
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 420 **Hearing Date:** March 21, 2017
Author: Monning
Version: February 15, 2017
Urgency: No **Fiscal:** Yes
Consultant: NQG

Subject: *State Summary Criminal History Information: Sentencing Information*

HISTORY

Source: California Department of Social Services

Prior Legislation: None known

Support: California District Attorneys Association

Opposition: None known

PURPOSE

The purpose of is bill is to require the Department of Justice to include sentencing information in the state summary criminal history information record.

Existing law requires the Department of Justice (DOJ) to maintain state summary criminal history information. “State summary criminal history information” means that the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies, booking numbers, charges, dispositions, and similar data about the person. (Penal Code § 11105 (2)(A).)

Existing law determines that “state summary criminal history information” does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the DOJ. (Penal Code § 11105 (2)(B).)

Existing law specifies to whom and how the state summary criminal history information may be released and for what purposes it may be used. This includes courts, peace officers, district attorneys, city attorneys, probations officers, parole officers, public defenders or attorneys, and other agencies that the state summary criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, as specified, such as the utilization of this information in fulfilling employment certifications, or licensing duties. (Penal Code §11105 2 (B)(b), Penal Code §11105 (B)(b)(10).)

This bill would require the DOJ to include sentencing information in the state “summary criminal history information record.”

COMMENTS

1. Need for This Bill

According to the author:

Section 11105 of the Penal Code allows for a number of specified entities to receive state summary criminal history information from the California Department of Justice (DOJ). The criminal history of individuals provided by DOJ includes dates of arrests, arresting agencies, booking numbers, charges, and dispositions. For over 20 years, the disposition information provided to the receiving entities included sentencing information. In March of 2016, the DOJ, however, made in an internal decision that Penal Code 11105 does not explicitly provide them with the authority to release sentencing information as part of the state summary criminal history. As a result, DOJ has not provided these entities with sentencing information since March, 2016.

The numerous entities that have traditionally relied on this information as a part of an individual’s complete criminal history, including public safety officers, the courts, district attorneys, county health officers, and local and state agencies, are now having to resort to researching and requesting sentencing documents directly from the court system. This outreach can be a burdensome, time-consuming, and costly process for departments and agencies that use this information to conduct statutorily required background checks, criminal record clearances, or exemptions for those seeking various clearances, certifications, or licenses.

SB 420 will clarify that the Department of Justice is required to provide sentencing information as a part of an individual’s state summary of criminal history. This measure will codify and clarify the authority of DOJ to release sentencing information that has traditionally been in place for over two decades, and provide needed criminal background information to entities that use the information to complete mandated background checks and other certification or licensure related duties.

2. The Effect of This Bill

For 20 years, the DOJ has provided sentencing information, including dates of arrest, booking numbers, charges, and disposition to state and local agencies. However, in March 2016, the DOJ changed its interpretation of Penal Code § 11105 because, in their view, the statute does not explicitly grant the DOJ the authority to share sentencing information with state and local agencies. Following this change in interpretation, agencies that need sentencing information of individuals to perform critical elements of their purpose, such as properly fulfilling licensing, certification, or employment duties, now must obtain this information through alternative means, creating a costly, time consuming burden. For instance, the California Department of Social Services now must directly petition the courts for sentencing information on an individual’s probationary terms or for the classification of a conviction.

This bill clarifies Penal Code § 11105 by codifying the previous DOJ practice of disseminating sentencing information to specified state and local agencies for specified purposes. Providing this previously supplied sentencing information ensures that state and local agencies will continue to serve their primary function in an efficient, previously established, manner.

- END -