an appropriation
30 in the annual Budget Act, on a monthly basis, the department shall
31 electronically submit a notice to the superior court having
32 jurisdiction over the criminal case, informing the court of all cases
33 for which a complaint was filed in that jurisdiction and for which
34 relief was granted pursuant to this section. Commencing on August
35 1, 2022, for any record retained by the court pursuant to Section
36 68152 of the Government Code, except as provided in paragraph
37 (4), the court shall not disclose information concerning a conviction
38 granted relief pursuant to this section or Section 1203.4, 1203.4a,
39 1203.41, or 1203.42, to any person or entity, in any format, except

1 to the person whose conviction was granted relief or a criminal
2 justice agency, as defined in Section 851.92.

3 (4) Relief granted pursuant to this section is subject to the
4 following conditions:

5 (A) Relief granted pursuant to this section does not relieve a
6 person of the obligation to disclose a criminal conviction in
7 response to a direct question contained in a questionnaire or
8 application for employment as a peace officer, as defined in Section
9 830.

10 (B) Relief granted pursuant to this section does not relieve a
11 person of the obligation to disclose the conviction in response to
12 a direct question contained in a questionnaire or application for
13 public office, or for contracting with the California State Lottery
14 Commission.

15 (C) Relief granted pursuant to this section has no effect on the
16 ability of a criminal justice agency, as defined in Section 851.92,
17 to access and use records that are granted relief to the same extent
18 that would have been permitted for a criminal justice agency had
19 relief not been granted.

20 (D) Relief granted pursuant to this section does not limit the
21 jurisdiction of the court over a subsequently filed motion to amend
22 the record, petition or motion for postconviction relief, or collateral
23 attack on a conviction for which relief has been granted pursuant
24 to this section.

25 (E) Relief granted pursuant to this section does not affect a
26 person's authorization to own, possess, or have in the person's
27 custody or control a firearm, or the person's susceptibility to
28 conviction under Chapter 2 (commencing with Section 29800) of
29 Division 9 of Title 4 of Part 6, if the criminal conviction would
30 otherwise affect this authorization or susceptibility.

31 (F) Relief granted pursuant to this section does not affect a
32 prohibition from holding public office that would otherwise apply
33 under law as a result of the criminal conviction.

34 (G) Relief granted pursuant to this section does not affect the
35 authority to receive, or take adverse action based on, criminal
36 history information, including the authority to receive certified
37 court records received or evaluated pursuant to Section 1522,
38 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
39 pursuant to any statutory or regulatory provisions that incorporate
40 the criteria of those sections.

1 (H) Relief granted pursuant to this section does not make eligible
2 a person who is otherwise ineligible to provide, or receive payment
3 for providing, in-home supportive services pursuant to Article 7
4 (commencing with Section 12300) of Chapter 3 of Part 3 of
5 Division 9 of the Welfare and Institutions Code, or pursuant to
6 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
7 Institutions Code.

8 (I) In a subsequent prosecution of the defendant for any other
9 offense, the prior conviction may be pleaded and proved and shall
10 have the same effect as if the relief had not been granted.

11 (J) Relief granted pursuant to this section does not release the
12 defendant from the terms and conditions of any unexpired criminal
13 protective orders that have been issued by the court pursuant to
14 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
15 of Section 273.5, subdivision (l) of Section 368, or subdivision
16 (k) of Section 646.9. These protective orders shall remain in full
17 effect until expiration or until any further order by the court
18 modifying or terminating the order, despite the dismissal of the
19 underlying accusation or information.

20 (5) This section shall not limit petitions, motions, or orders for
21 relief in a criminal case, as required or authorized by any other
22 law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a,
23 ~~1016.5~~, and 1473.7.

24 (6) Commencing July 1, 2022, and subject to an appropriation
25 in the annual Budget Act, the department shall annually publish
26 statistics for each county regarding the total number of convictions
27 granted relief pursuant to this section and the total number of
28 convictions prohibited from automatic relief pursuant to
29 subdivision (b), on the OpenJustice Web portal, as defined in
30 Section 13010.

31 (b) (1) The prosecuting attorney, probation department, or the
32 Department of Corrections and Rehabilitation may, no later than
33 90 calendar days before the date of a person's eligibility for relief
34 pursuant to this section, file a petition to prohibit the department
35 from granting automatic relief pursuant to this section, based on
36 a showing that granting that relief would pose a substantial threat
37 to the public safety.

38 (2) The court shall give notice to the defendant and conduct a
39 hearing on the petition within 45 days after the petition is filed.

1 (3) At a hearing on the petition pursuant to this subdivision, the
2 defendant, the probation department, the Department of Corrections
3 and Rehabilitation, the prosecuting attorney, and the arresting
4 agency, through the prosecuting attorney, may present evidence
5 to the court. Notwithstanding Sections 1538.5 and 1539, the hearing
6 may be heard and determined upon declarations, affidavits, police
7 investigative reports, copies of state summary criminal history
8 information and local summary criminal history information, or
9 any other evidence submitted by the parties that is material,
10 reliable, and relevant.

11 (4) The prosecutor, probation department, or Department of
12 Corrections and Rehabilitation has the initial burden of proof to
13 show that granting conviction relief would pose a substantial threat
14 to the public safety. In determining whether granting relief would
15 pose a substantial threat to the public safety, the court may consider
16 any relevant factors including, but not limited to, either of the
17 following:

18 (A) Declarations or evidence regarding the offense for which a
19 grant of relief is being contested.

20 (B) The defendant's record of arrests and convictions.

21 (5) If the court finds that the prosecutor, probation department,
22 or the Department of Corrections and Rehabilitation, has satisfied
23 the burden of proof, the burden shifts to the defendant to show that
24 the hardship of not obtaining relief outweighs the threat to the
25 public safety of providing relief. In determining whether the
26 defendant's hardship outweighs the threat to the public safety, the
27 court may consider any relevant factors including, but not limited
28 to, either of the following:

29 (A) The hardship to the defendant that has been caused by the
30 conviction and that would be caused if relief is not granted.

31 (B) Declarations or evidence regarding the defendant's good
32 character.

33 (6) If the court grants a petition pursuant to this subdivision,
34 the court shall furnish a disposition report to the Department of
35 Justice pursuant to Section 13151, stating that relief pursuant to
36 this section was denied, and the department shall not grant relief
37 pursuant to this section.

38 (7) A person denied relief pursuant to this section may continue
39 to be eligible for relief pursuant to Section 1203.4, 1203.4a, or
40 1203.41. If the court subsequently grants relief pursuant to one of

1 those sections, the court shall furnish a disposition report to the
2 Department of Justice pursuant to Section 13151, stating that relief
3 was granted pursuant to the applicable section, and the department
4 shall grant relief pursuant to that section.

5 (c) At the time of sentencing, the court shall advise a defendant,
6 either orally or in writing, of the provisions of this section and of
7 the defendant's right, if any, to petition for a certificate of
8 rehabilitation and pardon.

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