

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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Assembly Bill No. 105

Passed the Assembly September 9, 2021

Chief Clerk of the Assembly

Passed the Senate September 8, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 105, 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; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. 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, 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 with 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, 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 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, as specified. The bill would also require the announcement for an examination to 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 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, LGBTQ, veteran status, or physical or mental disability 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 Department of Human Resources 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.

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

SECTION 1. This act shall be known, and may be cited, as the Upward Mobility Act of 2021.

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

11140. (a) 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.

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

(c) For purposes of this section, the following definitions apply:

(1) “Board member or commissioner from an underrepresented community” means all of the following:

(A) An individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native.

(B) An individual who self-identifies as gay, lesbian, bisexual, or transgender.

(C) An individual who has served in and has been discharged under other than dishonorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.

(D) An individual who has a “physical disability” or a “mental disability” as defined in Section 12926.

(2) “Volunteer member or commissioner” means an “administrative volunteer” as defined in subdivision (b) of Section 3111, who is selected to serve on a board or commission by the appropriate nominating authority and who does not receive any

compensation or financial gain from any state agency, as defined in Section 11000. A volunteer may receive per diem and remain a volunteer within the meaning of this section, and that volunteer shall not be considered to be an employee solely on the basis of receiving the per diem.

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

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

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

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

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

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

(b) (1) The State Personnel Board shall prescribe rules 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 authority under Article VII of the California Constitution. The State Personnel Board shall ensure that all changes to regulations are circulated for public comment.

(2) The department shall oversee compliance with rules prescribed by the State Personnel 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 authority under Article VII of the California Constitution.

(3) The department, at the direction of and in conjunction with the State Personnel Board, may conduct audits and investigations of personnel practices of other departments and appointing

authorities to ensure compliance with civil service policies, procedures, and statutes.

(4) Pursuant to a process established by the State Personnel Board, the department shall 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 State Personnel Board for adjudication.

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

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

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

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

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

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

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

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

(1) "African Americans who are descendants of persons enslaved in the United States" means individuals who self-identify as Black

or African American with at least one ancestor who was enslaved or subject to chattelization in the United States.

(2) “African Blacks” means individuals with origins from the continent of Africa, including, but not limited to, one or more of the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

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

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

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

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

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

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

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

18931. (a) The board shall establish minimum qualifications for determining the fitness and qualifications of employees for each class of position. The department may require applicants for

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

(b) The board, in developing the qualifications referenced in subdivision (a), shall also incorporate 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 department may require applicants for examination or appointment to provide documentation as it deems necessary to establish the applicants' qualifications.

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

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

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

- (1) The date and place of the examination.
- (2) The nature of the minimum qualifications and the functional core competencies.
- (3) The general scope of the examination.
- (4) The relative weight of its several parts if more than one type of test is to be utilized.
- (5) Any other information the department deems proper.
- (6) The standard statement of qualifications, if applicable.

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

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

18936. (a) All examination materials, including examination questions and any written material, shall be maintained for each

examination for three years, after which they shall be disposed of pursuant to a policy adopted by the board.

(b) Examinations that have an oral examination component shall be video or otherwise electronically recorded. Examinees shall be informed that they are being recorded. The recordings shall be maintained for each examination for three years, after which they shall be disposed of pursuant to a policy adopted by the board.

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

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

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

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

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

(2) The model upward mobility goals may include race, gender, LGBTQ, veteran status, and physical or mental disability as factors to the extent permissible under state and federal equal protection laws.

(3) On or before July 1, 2022, the Department of Human Resources shall provide a copy of the model upward mobility goals and a corresponding report outlining the workforce analysis used to develop the model upward mobility goals to each member of

the Legislature. The report shall be submitted in compliance with Section 9795.

(c) If the appointing authority is unable to meet its annual upward mobility goals and timetables for two consecutive fiscal years, the appointing authority shall submit a report explaining why it failed to achieve its goals and what requirements are necessary to facilitate achieving its goals in the subsequent two fiscal years. The appointing authority shall submit the report to the department, the Director of the Department of Finance, and the Legislative Analyst.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Assembly Bill No. 107

Passed the Assembly September 8, 2021

Chief Clerk of the Assembly

Passed the Senate September 7, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 2946 and 5132 of, to amend, repeal, and add Section 115.6 of, and to add Sections 115.8, 115.9, and 10151.3 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, 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, on and after January 1, 2023, 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 and would require a board to request the Department of Justice to conduct the criminal background check and to furnish the criminal background information in accordance with specified requirements. 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. 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. Existing law authorizes the immediate termination of a temporary license upon a finding that the temporary licenseholder failed to meet the requirements for temporary licensure or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure.

This bill, on and after July 1, 2023, would instead provide that these temporary licenses are nonrenewable and shall expire 12

months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license, whichever occurs first. The bill, on and after July 1, 2023, would also require the board to revoke a temporary license if the board finds that the temporary licenseholder engaged in unprofessional conduct or any other act that is cause for discipline by the board.

This bill would require the Department of Consumer Affairs to compile an annual report to the Legislature containing specified information relating to the professional licensure of veterans, servicemembers, and their spouses. The bill would also require the Department of Consumer Affairs and each board within the department to post specified information on their internet websites relating to licensure for military spouses, the availability of temporary licenses, and permanent licensure by endorsement or credential for out-of-state applicants. The bill would also require the Department of Real Estate to compile specified information on military, veteran, and spouse licensure into an annual report for the Legislature.

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.

This bill would incorporate additional changes to Section 2946 of the Business and Professions Code proposed by SB 801 to be operative only if this bill and SB 801 are enacted and this bill is enacted last.

Appropriation: yes.

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

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

115.6. (a) A board within the department shall, after appropriate investigation, issue the following eligible temporary licenses to an applicant if the applicant meets the requirements set forth in subdivision (c):

- (1) Registered nurse license by the Board of Registered Nursing.
- (2) Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (3) Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (4) Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (5) Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (6) Veterinarian license issued by the Veterinary Medical Board.
- (7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
- (8) All licenses issued by the Medical Board of California.
- (9) All licenses issued by the Podiatric Medical Board of California.

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

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

(1) The applicant shall supply 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.

(2) The applicant shall hold 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.

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

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

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

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

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

(e) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary

licenseholder to immediately cease the practice of the licensed profession upon receipt.

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

(g) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of an expedited license pursuant to Section 115.5, or upon denial of the application for expedited licensure by the board, whichever occurs first.

(h) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 2. Section 115.6 is added to the Business and Professions Code, to read:

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

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

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

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

(1) The applicant shall supply 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.

(2) The applicant shall hold 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 within the same scope for which the applicant seeks a temporary license from the board.

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

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

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

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

(B) The board shall request a fingerprint-based criminal history information check from the Department of Justice in accordance with subdivision (u) of Section 11105 of the Penal Code and the Department of Justice shall furnish state or federal criminal history information in accordance with subdivision (p) of Section 11105 of the Penal Code.

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

(e) Except as specified in subdivision (g), a board shall issue a temporary license pursuant to this section within 30 days of receiving documentation that the applicant has met the requirements specified in subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(f) (1) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in

subdivision (c) or (d) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(2) Notwithstanding any other law, if, after notice and an opportunity to be heard, a board finds that a temporary licenseholder engaged in unprofessional conduct or any other act that is a cause for discipline by the board, the board shall revoke the temporary license.

(g) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The board shall issue a temporary license pursuant to this subdivision within 30 days of receiving documentation that the applicant has met the requirements specified in this subdivision and subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(h) A temporary license issued pursuant to this section is nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license pursuant to Section 115.5, whichever occurs first.

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

(j) (1) This section shall not apply to 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 described in subdivisions (c) and (d).

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

(k) This section shall become operative on July 1, 2023.

SEC. 3. Section 115.8 is added to the Business and Professions Code, to read:

115.8. The Department of Consumer Affairs shall compile information on military, veteran, and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the following:

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

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

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

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

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

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

SEC. 4. Section 115.9 is added to the Business and Professions Code, to read:

115.9. The department and each board within the department shall publish information pertinent to all licensing options available to military spouses on the home page of the internet website of the department or board, as applicable, including, but not limited to, the following:

(a) The process for expediting applications for military spouses.

(b) The availability of temporary licensure, the requirements for obtaining a temporary license, and length of time a temporary license is active.

(c) The requirements for full, permanent licensure by endorsement or credential for out-of-state applicants.

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

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

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

(c) A psychologist certified or licensed in another state or 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 made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed twelve months from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

(d) The board at its discretion may waive the examinations when in the judgment of the board the applicant has already demonstrated competence in areas covered by the examinations. The board at its discretion may waive the examinations for diplomates of the American Board of Professional Psychology.

SEC. 5.5. Section 2946 of the Business and Professions Code is amended to read:

2946. (a) The board shall grant a license to any person who passes the board's supplemental licensing examination and, at the time of application, has been licensed for at least two years by a psychology licensing authority in another state or territory of the United States or Canadian province if the requirements for obtaining a certificate or license to practice psychology in that

state, territory, or province were substantially equivalent to the requirements of this chapter.

(b) A psychologist certified or licensed in another state, territory, or province who has applied to the board for a license in this state may perform activities and services of a psychological nature without a valid California license for a period not to exceed 180 calendar days from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

(c) A psychologist certified or licensed in another state or 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 made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed twelve months from the time of submitting their application or from the commencement of residency in this state, whichever first occurs.

(d) The board at its discretion may waive the examinations when in the judgment of the board the applicant has already demonstrated competence in areas covered by the examinations. The board at its discretion may waive the examinations for diplomates of the American Board of Professional Psychology. An applicant shall take and pass the required examinations unless waived by the board pursuant to this section.

SEC. 6. Section 5132 of the Business and Professions Code is amended to read:

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

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

(c) The report of the Accountancy Fund, which shall be published pursuant to Section 5008, shall include the revenues and

the related costs from examination, initial licensing, license renewal, citation and fine authority, and cost recovery from enforcement actions and case settlements.

SEC. 7. Section 10151.3 is added to the Business and Professions Code, to read:

10151.3. (a) The Department of Real Estate shall compile information on military, veteran, and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the following:

(1) The number of applications for expedited licenses submitted by veterans and active duty spouses pursuant to paragraphs (c) and (d) of Section 10151.2.

(2) The number of licenses issued and denied per calendar year pursuant to paragraphs (c) and (d) of Section 10151.2.

(3) The average length of time between application and issuance of licenses pursuant to paragraphs (c) and (d) of Section 10151.2 per license type.

(b) This section shall become operative only if Section 10151.2, as proposed to be added by Senate Bill 800 of the 2021–22 Regular Session, is enacted and takes effect.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 9. Section 5.5 of this bill incorporates amendments to Section 2946 of the Business and Professions Code proposed by both this bill and Senate Bill 801. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 294 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 801, in which case Section 5 of this bill shall not become operative.

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,

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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

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

legislative counsel's digest

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specific actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specific circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specific

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor’s Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following fi

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature fi and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member’s private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public’s right to access information concerning the conduct of the people’s business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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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.

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Senate Bill No. 607

CHAPTER 367

An act to amend Sections 1724, 1753, 1753.55, 1753.6, 1901, 1903, 4928, 4934, 6510, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, 7583.47, 8520, 8528, 9810, 9882, and 22259 of, to amend, repeal, and add Sections 115.5, 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5, 1636.6, and to, and to repeal Section 1753.4 of, the Business and Professions Code, to amend Section 94909 of, and to repeal Sections 94811 and 94904 of, the Education Code, and to amend Section 17973 of the Health and Safety Code, relating to business and professions, and making an appropriation therefor.

[Approved by Governor September 28, 2021. Filed with
Secretary of State September 28, 2021.]

legislative counsel's digest

SB 607, Min. Business and professions.

(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, on and after July 1, 2022, would require a board to waive the licensure application fee and the initial or original license fee 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 specific 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 specific 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 renewed by the board prior to January 1, 2020, through a date between January 1, 2024, and June 30, 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. The bill would also provide that graduates of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, are eligible for licensure.

The Dental Practice Act also provides for the licensure and regulation of dental hygienists by the Dental Hygiene Board of California. Existing law regulates the appointment of members to the board and authorizes the board to appoint an executive officer. Existing law repeals those provisions on January 1, 2023, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the repeal date of the board and related appointment provisions to January 1, 2024.

(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 permit holder was arrested for assault or battery, or the permit holder 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 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 specific 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) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists by the Acupuncture Board and authorizes the board to appoint an executive officer. Existing law repeals those provisions on January 1, 2023, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of the board and the authority to appoint an executive officer to January 1, 2024.

(8) Existing law, the Professional Fiduciaries Act, provides for the licensure and regulation of professional fiduciaries by the Professional Fiduciaries Bureau. Existing law repeals the bureau on January 1, 2023, at which time the bureau is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of the bureau to January 1, 2024.

(9) Existing law provides for the licensure and regulation of the practice of structural pest control by the Structural Pest Control Board, and authorizes the board to appoint a registrar to be the executive officer of the board. Existing law repeals those provisions on January 1, 2023, at which time the board is subject to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of the board and the authority to appoint an executive officer to January 1, 2024.

(10) Existing law provides for the licensure and regulation of, among others, electronic and appliance repair dealers, upholstered furniture retailers, and household movers by the Bureau of Household Goods and Services. Existing law subjects the bureau to review by the appropriate policy committees of the Legislature and requires that review to be performed as if the provisions of law regulating the above-mentioned professions and vocations were scheduled to be repealed on January 1, 2023.

This bill would extend the above-described date to January 1, 2024.

(11) Existing law, the Automotive Repair Act, provides for the licensure and regulation of automotive repair dealers by the Bureau of Automotive

Repair. Existing law subjects the bureau to review by the appropriate policy committees of the Legislature, as specified, and requires that review to be performed as if the act were scheduled to be repealed on January 1, 2023.

This bill would extend the above-described date to January 1, 2024.

(12) Existing law, the Tax Preparation Act, provides for the licensure and regulation of tax preparers by the California Tax Education Council. Existing law subjects the act to review by the appropriate policy committees of the Legislature and repeals the act on January 1, 2023.

This bill would extend the operation of the act to January 1, 2024.

(13) Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The act requires an institution to enroll each student solely by means of executing an enrollment agreement, and requires an ability-to-benefit student, before enrolling, to take and achieve a passing score on an independently administered examination, as specific. The act is repealed by its own provisions on January 1, 2022.

This bill would repeal the provisions related to the ability-to-benefit students and ability-to-benefit testing.

(14) 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.

(15) This bill would incorporate additional changes to Section 7583.23 of the Business and Professions Code proposed by AB 1096 to be operative only if this bill and AB 1096 are enacted and this bill is enacted last. The bill would also incorporate additional changes to Section 9882 of the Business and Professions Code proposed by AB 471 to be operative only if this bill and AB 471 are enacted and this bill is enacted last.

Appropriation: yes.

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

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

115.5. (a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) 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.

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

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

(c) This section shall remain in effect only until July 1, 2022, and as of that date is repealed.

SEC. 2. Section 115.5 is added to the Business and Professions Code, to read:

115.5. (a) A board within the department shall expedite the licensure process and waive the licensure application fee and the initial or original license fee charged by the board for an applicant who meets both of the following requirements:

(1) 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.

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

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

(c) This section shall become operative on July 1, 2022.

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

Notwithstanding Section 1636.4, any foreign dental school whose program was renewed by the board prior to January 1, 2020, through any date between January 1, 2024, and June 30, 2026, shall maintain approval through that date. Upon expiration of the approval, the foreign dental school shall be required to comply with the provisions of Section 1636.4.

SEC. 4. Section 1636.6 is added to the Business and Professions Code, to read:

Notwithstanding Section 1636.4, graduates of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, shall be eligible for licensure pursuant to Section 1628.

SEC. 5. Section 1724 of the Business and Professions Code, as added by Section 13 of Chapter 929 of the Statutes of 2018, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(r) The fee for an application for an oral conscious sedation permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of an oral conscious sedation permit shall not exceed six hundred dollars (\$600).

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

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

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

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

SEC. 6. Section 1753 of the Business and Professions Code is amended to read:

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

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

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

(3) Successful completion of either of the following:

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

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

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

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

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

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

(c) A registered dental assistant in extended functions with permits in either orthodontic assisting or dental sedation assisting shall be referred to

as an “RDAEF with orthodontic assistant permit,” or “RDAEF with dental sedation assistant permit,” as applicable. These terms shall be used for reference purposes only and do not create additional categories of licensure.

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

SEC. 7. Section 1753.4 of the Business and Professions Code is repealed.

SEC. 8. Section 1753.55 of the Business and Professions Code is amended to read:

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

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

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

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

(A) In a dental office setting.

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

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

(A) In either of the following settings:

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

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

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

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

(d) No later than January 1, 2018, the board shall adopt regulations to establish requirements for courses of instruction for the procedures authorized to be performed by a registered dental assistant in extended functions pursuant to this section using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development. The board shall submit to the committee proposed regulatory language for the curriculum for the Interim Therapeutic Restoration to the committee for the purpose of promulgating regulations for registered dental hygienists and registered dental hygienists in alternative practice as described in Section 1910.5. The language submitted by the board shall mirror the instructional curriculum for the registered dental assistant in extended functions. Any subsequent amendments to the regulations that are promulgated by the board for the Interim Therapeutic Restoration curriculum shall be submitted to the committee.

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

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

SEC. 9. Section 1753.6 of the Business and Professions Code is amended to read:

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

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

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

SEC. 10. Section 1901 of the Business and Professions Code is amended to read:

1901. (a) There is hereby created in the Department of Consumer Affairs a Dental Hygiene Board of California in which the administration of this article is vested.

(b) Whenever the terms “Dental Hygiene Committee of California” or “committee” are used in this article, they mean the Dental Hygiene Board of California.

(c) Whenever the term “Dental Hygiene Committee of California” is used in any other law, it means the Dental Hygiene Board of California.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the hygiene board subject to review by the appropriate policy committees of the Legislature.

SEC. 11. Section 1903 of the Business and Professions Code is amended to read:

1903. (a) (1) The dental hygiene board shall consist of nine members as follows:

(A) Seven members appointed by the Governor as follows:

(i) Two members shall be public members.

(ii) One member shall be a practicing general or public health dentist who holds a current license in California.

(iii) Four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienist members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of their appointment or have any current financial interest in a dental-related business.

(B) One public member appointed by the Senate Committee on Rules.

(C) One public member appointed by the Speaker of the Assembly.

(2) (A) The first appointment by the Senate Committee on Rules or the Speaker of the Assembly pursuant to this subdivision shall be made upon the expiration of the term of a public member that is scheduled to occur, or otherwise occurs, on or after January 1, 2019.

(B) It is the intent of the Legislature that committee members appointed prior to January 1, 2019, remain as hygiene board members until their term expires or except as otherwise provided in law, whichever occurs first.

(3) For purposes of this subdivision, a public health dentist is a dentist whose primary employer or place of employment is in any of the following:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(b) (1) Except as specified in paragraph (2), members of the dental hygiene board shall be appointed for a term of four years. Each member shall hold office until the appointment and qualification of the member's successor or until one year shall have lapsed since the expiration of the term for which the member was appointed, whichever comes first.

(2) For the term commencing on January 1, 2012, two of the public members, the general or public health dentist member, and two of the registered dental hygienist members, other than the dental hygiene educator member or the registered dental hygienist member licensed in alternative practice or in extended functions, shall each serve a term of two years, expiring January 1, 2014.

(c) Notwithstanding any other provision of law and subject to subdivision (e), the Governor may appoint to the dental hygiene board a person who previously served as a member of the former committee or hygiene board even if the person's previous term expired.

(d) The dental hygiene board shall elect a president, a vice president, and a secretary from its membership.

(e) No person shall serve as a member of the dental hygiene board for more than two consecutive terms.

(f) A vacancy in the dental hygiene board shall be filled by appointment to the unexpired term.

(g) Each member of the dental hygiene board shall receive a per diem and expenses as provided in Section 103.

(h) The Governor shall have the power to remove any member from the dental hygiene board for neglect of a duty required by law, for incompetence, or for unprofessional or dishonorable conduct.

(i) The dental hygiene board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the dental hygiene board and vested in the executive officer by this article.

(j) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 12. Section 4928 of the Business and Professions Code is amended to read:

4928. (a) The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 13. Section 4934 of the Business and Professions Code is amended to read:

4934. (a) The board, by and with the approval of the director, may appoint an executive officer who is exempt from the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code).

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 14. Section 5650.5 is added to the Business and Professions Code, to read:

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

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

(1) The Department of Consumer Affairs, California Architects Board shall electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all landscape architect license applicants pursuant to subdivision (u) of Section 11105 of the Penal Code, as defined by Section 5615, for the purpose of obtaining information as to the existence and content of a record of state or federal arrests and state or federal convictions and also information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on their recognizance pending trial or appeal.

(2) When received, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section, to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history records check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the California Architects Board.

(3) The Department of Justice shall provide a state or federal response to the California Architects Board pursuant to subdivision (p) of Section 11105 of the Penal Code.

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

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

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

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

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

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

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

SEC. 15. Section 6510 of the Business and Professions Code is amended to read:

6510. (a) There is within the jurisdiction of the department the Professional Fiduciaries Bureau. The bureau is under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief of the bureau, who is responsible to the director. Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy director or by the chief, subject to conditions and limitations as the director may prescribe.

(b) The Governor shall appoint, subject to confirmation by the Senate, the chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(c) (1) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

(2) Notwithstanding any other provision of law, the repeal of this section renders the bureau subject to review by the appropriate policy committees of the Legislature.

(3) Notwithstanding any other law, upon the repeal of this section, the responsibilities and jurisdiction of the bureau shall be transferred to the Professional Fiduciaries Advisory Committee, as provided by Section 6511.

SEC. 16. Section 7071.6 of the Business and Professions Code is amended to read:

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

(b) Excluding the claims brought by the beneficiaries specified in subdivision (a) of Section 7071.5, the aggregate liability of a surety on claims brought against a bond required by this section shall not exceed the sum of seven thousand five hundred dollars (\$7,500). The bond proceeds in excess of seven thousand five hundred dollars (\$7,500) shall be reserved

exclusively for the claims of the beneficiaries specified in subdivision (a) of Section 7071.5. However, nothing in this section shall be construed so as to prevent any beneficiary specified in subdivision (a) of Section 7071.5 from claiming or recovering the full measure of the bond required by this section.

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

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

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

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

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

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

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

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

SEC. 17. Section 7071.6 is added to the Business and Professions Code, to read:

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

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

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

(d) Notwithstanding any other law, as a condition precedent to licensure, the board may require an applicant to post a contractor's bond in twice the

amount required pursuant to subdivision (a) until the time that the license is renewed, under the following conditions:

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

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

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

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

SEC. 18. Section 7071.8 of the Business and Professions Code is amended to read:

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

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

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

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

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

(b) The board shall require as a condition precedent to the issuance, reissuance, renewal, or restoration of a license to the applicant, or to the approval of an application to change officers of a corporation or a limited liability company, or removal of suspension, or to the continued valid use of a license which has been suspended or revoked, but which suspension or revocation has been stayed, that the applicant or licensee file or have on file a contractor's bond in a sum to be fixed by the registrar based upon the

seriousness of the violation, but which sum shall not be less than fifteen thousand dollars (\$15,000) nor more than 10 times that amount required by Section 7071.6.

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

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

SEC. 19. Section 7071.8 is added to the Business and Professions Code, to read:

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

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

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

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

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

(b) The board shall require as a condition precedent to the issuance, reissuance, renewal, or restoration of a license to the applicant, or to the

approval of an application to change officers of a corporation or a limited liability company, or removal of suspension, or to the continued valid use of a license which has been suspended or revoked, but which suspension or revocation has been stayed, that the applicant or licensee file or have on file a contractor's bond in a sum to be fixed by the registrar based upon the seriousness of the violation, but which sum shall not be less than twenty-five thousand dollars (\$25,000) nor more than 10 times that amount required by Section 7071.6.

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

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

SEC. 20. Section 7071.9 of the Business and Professions Code is amended to read:

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

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

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

(d) The qualifying individual for a limited liability company shall not be required to file or have on file a qualifying individual's bond if the qualifying

individual owns at least a 10-percent membership interest in the limited liability company and certifies to that fact on a form prescribed by the registrar.

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

SEC. 21. Section 7071.9 is added to the Business and Professions Code, to read:

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

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

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

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

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

SEC. 22. Section 7137 of the Business and Professions Code is amended to read:

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

(1) Application fees shall be set as follows:

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

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

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

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

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

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

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

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

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

(B) The fee for scheduling or rescheduling an examination for a licensee who is required to take the examination as a condition of probation shall be one hundred dollars (\$100) and may be increased to not more than one hundred twenty-five dollars (\$125).

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

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

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

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

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

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

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

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

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

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

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

(6) Miscellaneous fees shall be set as follows:

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

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

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

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

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

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

SEC. 23. Section 7583.22 of the Business and Professions Code is amended to read:

(a) A licensee, qualified manager of a licensee, or security guard who, in the course of their employment, may be required to carry a firearm shall, prior to carrying a firearm, do all of the following:

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

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

(b) A security guard who, in the course of their employment, may be required to carry a firearm, shall, prior to carrying a firearm, be found capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a fi during the course of their duties, pursuant to Section 7583.47.

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

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

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

SEC. 24. Section 7583.23 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

(D) A security guard registrant.

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

(b) A certified firearms training instructor has certified that the applicant has successfully completed a written examination prepared by the bureau

and training course in the carrying and use of firearms approved by the bureau.

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

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

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

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

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

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

SEC. 24.5. Section 7583.23 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

(D) A security guard registrant.

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

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

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

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

(e) The applicant has produced evidence to the firearm training facility that the applicant is a citizen of the United States or has permanent legal immigration status in the United States. Evidence of citizenship or permanent legal immigration status shall be deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Department of Justice, Immigration and Naturalization Service Form I-151 or United States Citizenship and Immigration Services Form I-551 (Permanent Resident Card), naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

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

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

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

SEC. 25. Section 7583.24 of the Business and Professions Code is amended to read:

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

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

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

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

SEC. 26. Section 7583.27 of the Business and Professions Code is amended to read:

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

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

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

(A) Assault.

(B) Battery.

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

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

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

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

SEC. 27. Section 7583.29 of the Business and Professions Code is amended to read:

7583.29. If a firearms permit is denied, the denial of the permit shall be in writing and shall describe the basis for the denial. The denial shall inform the applicant that if the applicant desires a review by a disciplinary review committee to contest the denial, the review shall be requested of the director

within 30 days following notice of the issuance of the denial. A review or hearing shall be held pursuant to Section 7581.3. However, no review or hearing shall be granted to an individual who is otherwise prohibited by law from carrying a firearm.

SEC. 28. Section 7583.47 of the Business and Professions Code is amended to read:

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

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

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

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

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

(B) Identifying minimum standards for the assessment.

(C) Evaluating currently available assessments.

(D) Providing consultative services on the bids received by the bureau from third-party vendors seeking to administer and interpret the assessment, to ensure both of the following:

(i) Compliance with the applicable standards of care for the administration and interpretation of such assessments.

(ii) The assessment will be administered in accordance with the assessment manufacturer’s requirements.

(3) The bureau shall contract with a third-party vendor to administer the assessment. All third-party vendors seeking to administer the assessment must meet the minimum standards established by the bureau, its consultants, and the assessment manufacturer’s requirements for administering the assessment. Considerations for the third-party vendor contract shall include, but are not limited to, all of the following:

(A) Cost to the applicant to complete the assessment.

(B) Geographic accessibility statewide of the assessment to applicants.

(C) Assessment compliance with the established minimum standards for the assessment and assessment process.

(D) Ensuring an assessment carried out on an applicant complies with the applicable professional standards of care for such assessments, as well

as the assessment manufacturer's requirements for administering the assessment.

(d) The applicant, or the applicant's designee or employer if the employer voluntarily chooses, shall bear the cost of the assessment.

(e) Within 30 days of administering an applicant's assessment, the vendor shall directly provide the bureau, on a form and in a manner prescribed by the bureau, the applicant's assessment results. If the results of the applicant's assessment indicate that the applicant is incapable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's duties, at the point in time of the evaluation, the bureau shall not issue a firearms permit. If the applicant fails the assessment, the applicant may complete another assessment no earlier than 180 days after the results of the previous assessment are provided to the bureau.

(f) The application shall be deemed incomplete until the bureau receives the results of the applicant's assessment and the results indicate that the applicant is capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's duties.

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

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

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

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

SEC. 29. Section 8520 of the Business and Professions Code is amended to read:

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100), the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 30. Section 8528 of the Business and Professions Code is amended to read:

8528. (a) With the approval of the director, the board shall appoint a registrar, fix the registrar's compensation, and prescribe the registrar's duties.

(b) The registrar is the executive officer and secretary of the board.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date.

SEC. 31. Section 9810 of the Business and Professions Code is amended to read:

9810. (a) (1) There is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter and Chapter 3 (commencing with Section 19000) and Chapter 3.1 (commencing with Section 19225) of Division 8.

(2) There is a Division of Household Movers within the bureau for purposes of administering Chapter 3.1 (commencing with Section 19225) of Division 8. The Division of Household Movers shall be overseen by the chief of the bureau.

(b) The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(c) Every power granted to or duty imposed upon the director under this chapter and Chapter 3 (commencing with Section 19000) and Chapter 3.1 (commencing with Section 19225) of Division 8 may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe.

(d) Whenever the laws of this state refer to the Bureau of Electronic Repair Dealer Registration or the Bureau of Electronic and Appliance Repair, the reference shall be construed to be to the Bureau of Household Goods and Services.

(e) Notwithstanding any other law, the powers and duties of the Bureau of Household Goods and Services, as set forth in this chapter and Chapter 3 (commencing with Section 19000) and Chapter 3.1 (commencing with Section 19225) of Division 8, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter and Chapter 3 (commencing with Section 19000) and Chapter 3.1 (commencing with Section 19225) of Division 8 were scheduled to be repealed on January 1, 2024.

SEC. 32. Section 9882 of the Business and Professions Code is amended to read:

9882. (a) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that the director determines are reasonably necessary to carry out the purposes of this chapter and declaring the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9. These rules and regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this article and under the Automotive Repair Act, shall be subject to review by the appropriate policy committees of the Legislature. In that review, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(c) The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2024.

SEC. 32.1. Section 9882 of the Business and Professions Code is amended to read:

9882. (a) (1) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that the director determines are reasonably necessary to carry out the purposes of this chapter and declare the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9.

(2) (A) The director may include in the citation system a process for informal review of and recommendation on citations, including establishment of an informal citation conference conducted by a panel of independent representatives appointed by the chief. The informal citation conference panel shall consist of three members, with one representative each from the bureau, the public, and the automotive repair industry.

(B) (i) The director may include in the citation system a process for an automotive repair dealer, upon successful completion of remedial training

conducted by a provider certified pursuant to subdivision (d) of Section 9884.7, to prevent disclosure of the citation on the internet as provided in Section 27.

(ii) To be eligible for citation nondisclosure under this subparagraph, the automotive repair dealer shall not have attended remedial training in the prior 18-month period from the effective date of citation.

(3) Rules and regulations adopted pursuant to this subdivision shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this article and under the Automotive Repair Act, shall be subject to review by the appropriate policy committees of the Legislature. In that review, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(c) The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2024.

(d) This section shall be effective only until January 1, 2025, and as of that date is repealed.

SEC. 32.2. Section 9882 is added to the Business and Professions Code, to read:

9882. (a) (1) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that the director determines are reasonably necessary to carry out the purposes of this chapter and declare the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9.

(2) The director may include in the citation system a process for informal review of and recommendation on citations, including establishment of an informal citation conference conducted by a panel of independent representatives appointed by the chief. The informal citation conference panel shall consist of three members, with one representative each from the bureau, the public, and the automotive repair industry.

(3) Rules and regulations adopted pursuant to this subdivision shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this article and under the Automotive Repair Act, shall be subject to review by the appropriate policy committees of the Legislature. In that review, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(c) The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2024.

(d) This section shall become operative on January 1, 2025.

SEC. 33. Section 22259 of the Business and Professions Code is amended to read:

22259. (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 34. Section 17973 of the Health and Safety Code is amended to read:

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

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

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

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

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

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

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet

its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified in paragraph (1) using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

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

- (A) The current condition of the exterior elevated elements.
- (B) Expectations of future performance and projected service life.
- (C) Recommendations of any further inspection necessary.

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

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

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

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that

inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until January 1, 2025.

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

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

(2) Any applicable manufacturer's specifications.

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

(4) All local jurisdictional requirements.

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

(2) The owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within 120 days of receipt of the inspection report. Once the permit is approved, the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 35. Section 94811 of the Education Code is repealed.

SEC. 36. Section 94904 of the Education Code is repealed.

SEC. 37. Section 94909 of the Education Code is amended to read:

94909. (a) Except as provided in subdivision (d), before enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

(1) The name, address, telephone number, and, if applicable, internet website address of the institution.

(2) Except as specified in Article 2 (commencing with Section 94802), a statement that the institution is a private institution and that it is approved to operate by the bureau.

(3) The following statements:

(A) “Any questions a student may have regarding this catalog that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (internet website address), (telephone and fax numbers).”

(B) “As a prospective student, you are encouraged to review this catalog before signing an enrollment agreement. You are also encouraged to review the School Performance Fact Sheet, which must be provided to you before signing an enrollment agreement.”

(C) “A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau’s internet website (internet website address).”

(4) The address or addresses where class sessions will be held.

(5) A description of the programs offered and a description of the instruction provided in each of the courses offered by the institution, the requirements for completion of each program, including required courses, any final tests or examinations, any required internships or externships, and the total number of credit hours, clock hours, or other increments required for completion.

(6) If the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list of the requirements for eligibility for licensure.

(7) Information regarding the faculty and their qualifications.

(8) A detailed description of institutional policies in the following areas:

(A) Admissions policies, including the institution’s policies regarding the acceptance of credits earned at other institutions or through challenge examinations and achievement tests, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides for the transfer of credits earned in the program of

instruction. If the institution has not entered into an articulation or transfer agreement with any other college or university, the institution shall disclose that fact.

(B) Cancellation, withdrawal, and refund policies, including an explanation that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund consistent with the requirements of Article 13 (commencing with Section 94919).

(C) Probation and dismissal policies.

(D) Attendance policies.

(E) Leave-of-absence policies.

(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.

(10) A statement reporting whether the institution participates in federal and state financial aid programs, and if so, all consumer information that is required to be disclosed to the student pursuant to the applicable federal and state financial aid programs.

(11) A statement specifying that, if a student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund, and that, if the student has received federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal student financial aid program funds.

(12) A statement specifying whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).

(13) If the institution provides placement services, a description of the nature and extent of the placement services.

(14) A description of the student’s rights and responsibilities with respect to the Student Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student who pays the student’s tuition is required to pay a state-imposed assessment for the Student Tuition Recovery Fund. This statement shall also describe the purpose and operation of the Student Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition Recovery Fund.

(15) The following statement:

“NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION

The transferability of credits you earn at (name of institution) is at the complete discretion of an institution to which you may seek to

transfer. Acceptance of the (degree, diploma, or certificate) you earn in (name of educational program) is also at the complete discretion of the institution to which you may seek to transfer. If the (credits or degree, diploma, or certificate) that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending (name of institution) to determine if your (credits or degree, diploma, or certificate) will transfer.”

(16) A statement specifying whether the institution, or any of its degree programs, are accredited by an accrediting agency recognized by the United States Department of Education. If the institution is unaccredited and offers an associate, baccalaureate, master’s, or doctoral degree, or is accredited and offers an unaccredited program for an associate, baccalaureate, master’s, or doctoral degree, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:

(A) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states or become certified or registered as required for the applicable profession, occupation, trade, or career field in California.

(B) A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.

(C) That a student enrolled in an unaccredited institution is not eligible for federal financial aid programs.

(b) If the institution has a general student brochure, the institution shall provide that brochure to the prospective student before enrollment. In addition, if the institution has a program-specific student brochure for the program in which the prospective student seeks to enroll, the institution shall provide the program-specific student brochure to the prospective student before enrollment.

(c) An institution shall provide the school catalog to any person upon request. In addition, if the institution has student brochures, the institution shall disclose the requested brochures to any interested person upon request.

(d) An accredited institution is not required to provide a School Performance Fact Sheet to a prospective student who is not a California resident, not residing in California at the time of the student’s enrollment, and enrolling in an accredited distance learning degree program offered by the institution, if the institution complies with all federal laws, the applicable laws of the state where the student is located, and other appropriate laws, including, but not limited to, consumer protection and student disclosure requirements.

SEC. 38. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution for certain costs that may

be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

SEC. 39. (a) Section 24.5 of this bill incorporates amendments to Section 7583.23 of the Business and Professions Code proposed by both this bill and Assembly Bill 1096. Section 24.5 shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 7583.23 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 1096, in which case Section 24 of this bill shall not become operative.

(b) Sections 32.1 and 32.2 of this bill incorporate amendments to Section 9882 of the Business and Professions Code proposed by both this bill and Assembly Bill 471. Sections 32.1 and 32.2 shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 9882 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 471, in which case Section 32 of this bill shall not become operative.

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AMENDED IN ASSEMBLY SEPTEMBER 2, 2021

AMENDED IN ASSEMBLY AUGUST 30, 2021

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 Becker, Hertzberg, Kamlager, Skinner, and Wiener)

(Coauthors: Assembly Members *Bryan*, Carrillo, Cristina Garcia, Gipson, Kalra, Lee, Medina, and Stone)

February 19, 2021

An act to amend Section 1203.41 of, and to amend, repeal, and add Sections 851.93 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, 1973, 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, 1973, 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, commencing July 1, 2023, 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, commencing July 1, 2023, 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.

This bill would incorporate additional changes to Section 1203.425 of the Penal Code proposed by AB 898 and AB 1281 to be operative only if this bill, AB 898, and AB 1281 are enacted and this bill is enacted last.

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:

1 851.93. (a) (1) On a monthly basis, the Department of Justice
2 shall review the records in the statewide criminal justice databases,
3 and based on information in the state summary criminal history
4 repository, shall identify persons with records of arrest that meet
5 the criteria set forth in paragraph (2) and are eligible for arrest
6 record relief.

7 (2) A person is eligible for relief pursuant to this section, if the
8 arrest occurred on or after January 1, 1973, and meets any of the
9 following conditions:

10 (A) The arrest was for a misdemeanor offense and the charge
11 was dismissed.

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

17 (C) The arrest was for an offense that is punishable by
18 imprisonment pursuant to paragraph (1) or (2) of subdivision (h)
19 of Section 1170, there is no indication that criminal proceedings
20 have been initiated, at least three calendar years have elapsed since
21 the date of the arrest, and no conviction occurred, or the arrestee
22 was acquitted of any charges arising, from that arrest.

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

25 (i) A prefiling diversion program, as defined in Section 851.87,
26 administered by a prosecuting attorney in lieu of filing an
27 accusatory pleading.

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

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

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

33 (v) A diversion program described in Chapter 2.8 (commencing
34 with Section 1001.20), Chapter 2.8A (commencing with Section
35 1001.35), Chapter 2.81 (commencing with Section 1001.40),
36 Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A
37 (commencing with Section 1001.60), Chapter 2.9B (commencing
38 with Section 1001.70), Chapter 2.9C (commencing with Section
39 1001.80), Chapter 2.9D (commencing with Section 1001.81), or
40 Chapter 2.92 (commencing with Section 1001.85), of Title 6.

1 (b) (1) The department shall grant relief to a person identified
2 pursuant to subdivision (a), without requiring a petition or motion
3 by a party for that relief if the relevant information is present in
4 the department's electronic records.

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

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

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

27 (d) Relief granted pursuant to this section is subject to the
28 following conditions:

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

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

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

1 (4) Relief granted pursuant to this section does not affect a
2 person’s authorization to own, possess, or have in the person’s
3 custody or control a firearm, or the person’s susceptibility to
4 conviction under Chapter 2 (commencing with Section 29800) of
5 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
6 this authorization or susceptibility.

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

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

17 (e) This section does not limit petitions, motions, or orders for
18 arrest record relief, as required or authorized by any other law,
19 including, but not limited to, Sections 851.87, 851.90, 851.91,
20 1000.4, and 1001.9.

21 (f) The department shall annually publish statistics for each
22 county regarding the total number of arrests granted relief pursuant
23 to this section and the percentage of arrests for which the state
24 summary criminal history information does not include a
25 disposition, on the OpenJustice Web portal, as defined in Section
26 13010.

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

29 (h) This section shall remain in effect only until July 1, 2023,
30 and as of that date is repealed.

31 SEC. 2. Section 851.93 is added to the Penal Code, to read:

32 851.93. (a) (1) On a monthly basis, the Department of Justice
33 shall review the records in the statewide criminal justice databases,
34 and based on information in the state summary criminal history
35 repository, shall identify persons with records of arrest that meet
36 the criteria set forth in paragraph (2) and are eligible for arrest
37 record relief.

38 (2) A person is eligible for relief pursuant to this section, if the
39 arrest occurred on or after January 1, 1973, and meets any of the
40 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, 2023,
26 subject to an appropriation in the annual Budget Act.

27 SEC. 3. 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 by a federally recognized tribe, or for
32 contracting with the California State 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.

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

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

35 (g) Relief granted pursuant to this section does not release the
36 defendant from the terms and conditions of any unexpired criminal
37 protective orders that have been issued by the court pursuant to
38 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
39 of Section 273.5, subdivision (l) of Section 368, or subdivision
40 (k) of Section 646.9. These protective orders shall remain in full

1 effect until expiration or until any further order by the court
2 modifying or terminating the order, despite the dismissal of the
3 underlying accusation or information.

4 (h) Relief granted pursuant to this section does not affect the
5 authority to receive, or take adverse action based on, criminal
6 history information, including the authority to receive certified
7 court records received or evaluated pursuant to Section 1522,
8 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
9 pursuant to any statutory or regulatory provisions that incorporate
10 the criteria of those sections. Relief granted pursuant to this section
11 does not make eligible a person who is otherwise ineligible to
12 provide, or receive payment for providing, in-home supportive
13 services pursuant to Article 7 (commencing with Section 12300)
14 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions
15 Code, or pursuant to Section 14132.95, 14132.952, or 14132.956
16 of the Welfare and Institutions Code.

17 SEC. 4. Section 1203.425 of the Penal Code is amended to
18 read:

19 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject
20 to an appropriation in the annual Budget Act, on a monthly basis,
21 the Department of Justice shall review the records in the statewide
22 criminal justice databases, and based on information in the state
23 summary criminal history repository and the Supervised Release
24 File, shall identify persons with convictions that meet the criteria
25 set forth in subparagraph (B) and are eligible for automatic
26 conviction record relief.

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

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

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

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

37 (iv) Except as otherwise provided in subclause (III) of clause
38 (v), there is no indication that the conviction resulted in a sentence
39 of incarceration in the state prison.

1 (v) The conviction occurred on or after January 1, 1973, and
2 meets either of the following criteria:

3 (I) The defendant was sentenced to probation and, based upon
4 the disposition date and the term of probation specified in the
5 department's records, appears to have completed their term of
6 probation without revocation.

7 (II) The defendant was convicted of an infraction or
8 misdemeanor, was not granted probation, and, based upon the
9 disposition date and the term specified in the department's records,
10 the defendant appears to have completed their sentence, and at
11 least one calendar year has elapsed since the date of judgment.

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

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

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

28 (3) Commencing July 1, 2022, and subject to an appropriation
29 in the annual Budget Act, on a monthly basis, the department shall
30 electronically submit a notice to the superior court having
31 jurisdiction over the criminal case, informing the court of all cases
32 for which a complaint was filed in that jurisdiction and for which
33 relief was granted pursuant to this section. Commencing on August
34 1, 2022, for any record retained by the court pursuant to Section
35 68152 of the Government Code, except as provided in paragraph
36 (4), the court shall not disclose information concerning a conviction
37 granted relief pursuant to this section or Section 1203.4, 1203.4a,
38 1203.41, or 1203.42, to any person or entity, in any format, except
39 to the person whose conviction was granted relief or a criminal
40 justice agency, as defined in Section 851.92.

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

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

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

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

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

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

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

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

39 (H) Relief granted pursuant to this section does not make eligible
40 a person who is otherwise ineligible to provide, or receive payment

1 for providing, in-home supportive services pursuant to Article 7
2 (commencing with Section 12300) of Chapter 3 of Part 3 of
3 Division 9 of the Welfare and Institutions Code, or pursuant to
4 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
5 Institutions Code.

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

9 (5) This section shall not limit petitions, motions, or orders for
10 relief in a criminal case, as required or authorized by any other
11 law, including, but not limited to, Sections 1203.4 and 1204.4a.

12 (6) Commencing July 1, 2022, and subject to an appropriation
13 in the annual Budget Act, the department shall annually publish
14 statistics for each county regarding the total number of convictions
15 granted relief pursuant to this section and the total number of
16 convictions prohibited from automatic relief pursuant to
17 subdivision (b), on the OpenJustice Web portal, as defined in
18 Section 13010.

19 (b) (1) The prosecuting attorney or probation department may,
20 no later than 90 calendar days before the date of a person's
21 eligibility for relief pursuant to this section, file a petition to
22 prohibit the department from granting automatic relief pursuant
23 to this section, based on a showing that granting that relief would
24 pose a substantial threat to the public safety.

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

27 (3) At a hearing on the petition pursuant to this subdivision, the
28 defendant, the probation department, the prosecuting attorney, and
29 the arresting agency, through the prosecuting attorney, may present
30 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
31 the hearing may be heard and determined upon declarations,
32 affidavits, police investigative reports, copies of state summary
33 criminal history information and local summary criminal history
34 information, or any other evidence submitted by the parties that
35 is material, reliable, and relevant.

36 (4) The prosecutor or probation department has the initial burden
37 of proof to show that granting conviction relief would pose a
38 substantial threat to the public safety. In determining whether
39 granting relief would pose a substantial threat to the public safety,

1 the court may consider any relevant factors including, but not
2 limited to, either of the following:

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

5 (B) The defendant’s record of arrests and convictions.

6 (5) If the court finds that the prosecutor or probation department
7 has satisfied the burden of proof, the burden shifts to the defendant
8 to show that the hardship of not obtaining relief outweighs the
9 threat to the public safety of providing relief. In determining
10 whether the defendant’s hardship outweighs the threat to the public
11 safety, the court may consider any relevant factors including, but
12 not limited to, either of the following:

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

15 (B) Declarations or evidence regarding the defendant’s good
16 character.

17 (6) If the court grants a petition pursuant to this subdivision,
18 the court shall furnish a disposition report to the Department of
19 Justice pursuant to Section 13151, stating that relief pursuant to
20 this section was denied, and the department shall not grant relief
21 pursuant to this section.

22 (7) A person denied relief pursuant to this section may continue
23 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If
24 the court subsequently grants relief pursuant to one of those
25 sections, the court shall furnish a disposition report to the
26 Department of Justice pursuant to Section 13151, stating that relief
27 was granted pursuant to the applicable section, and the department
28 shall grant relief pursuant to that section.

29 (c) At the time of sentencing, the court shall advise a defendant,
30 either orally or in writing, of the provisions of this section and of
31 the defendant’s right, if any, to petition for a certificate of
32 rehabilitation and pardon.

33 (d) This section shall remain in effect only until July 1, 2023,
34 and as of that date is repealed.

35 *SEC. 4.1. Section 1203.425 of the Penal Code is amended to*
36 *read:*

37 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject
38 to an appropriation in the annual Budget Act, on a monthly basis,
39 the Department of Justice shall review the records in the statewide
40 criminal justice databases, and based on information in the state

1 summary criminal history repository and the Supervised Release
2 File, shall identify persons with convictions that meet the criteria
3 set forth in subparagraph (B) and are eligible for automatic
4 conviction record relief.

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

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

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

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

15 (iv) Except as otherwise provided in subclause (III) of clause
16 (v), there is no indication that the conviction resulted in a sentence
17 of incarceration in the state prison.

18 (v) The conviction occurred on or after January 1, 1973, and
19 meets either of the following criteria:

20 (I) The defendant was sentenced to probation and, based upon
21 the disposition date and the term of probation specified in the
22 department's records, appears to have completed their term of
23 probation without revocation.

24 (II) The defendant was convicted of an infraction or
25 misdemeanor, was not granted probation, and, based upon the
26 disposition date and the term specified in the department's records,
27 the defendant appears to have completed their sentence, and at
28 least one calendar year has elapsed since the date of judgment.

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

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

1 (C) Except as otherwise provided in paragraph (4) and in Section
2 13555 of the Vehicle Code, a person granted conviction relief
3 pursuant to this section shall be released from all penalties and
4 disabilities resulting from the offense of which the person has been
5 convicted.

6 (3) (A) Commencing July 1, 2022, and subject to an
7 appropriation in the annual Budget Act, on a monthly basis, the
8 department shall electronically submit a notice to the superior court
9 having jurisdiction over the criminal case, informing the court of
10 all cases for which a complaint was filed in that jurisdiction and
11 for which relief was granted pursuant to this section. Commencing
12 on August 1, 2022, for any record retained by the court pursuant
13 to Section 68152 of the Government Code, except as provided in
14 paragraph (4), the court shall not disclose information concerning
15 a conviction granted relief pursuant to this section or Section
16 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in
17 any format, except to the person whose conviction was granted
18 relief or a criminal justice agency, as defined in Section 851.92.

19 (B) *If probation is transferred pursuant to Section 1203.9, the*
20 *department shall electronically submit a notice as provided in*
21 *subparagraph (A) to both the transferring court and any*
22 *subsequent receiving court. The electronic notice shall be in a*
23 *mutually agreed upon format.*

24 (C) *If a receiving court reduces a felony to a misdemeanor*
25 *pursuant to subdivision (b) of Section 17, or dismisses a conviction*
26 *pursuant to law, including, but not limited to, Section 1203.4,*
27 *1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish*
28 *a disposition report to the department with the original case*
29 *number and CII number from the transferring court. The*
30 *department shall electronically submit a notice to the superior*
31 *court that sentenced the defendant. If probation is transferred*
32 *multiple times, the department shall electronically submit a notice*
33 *to all other involved courts. The electronic notice shall be in a*
34 *mutually agreed upon format.*

35 (D) *If a court receives notification from the department pursuant*
36 *to subparagraph (B), the court shall update its records to reflect*
37 *the reduction or dismissal. If a court receives notification that a*
38 *case was dismissed pursuant to this section or Section 1203.4,*
39 *1203.4a, 1203.41, or 1203.42, the court shall update its records*
40 *to reflect the dismissal and shall not disclose information*

1 *concerning a conviction granted relief to any person or entity, in*
2 *any format, except to the person whose conviction was granted*
3 *relief or a criminal justice agency, as defined in Section 851.92.*

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

6 (A) Relief granted pursuant to this section does not relieve a
7 person of the obligation to disclose a criminal conviction in
8 response to a direct question contained in a questionnaire or
9 application for employment as a peace officer, as defined in Section
10 830.

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

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

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

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

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

35 (G) Relief granted pursuant to this section does not affect the
36 authority to receive, or take adverse action based on, criminal
37 history information, including the authority to receive certified
38 court records received or evaluated pursuant to Section 1522,
39 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or

1 pursuant to any statutory or regulatory provisions that incorporate
2 the criteria of those sections.

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

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

13 (5) This section shall not limit petitions, motions, or orders for
14 relief in a criminal case, as required or authorized by any other
15 law, including, but not limited to, Sections 1203.4 and 1204.4a.

16 (6) Commencing July 1, 2022, and subject to an appropriation
17 in the annual Budget Act, the department shall annually publish
18 statistics for each county regarding the total number of convictions
19 granted relief pursuant to this section and the total number of
20 convictions prohibited from automatic relief pursuant to
21 subdivision (b), on the OpenJustice Web portal, as defined in
22 Section 13010.

23 (b) (1) The prosecuting attorney or probation department may,
24 no later than 90 calendar days before the date of a person's
25 eligibility for relief pursuant to this section, file a petition to
26 prohibit the department from granting automatic relief pursuant
27 to this section, based on a showing that granting that relief would
28 pose a substantial threat to the public safety. *If probation was*
29 *transferred pursuant to Section 1203.9, the prosecuting attorney*
30 *or probation department in either the receiving county or the*
31 *transferring county shall file the petition in the county of current*
32 *jurisdiction.*

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

35 (3) At a hearing on the petition pursuant to this subdivision, the
36 defendant, the probation department, the prosecuting attorney, and
37 the arresting agency, through the prosecuting attorney, may present
38 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
39 the hearing may be heard and determined upon declarations,
40 affidavits, police investigative reports, copies of state summary

1 criminal history information and local summary criminal history
2 information, or any other evidence submitted by the parties that
3 is material, reliable, and relevant.

4 (4) The prosecutor or probation department has the initial burden
5 of proof to show that granting conviction relief would pose a
6 substantial threat to the public safety. In determining whether
7 granting relief would pose a substantial threat to the public safety,
8 the court may consider any relevant factors including, but not
9 limited to, either of the following:

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

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

13 (5) If the court finds that the prosecutor or probation department
14 has satisfied the burden of proof, the burden shifts to the defendant
15 to show that the hardship of not obtaining relief outweighs the
16 threat to the public safety of providing relief. In determining
17 whether the defendant's hardship outweighs the threat to the public
18 safety, the court may consider any relevant factors including, but
19 not limited to, either of the following:

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

22 (B) Declarations or evidence regarding the defendant's good
23 character.

24 (6) If the court grants a petition pursuant to this subdivision,
25 the court shall furnish a disposition report to the Department of
26 Justice pursuant to Section 13151, stating that relief pursuant to
27 this section was denied, and the department shall not grant relief
28 pursuant to this section. *If probation was transferred pursuant to*
29 *Section 1203.9, the department shall electronically submit a notice*
30 *to the transferring court, and, if probation was transferred multiple*
31 *times, to all other involved courts.*

32 (7) A person denied relief pursuant to this section may continue
33 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If
34 the court subsequently grants relief pursuant to one of those
35 sections, the court shall furnish a disposition report to the
36 Department of Justice pursuant to Section 13151, stating that relief
37 was granted pursuant to the applicable section, and the department
38 shall grant relief pursuant to that section. *If probation was*
39 *transferred pursuant to Section 1203.9, the department shall*
40 *electronically submit a notice that relief was granted pursuant to*

1 *the applicable section to the transferring court and, if probation*
2 *was transferred multiple times, to all other involved courts.*

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

7 (d) *This section shall remain in effect only until July 1, 2023,*
8 *and as of that date is repealed.*

9 *SEC. 4.2. Section 1203.425 of the Penal Code is amended to*
10 *read:*

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

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

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

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

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

29 (iv) Except as otherwise provided in subclause (III) of clause
30 (v), there is no indication that the conviction resulted in a sentence
31 of incarceration in the state prison.

32 (v) The conviction occurred on or after January 1, 1973, and
33 meets either of the following criteria:

34 (I) The defendant was sentenced to probation and, based upon
35 the disposition date and the term of probation specified in the
36 department’s records, appears to have completed their term of
37 probation without revocation.

38 (II) The defendant was convicted of an infraction or
39 misdemeanor, was not granted probation, and, based upon the
40 disposition date and the term specified in the department’s records,

1 the defendant appears to have completed their sentence, and at
2 least one calendar year has elapsed since the date of judgment.

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

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

14 (C) Except as otherwise provided in paragraph (4) and in Section
15 13555 of the Vehicle Code, a person granted conviction relief
16 pursuant to this section shall be released from all penalties and
17 disabilities resulting from the offense of which the person has been
18 convicted.

19 (3) Commencing July 1, 2022, and subject to an appropriation
20 in the annual Budget Act, on a monthly basis, the department shall
21 electronically submit a notice to the superior court having
22 jurisdiction over the criminal case, informing the court of all cases
23 for which a complaint was filed in that jurisdiction and for which
24 relief was granted pursuant to this section. Commencing on August
25 1, 2022, for any record retained by the court pursuant to Section
26 68152 of the Government Code, except as provided in paragraph
27 (4), the court shall not disclose information concerning a conviction
28 granted relief pursuant to this section or Section 1203.4, 1203.4a,
29 1203.41, or 1203.42, to any person or entity, in any format, except
30 to the person whose conviction was granted relief or a criminal
31 justice agency, as defined in Section 851.92.

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

34 (A) Relief granted pursuant to this section does not relieve a
35 person of the obligation to disclose a criminal conviction in
36 response to a direct question contained in a questionnaire or
37 application for employment as a peace officer, as defined in Section
38 830.

39 (B) Relief granted pursuant to this section does not relieve a
40 person of the obligation to disclose the conviction in response to

1 a direct question contained in a questionnaire or application for
2 public office, or for contracting with the California State Lottery
3 Commission.

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

9 (D) Relief granted pursuant to this section does not limit the
10 jurisdiction of the court over a subsequently filed motion to amend
11 the record, petition or motion for postconviction relief, or collateral
12 attack on a conviction for which relief has been granted pursuant
13 to this section.

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

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

23 (G) *Relief granted pursuant to this section does not release a*
24 *person from the terms and conditions of any unexpired criminal*
25 *protective order that has been issued by the court pursuant to*
26 *paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)*
27 *of Section 273.5, subdivision (l) of Section 368, or subdivision (k)*
28 *of Section 646.9. These protective orders shall remain in full effect*
29 *until expiration or until any further order by the court modifying*
30 *or terminating the order, despite the dismissal of the underlying*
31 *conviction.*

32 (~~G~~)

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

40 (~~H~~)

1 (I) 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 (H)

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

12 (5) This section shall not limit petitions, motions, or orders for
13 relief in a criminal case, as required or authorized by any other
14 law, including, but not limited to, Sections 1203.4 and 1204.4a.

15 (6) Commencing July 1, 2022, and subject to an appropriation
16 in the annual Budget Act, the department shall annually publish
17 statistics for each county regarding the total number of convictions
18 granted relief pursuant to this section and the total number of
19 convictions prohibited from automatic relief pursuant to
20 subdivision (b), on the OpenJustice Web portal, as defined in
21 Section 13010.

22 (b) (1) The prosecuting attorney or probation department may,
23 no later than 90 calendar days before the date of a person's
24 eligibility for relief pursuant to this section, file a petition to
25 prohibit the department from granting automatic relief pursuant
26 to this section, based on a showing that granting that relief would
27 pose a substantial threat to the public safety.

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

30 (3) At a hearing on the petition pursuant to this subdivision, the
31 defendant, the probation department, the prosecuting attorney, and
32 the arresting agency, through the prosecuting attorney, may present
33 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
34 the hearing may be heard and determined upon declarations,
35 affidavits, police investigative reports, copies of state summary
36 criminal history information and local summary criminal history
37 information, or any other evidence submitted by the parties that
38 is material, reliable, and relevant.

39 (4) The prosecutor or probation department has the initial burden
40 of proof to show that granting conviction relief would pose a

1 substantial threat to the public safety. In determining whether
2 granting relief would pose a substantial threat to the public safety,
3 the court may consider any relevant factors including, but not
4 limited to, either of the following:

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

7 (B) The defendant’s record of arrests and convictions.

8 (5) If the court finds that the prosecutor or probation department
9 has satisfied the burden of proof, the burden shifts to the defendant
10 to show that the hardship of not obtaining relief outweighs the
11 threat to the public safety of providing relief. In determining
12 whether the defendant’s hardship outweighs the threat to the public
13 safety, the court may consider any relevant factors including, but
14 not limited to, either of the following:

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

17 (B) Declarations or evidence regarding the defendant’s good
18 character.

19 (6) If the court grants a petition pursuant to this subdivision,
20 the court shall furnish a disposition report to the Department of
21 Justice pursuant to Section 13151, stating that relief pursuant to
22 this section was denied, and the department shall not grant relief
23 pursuant to this section.

24 (7) A person denied relief pursuant to this section may continue
25 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If
26 the court subsequently grants relief pursuant to one of those
27 sections, the court shall furnish a disposition report to the
28 Department of Justice pursuant to Section 13151, stating that relief
29 was granted pursuant to the applicable section, and the department
30 shall grant relief pursuant to that section.

31 (c) At the time of sentencing, the court shall advise a defendant,
32 either orally or in writing, of the provisions of this section and of
33 the defendant’s right, if any, to petition for a certificate of
34 rehabilitation and pardon.

35 (d) *This section shall remain in effect only until July 1, 2023,*
36 *and as of that date is repealed.*

37 *SEC. 4.3. Section 1203.425 of the Penal Code is amended to*
38 *read:*

39 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject
40 to an appropriation in the annual Budget Act, on a monthly basis,

1 the Department of Justice shall review the records in the statewide
2 criminal justice databases, and based on information in the state
3 summary criminal history repository and the Supervised Release
4 File, shall identify persons with convictions that meet the criteria
5 set forth in subparagraph (B) and are eligible for automatic
6 conviction record relief.

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

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

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

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

17 (iv) Except as otherwise provided in subclause (III) of clause
18 (v), there is no indication that the conviction resulted in a sentence
19 of incarceration in the state prison.

20 (v) The conviction occurred on or after January 1, 1973, and
21 meets either of the following criteria:

22 (I) The defendant was sentenced to probation and, based upon
23 the disposition date and the term of probation specified in the
24 department's records, appears to have completed their term of
25 probation without revocation.

26 (II) The defendant was convicted of an infraction or
27 misdemeanor, was not granted probation, and, based upon the
28 disposition date and the term specified in the department's records,
29 the defendant appears to have completed their sentence, and at
30 least one calendar year has elapsed since the date of judgment.

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

36 (B) The state summary criminal history information shall
37 include, directly next to or below the entry or entries regarding the
38 person's criminal record, a note stating "relief granted," listing the
39 date that the department granted relief and this section. This note

1 shall be included in all statewide criminal databases with a record
2 of the conviction.

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

8 (3) (A) Commencing July 1, 2022, and subject to an
9 appropriation in the annual Budget Act, on a monthly basis, the
10 department shall electronically submit a notice to the superior court
11 having jurisdiction over the criminal case, informing the court of
12 all cases for which a complaint was filed in that jurisdiction and
13 for which relief was granted pursuant to this section. Commencing
14 on August 1, 2022, for any record retained by the court pursuant
15 to Section 68152 of the Government Code, except as provided in
16 paragraph (4), the court shall not disclose information concerning
17 a conviction granted relief pursuant to this section or Section
18 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in
19 any format, except to the person whose conviction was granted
20 relief or a criminal justice agency, as defined in Section 851.92.

21 (B) *If probation is transferred pursuant to Section 1203.9, the*
22 *department shall electronically submit a notice as provided in*
23 *subparagraph (A) to both the transferring court and any*
24 *subsequent receiving court. The electronic notice shall be in a*
25 *mutually agreed upon format.*

26 (C) *If a receiving court reduces a felony to a misdemeanor*
27 *pursuant to subdivision (b) of Section 17, or dismisses a conviction*
28 *pursuant to law, including, but not limited to, Section 1203.4,*
29 *1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish*
30 *a disposition report to the department with the original case*
31 *number and CII number from the transferring court. The*
32 *department shall electronically submit a notice to the superior*
33 *court that sentenced the defendant. If probation is transferred*
34 *multiple times, the department shall electronically submit a notice*
35 *to all other involved courts. The electronic notice shall be in a*
36 *mutually agreed upon format.*

37 (D) *If a court receives notification from the department pursuant*
38 *to subparagraph (B), the court shall update its records to reflect*
39 *the reduction or dismissal. If a court receives notification that a*
40 *case was dismissed pursuant to this section or Section 1203.4,*

1 1203.4a, 1203.41, or 1203.42, the court shall update its records
2 to reflect the dismissal and shall not disclose information
3 concerning a conviction granted relief to any person or entity, in
4 any format, except to the person whose conviction was granted
5 relief or a criminal justice agency, as defined in Section 851.92.

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

8 (A) Relief granted pursuant to this section does not relieve a
9 person of the obligation to disclose a criminal conviction in
10 response to a direct question contained in a questionnaire or
11 application for employment as a peace officer, as defined in Section
12 830.

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

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

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

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

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

37 (G) *Relief granted pursuant to this section does not release a*
38 *person from the terms and conditions of any unexpired criminal*
39 *protective order that has been issued by the court pursuant to*
40 *paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)*

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

6 ~~(G)~~

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

14 ~~(H)~~

15 (I) Relief granted pursuant to this section does not make eligible
16 a person who is otherwise ineligible to provide, or receive payment
17 for providing, in-home supportive services pursuant to Article 7
18 (commencing with Section 12300) of Chapter 3 of Part 3 of
19 Division 9 of the Welfare and Institutions Code, or pursuant to
20 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
21 Institutions Code.

22 ~~(I)~~

23 (J) In a 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 relief had not been granted.

26 (5) This section shall not limit petitions, motions, or orders for
27 relief in a criminal case, as required or authorized by any other
28 law, including, but not limited to, Sections 1203.4 and 1204.4a.

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

36 (b) (1) The prosecuting attorney or probation department may,
37 no later than 90 calendar days before the date of a person's
38 eligibility for relief pursuant to this section, file a petition to
39 prohibit the department from granting automatic relief pursuant
40 to this section, based on a showing that granting that relief would

1 pose a substantial threat to the public safety. *If probation was*
2 *transferred pursuant to Section 1203.9, the prosecuting attorney*
3 *or probation department in either the receiving county or the*
4 *transferring county shall file the petition in the county of current*
5 *jurisdiction.*

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

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

17 (4) The prosecutor or probation department has the initial burden
18 of proof to show that granting conviction relief would pose a
19 substantial threat to the public safety. In determining whether
20 granting relief would pose a substantial threat to the public safety,
21 the court may consider any relevant factors including, but not
22 limited to, either of the following:

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

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

26 (5) If the court finds that the prosecutor or probation department
27 has satisfied the burden of proof, the burden shifts to the defendant
28 to show that the hardship of not obtaining relief outweighs the
29 threat to the public safety of providing relief. In determining
30 whether the defendant's hardship outweighs the threat to the public
31 safety, the court may consider any relevant factors including, but
32 not limited to, either of the following:

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

35 (B) Declarations or evidence regarding the defendant's good
36 character.

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

1 pursuant to this section. *If probation was transferred pursuant to*
2 *Section 1203.9, the department shall electronically submit a notice*
3 *to the transferring court, and, if probation was transferred multiple*
4 *times, to all other involved courts.*

5 (7) A person denied relief pursuant to this section may continue
6 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If
7 the court subsequently grants relief pursuant to one of those
8 sections, the court shall furnish a disposition report to the
9 Department of Justice pursuant to Section 13151, stating that relief
10 was granted pursuant to the applicable section, and the department
11 shall grant relief pursuant to that section. *If probation was*
12 *transferred pursuant to Section 1203.9, the department shall*
13 *electronically submit a notice that relief was granted pursuant to*
14 *the applicable section to the transferring court and, if probation*
15 *was transferred multiple times, to all other involved courts.*

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

20 (d) *This section shall remain in effect only until July 1, 2023,*
21 *and as of that date is repealed.*

22 SEC. 5. Section 1203.425 is added to the Penal Code, to read:

23 1203.425. (a) (1) (A) Commencing July 1, 2023, and subject
24 to an appropriation in the annual Budget Act, on a monthly basis,
25 the Department of Justice shall review the records in the statewide
26 criminal justice databases, and based on information in the state
27 summary criminal history repository and the Supervised Release
28 File, shall identify persons with convictions that meet the criteria
29 set forth in subparagraph (B) and are eligible for automatic
30 conviction record relief.

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

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

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

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

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

2 (I) The conviction occurred on or after January 1, 1973, and
3 meets either of the following criteria:

4 (ia) The defendant was sentenced to probation and, based upon
5 the disposition date and the term of probation specified in the
6 department's records, appears to have completed their term of
7 probation without revocation.

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

13 (II) The conviction occurred on or after January 1, 2005, the
14 defendant was convicted of a felony other than one for which the
15 defendant completed probation without revocation, and based upon
16 the disposition date and the sentence specified in the department's
17 records, appears to have completed all terms of incarceration,
18 probation, mandatory supervision, postrelease supervision, and
19 parole, and a period of four years has elapsed since the date on
20 which the defendant completed probation or supervision for that
21 conviction and during which the defendant was not convicted of
22 a new felony offense. This subclause does not apply to a conviction
23 of a serious felony defined in subdivision (c) of Section 1192.7, a
24 violent felony as defined in Section 667.5, or a felony offense
25 requiring registration pursuant to Chapter 5.5 (commencing with
26 Section 290) of Title 9 of Part 1.

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

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

38 (C) Except as otherwise provided in paragraph (4) and in Section
39 13555 of the Vehicle Code, a person granted conviction relief
40 pursuant to this section shall be released from all penalties and

1 disabilities resulting from the offense of which the person has been
2 convicted.

3 (3) Commencing July 1, 2022, and subject to an appropriation
4 in the annual Budget Act, on a monthly basis, the department shall
5 electronically submit a notice to the superior court having
6 jurisdiction over the criminal case, informing the court of all cases
7 for which a complaint was filed in that jurisdiction and for which
8 relief was granted pursuant to this section. Commencing on August
9 1, 2022, for any record retained by the court pursuant to Section
10 68152 of the Government Code, except as provided in paragraph
11 (4), the court shall not disclose information concerning a conviction
12 granted relief pursuant to this section or Section 1203.4, 1203.4a,
13 1203.41, or 1203.42, to any person or entity, in any format, except
14 to the person whose conviction was granted relief or a criminal
15 justice agency, as defined in Section 851.92.

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

18 (A) Relief granted pursuant to this section does not relieve a
19 person of the obligation to disclose a criminal conviction in
20 response to a direct question contained in a questionnaire or
21 application for employment as a peace officer, as defined in Section
22 830.

23 (B) Relief granted pursuant to this section does not relieve a
24 person of the obligation to disclose the conviction in response to
25 a direct question contained in a questionnaire or application for
26 public office, or for contracting with the California State Lottery
27 Commission.

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

33 (D) Relief granted pursuant to this section does not limit the
34 jurisdiction of the court over a subsequently filed motion to amend
35 the record, petition or motion for postconviction relief, or collateral
36 attack on a conviction for which relief has been granted pursuant
37 to this section.

38 (E) Relief granted pursuant to this section does not affect a
39 person's authorization to own, possess, or have in the person's
40 custody or control a firearm, or the person's susceptibility to

1 conviction under Chapter 2 (commencing with Section 29800) of
2 Division 9 of Title 4 of Part 6, if the criminal conviction would
3 otherwise affect this authorization or susceptibility.

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

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

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

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

24 (J) Relief granted pursuant to this section does not release the
25 defendant from the terms and conditions of any unexpired criminal
26 protective orders that have been issued by the court pursuant to
27 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
28 of Section 273.5, subdivision (l) of Section 368, or subdivision
29 (k) of Section 646.9. These protective orders shall remain in full
30 effect until expiration or until any further order by the court
31 modifying or terminating the order, despite the dismissal of the
32 underlying accusation or information.

33 (5) This section shall not limit petitions, motions, or orders for
34 relief in a criminal case, as required or authorized by any other
35 law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a,
36 1203.4b, 1203.41, 1203.42, 1203.49 and 1473.7. This section shall
37 not limit petitions for a certificate of rehabilitation or pardon
38 pursuant to Chapter 3.5 of Title 6 of Part 3.

39 (6) Commencing July 1, 2022, and subject to an appropriation
40 in the annual Budget Act, the department shall annually publish

1 statistics for each county regarding the total number of convictions
2 granted relief pursuant to this section and the total number of
3 convictions prohibited from automatic relief pursuant to
4 subdivision (b), on the OpenJustice Web portal, as defined in
5 Section 13010.

6 (b) (1) The prosecuting attorney or probation department may,
7 no later than 90 calendar days before the date of a person's
8 eligibility for relief pursuant to this section, file a petition to
9 prohibit the department from granting automatic relief pursuant
10 to this section, based on a showing that granting that relief would
11 pose a substantial threat to the public safety.

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

14 (3) At a hearing on the petition pursuant to this subdivision, the
15 defendant, the probation department, the prosecuting attorney, and
16 the arresting agency, through the prosecuting attorney, may present
17 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
18 the hearing may be heard and determined upon declarations,
19 affidavits, police investigative reports, copies of state summary
20 criminal history information and local summary criminal history
21 information, or any other evidence submitted by the parties that
22 is material, reliable, and relevant.

23 (4) The prosecutor or probation department has the initial burden
24 of proof to show that granting conviction relief would pose a
25 substantial threat to the public safety. In determining whether
26 granting relief would pose a substantial threat to the public safety,
27 the court may consider any relevant factors including, but not
28 limited to, either of the following:

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

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

32 (5) If the court finds that the prosecutor or probation department
33 has satisfied the burden of proof, the burden shifts to the defendant
34 to show that the hardship of not obtaining relief outweighs the
35 threat to the public safety of providing relief. In determining
36 whether the defendant's hardship outweighs the threat to the public
37 safety, the court may consider any relevant factors including, but
38 not limited to, either of the following:

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

1 (B) Declarations or evidence regarding the defendant's good
2 character.

3 (6) If the court grants a petition pursuant to this subdivision,
4 the court shall furnish a disposition report to the Department of
5 Justice pursuant to Section 13151, stating that relief pursuant to
6 this section was denied, and the department shall not grant relief
7 pursuant to this section.

8 (7) A person denied relief pursuant to this section may continue
9 to be eligible for relief pursuant to law, including, but not limited
10 to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court
11 subsequently grants relief pursuant to one of those sections, the
12 court shall furnish a disposition report to the Department of Justice
13 pursuant to Section 13151, stating that relief was granted pursuant
14 to the applicable section, and the department shall grant relief
15 pursuant to that section.

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

20 *SEC. 5.1. Section 1203.425 is added to the Penal Code, to*
21 *read:*

22 *1203.425. (a) (1) (A) Commencing July 1, 2023, and subject*
23 *to an appropriation in the annual Budget Act, on a monthly basis,*
24 *the Department of Justice shall review the records in the statewide*
25 *criminal justice databases, and based on information in the state*
26 *summary criminal history repository and the Supervised Release*
27 *File, shall identify persons with convictions that meet the criteria*
28 *set forth in subparagraph (B) and are eligible for automatic*
29 *conviction record relief.*

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

32 *(i) The person is not required to register pursuant to the Sex*
33 *Offender Registration Act.*

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

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

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

1 (I) The conviction occurred on or after January 1, 1973, and
2 meets either of the following criteria:

3 (ia) The defendant was sentenced to probation and, based upon
4 the disposition date and the term of probation specified in the
5 department's records, appears to have completed their term of
6 probation without revocation.

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

12 (II) The conviction occurred on or after January 1, 2005, the
13 defendant was convicted of a felony other than one for which the
14 defendant completed probation without revocation, and based
15 upon the disposition date and the sentence specified in the
16 department's records, appears to have completed all terms of
17 incarceration, probation, mandatory supervision, postrelease
18 supervision, and parole, and a period of four years has elapsed
19 since the date on which the defendant completed probation or
20 supervision for that conviction and during which the defendant
21 was not convicted of a new felony offense. This subclause does not
22 apply to a conviction of a serious felony defined in subdivision (c)
23 of Section 1192.7, a violent felony as defined in Section 667.5, or
24 a felony offense requiring registration pursuant to Chapter 5.5
25 (commencing with Section 290) of Title 9 of Part 1.

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

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

37 (C) Except as otherwise provided in paragraph (4) and in
38 Section 13555 of the Vehicle Code, a person granted conviction
39 relief pursuant to this section shall be released from all penalties

1 *and disabilities resulting from the offense of which the person has*
2 *been convicted.*

3 (3) (A) *Commencing July 1, 2022, and subject to an*
4 *appropriation in the annual Budget Act, on a monthly basis, the*
5 *department shall electronically submit a notice to the superior*
6 *court having jurisdiction over the criminal case, informing the*
7 *court of all cases for which a complaint was filed in that*
8 *jurisdiction and for which relief was granted pursuant to this*
9 *section. Commencing on August 1, 2022, for any record retained*
10 *by the court pursuant to Section 68152 of the Government Code,*
11 *except as provided in paragraph (4), the court shall not disclose*
12 *information concerning a conviction granted relief pursuant to*
13 *this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to*
14 *any person or entity, in any format, except to the person whose*
15 *conviction was granted relief or a criminal justice agency, as*
16 *defined in Section 851.92.*

17 (B) *If probation is transferred pursuant to Section 1203.9, the*
18 *department shall electronically submit a notice as provided in*
19 *subparagraph (A) to both the transferring court and any*
20 *subsequent receiving court. The electronic notice shall be in a*
21 *mutually agreed upon format.*

22 (C) *If a receiving court reduces a felony to a misdemeanor*
23 *pursuant to subdivision (b) of Section 17, or dismisses a conviction*
24 *pursuant to law, including, but not limited to, Section 1203.4,*
25 *1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish*
26 *a disposition report to the department with the original case*
27 *number and CII number from the transferring court. The*
28 *department shall electronically submit a notice to the superior*
29 *court that sentenced the defendant. If probation is transferred*
30 *multiple times, the department shall electronically submit a notice*
31 *to all other involved courts. The electronic notice shall be in a*
32 *mutually agreed upon format.*

33 (D) *If a court receives notification from the department pursuant*
34 *to subparagraph (B), the court shall update its records to reflect*
35 *the reduction or dismissal. If a court receives notification that a*
36 *case was dismissed pursuant to this section or Section 1203.4,*
37 *1203.4a, 1203.41, or 1203.42, the court shall update its records*
38 *to reflect the dismissal and shall not disclose information*
39 *concerning a conviction granted relief to any person or entity, in*

1 any format, except to the person whose conviction was granted
2 relief or a criminal 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 (k)
16 of Section 646.9. These protective orders shall remain in full effect
17 until expiration or until any further order by the court modifying
18 or terminating the order, despite the dismissal of the underlying
19 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 1203.4b, 1203.41, 1203.42, 1203.49 and 1473.7. This section shall
24 not limit petitions for a certificate of rehabilitation or pardon
25 pursuant to Chapter 3.5 of Title 6 of Part 3.

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

33 (b) (1) The prosecuting attorney or probation department may,
34 no later than 90 calendar days before the date of a person's
35 eligibility for relief pursuant to this section, file a petition to
36 prohibit the department from granting automatic relief pursuant
37 to this section, based on a showing that granting that relief would
38 pose a substantial threat to the public safety. If probation was
39 transferred pursuant to Section 1203.9, the prosecuting attorney
40 or probation department in either the receiving county or the

1 transferring county shall file the petition in the county of current
2 jurisdiction.

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

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

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

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

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

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

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

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

34 (6) If the court grants a petition pursuant to this subdivision,
35 the court shall furnish a disposition report to the Department of
36 Justice pursuant to Section 13151, stating that relief pursuant to
37 this section was denied, and the department shall not grant relief
38 pursuant to this section. If probation was transferred pursuant to
39 Section 1203.9, the department shall electronically submit a notice

1 to the transferring court, and, if probation was transferred multiple
2 times, to all other involved courts.

3 (7) A person denied relief pursuant to this section may continue
4 to be eligible for relief pursuant to law, including, but not limited
5 to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court
6 subsequently grants relief pursuant to one of those sections, the
7 court shall furnish a disposition report to the Department of Justice
8 pursuant to Section 13151, stating that relief was granted pursuant
9 to the applicable section, and the department shall grant relief
10 pursuant to that section. If probation was transferred pursuant to
11 Section 1203.9, the department shall electronically submit a notice
12 that relief was granted pursuant to the applicable section to the
13 transferring court and, if probation was transferred multiple times,
14 to all other involved courts.

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

19 SEC. 6. (a) Section 4.1 of this bill incorporates amendments
20 to Section 1203.425 of the Penal Code proposed by both this bill
21 and Assembly Bill 898. That section of this bill shall only become
22 operative if (1) both bills are enacted and become effective on or
23 before January 1, 2022, (2) each bill amends Section 1203.425 of
24 the Penal Code, and (3) Assembly Bill 1281 is not enacted or as
25 enacted does not amend that section, and (4) this bill is enacted
26 after Assembly Bill 898, in which case Sections 4, 4.2, and 4.3 of
27 this bill shall not become operative.

28 (b) Section 4.2 of this bill incorporates amendments to Section
29 1203.425 of the Penal Code proposed by both this bill and
30 Assembly Bill 1281. That section of this bill shall only become
31 operative if (1) both bills are enacted and become effective on or
32 before January 1, 2022, (2) each bill amends Section 1203.425 of
33 the Penal Code, (3) Assembly Bill 898 is not enacted or as enacted
34 does not amend that section, and (4) this bill is enacted after
35 Assembly Bill 1281 in which case Sections 4, 4.1, and 4.3 of this
36 bill shall not become operative.

37 (c) Section 4.3 of this bill incorporates amendments to Section
38 1203.425 of the Penal Code proposed by this bill, Assembly Bill
39 898, and Assembly Bill 1281. That section of this bill shall only
40 become operative if (1) all three bills are enacted and become

1 *effective on or before January 1, 2022, (2) all three bills amend*
2 *Section 1203.425 of the Penal Code, and (3) this bill is enacted*
3 *after Assembly Bill 898 and Assembly Bill 1281, in which case*
4 *Sections 4, 4.1, and 4.2 of this bill shall not become operative.*

5 *SEC. 7. (a) Section 5.1 of this bill incorporates amendments*
6 *to Section 1203.425 of the Penal Code proposed by this bill and*
7 *Assembly Bill 898. That section of this bill shall become operative*
8 *if (1) both bills are enacted and become effective on or before*
9 *January 1, 2022, (2) each bill amends Section 1203.425 of the*
10 *Penal Code, and (3) Assembly Bill 1281 is not enacted or as*
11 *enacted does not amend that section, and (4) this bill is enacted*
12 *after Assembly Bill 898, in which case Section 5 of this bill shall*
13 *not become operative and subdivision (b) of this section shall not*
14 *apply.*

15 *(b) Section 5.1 of this bill incorporates amendments to Section*
16 *1203.425 of the Penal Code proposed by this bill, Assembly Bill*
17 *898, and Assembly Bill 1281. That section of this bill shall become*
18 *operative if (1) all three bills are enacted and become effective on*
19 *or before January 1, 2022, (2) each bill amends Section 1203.425*
20 *of the Penal Code, and (3) this bill is enacted after Assembly Bill*
21 *898 and Assembly Bill 1281, in which case Section 5 of this bill*
22 *shall not become operative and subdivision (a) of this section shall*
23 *not apply.*

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