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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair  
2025 - 2026 Regular

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**Bill No:** AB 922                      **Hearing Date:** July 8, 2025  
**Author:** Hoover  
**Version:** May 19, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SU

**Subject:** *University of California: employees, volunteers, and contractors:  
background checks*

### HISTORY

**Source:** University of California  
**Prior Legislation:** AB 94 (Alvarez), Ch. 94, Stats. of 2023,  
**Support:** Unknown  
**Opposition:** None known  
**Assembly Floor Vote:** 70 - 0

### AS PROPOSED TO BE AMENDED IN COMMITTEE

#### PURPOSE

***The purpose of this bill is to allow the University of California to continue receiving state and federal level criminal history information from the Department of Justice (DOJ).***

*Existing federal law* authorizes the Federal Bureau of Investigation (FBI) to collect national criminal history information for centralization in the Criminal Justice Information System (CJIS), and to disseminate this information to state agencies for employment purposes. (Pub. L. No. 92-544).

*Existing law* requires DOJ to maintain state summary criminal history information, as defined, and to furnish this information to various state and local government officers, officials, and other prescribed entities, if needed in the course of their duties. (Pen. Code, §11105.)

*Existing law* defines “state summary criminal history information” to mean the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person. (Pen. Code, §11105, subd. (a)(2)(A).)

*Existing law* specifies that a fingerprint-based criminal history information check that is required pursuant to any statute be requested from the DOJ. When a government agency or other entity requests such a criminal history check for purposes of employment, licensing, or certification,

existing law requires the DOJ to disseminate specified information in response to the request, including information regarding convictions and arrests for which the applicant is presently awaiting trial. (Pen. Code, § 11105, subd. (u)(1) & (3).)

*Existing law* states if fingerprint-based criminal history information is requested, the DOJ shall transmit fingerprint images and related information to the FBI for the purpose of obtaining a federal criminal history information check. (Pen. Code, § 11105, subd. (u)(2).)

*Existing law* prohibits employers with five or more employees from asking a job candidate about conviction history before making a job offer and requires an employer who intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history to make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job, and to consider certain topics when making that assessment, as described. These provisions are commonly referred to as "Ban the Box." (Gov. Code, § 12952.)

*This bill* states that the University of California may require background checks to be completed by the DOJ during the final stages of the recruitment process for a prospective, staff employee, contractor or volunteer.

*This bill* requires the University of California to submit to DOJ fingerprint images of a prospective staff employee, contractor, or volunteer, that the University of California obtains and related information required by the DOJ for purposes of a state and federal level criminal history background check.

*This bill* requires DOJ to provide a state or federal response, or both if applicable, to the University of California, as specified.

*This bill* specifies that it does not authorize hiring practices that are inconsistent with the "Ban the Box" law.

*This bill* contains legislative findings and declarations about why the University of California uses background checks for critical positions and the need for continued access to criminal conviction history from the U.S. Department of Justice.

*This bill* states that if the University of California knows that an individual for whom notification is requested is no longer in a position for which notification is authorized, they shall immediately notify the department to terminate notification for that individual, and DOJ shall terminate notification for that individual.

*This bill* requires the University of California to verify, not less than every six months, that each individual for whom notification has not been terminated is still in a position with the program for which notification is authorized.

*This bill* states that that if the University of California receives a subsequent notification for an individual unknown to the CASA program or for whom the CASA program terminated notification, it shall immediately inform them that the individual is unknown to them or that it terminated the notification request for the individual.

## COMMENTS

### 1. Need for This Bill

According to the author:

With the FBI notifying state entities that current statutory authority to perform fingerprint-base background checks for California employees is insufficient for access to the Criminal Justice Information System (CJIS), AB 922 will give the necessary authority to access the database. Without this statutory authority, University of California (UC) campuses, medical centers and other locations must access this information through third-party vendors, which can be costly and delay the hiring process. Access to the CJIS will allow the UC system to use valuable resources on other areas of need, instead of getting caught up in prolonged hiring processes. This access ensures the UC system has the necessary tools to thoroughly vet and hire the best candidates possible while maintaining the safety and well-being of the community.

### 2. Background Check Process

DOJ is tasked with maintaining state summary criminal history information and requires the Attorney General to furnish state summary criminal history information only to statutorily authorized entities or individuals for employment, licensing, volunteering etc. (Pen. Code, § 11105.)

State summary criminal history information is the master record of information compiled by DOJ pertaining to the identification and criminal history of any person. This information includes name, date of birth, physical description, fingerprints, photographs, arrests, dispositions and similar data. (Pen. Code, § 11105, subd. (a).) Access to person's summary criminal history information is generally prohibited and only allowed to be disseminated if specifically authorized in statute. "The state constitutional right of privacy extends to protect defendants from unauthorized disclosure of criminal history records. [Citation.] These records are compiled without the consent of the subjects and disseminated without their knowledge. Therefore, custodians of the records, have a duty to 'resist attempts at unauthorized disclosure and the person who is the subject of the record is entitled to expect that his right will be thus asserted.'" (*Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 165-66.)

Similarly, the FBI collects and securely stores criminal history data, including fingerprints, from nearly 18,000 law enforcement agencies across the nation in the CJIS. When a federal criminal background check is requested by an authorized user, fingerprint images are forwarded to the FBI and a fingerprint-based search of records in the national criminal history database is performed. If the applicant's fingerprints match data in the national criminal history database, the FBI sends the DOJ criminal history information from any state or federal agencies that have reported the information to the FBI.

Under statutory authority, the DOJ has processed State of California and Federal Bureau of Investigation (FBI) fingerprint-based background checks for decades.

Securing a criminal background check prior to employment, licensure, or certification provides a hiring or licensing authority an important resource,

which aids in the evaluation of the applicant. These applicants are often candidates for positions that place them in a position of trust for some of California's most vulnerable citizenry, elderly, and dependent adults and children. As such, it is vital for the hiring or licensing authority to be aware of specified active arrests or convictions. Entrusting applicants with the responsibility of the position prior to a criminal background check potentially jeopardizes the safety and integrity of the workplace and may leave some individuals exposed to unnecessary harm. Employment and licensing authorities may also face legal liability if applicants with specified active arrests or convictions are employed or licensed when statute prohibits such action based on the successful completion of a criminal background check.

(<https://oag.ca.gov/fingerprints> [as of June 28, 2025].)

In December 2022, the FBI notified the California Department of Justice that the current state statutory authority for the FBI process fingerprint-based background checks for state employees no longer qualified for access to federal criminal history information pursuant to Public Law 92-544. Instead, applicant agencies wishing to restore access to the CJIS for the purpose of servicing state employee fingerprint-based background checks must enact new statutory authority that:

- 1) Explicitly references a national criminal history check;
- 2) Includes an express or implied reference such as “submit to the FBI”;
- 3) Authorizes the use of FBI records for screening of applicants; and
- 4) Identifies the specific categories of licensees and employees that fall within its purview to avoid being overly broad.

This bill requires the University of California to submit to DOJ fingerprint images of a prospective employee, contractor, or volunteer in the final stages of the application process for purposes of a state and federal level criminal history background check in accordance with existing procedures. This bill states that DOJ is required to provide a state or federal response, or both if applicable, to the University of California.

Pursuant to Penal Code section 11105, subdivision (u)(4), DOJ is authorized to subsequent criminal history notification. In recognition that employees and volunteers may cease to work or volunteer for the University of California at some point in the future, the committee amendments impose requirements on the University of California to check their records periodically and notify DOJ if a person is no longer affiliated with the University so that the subsequent notification service is terminated.

### **3. Argument in Support**

According to the University of California, the sponsor of this bill:

UC policy requires a background check for critical positions. The UC obtains fingerprint images and related information from a prospective employee who has accepted a conditional offer of employment in a critical position to conduct a background check. Candidates considered for critical positions have sensitive

administrative, programmatic, and/or managerial duties and responsibilities that could potentially cause human, financial or property loss, or other significant risk. Not having access to DOJ and FBI criminal conviction history has resulted in locations spending excessive time and resources to access federal criminal conviction history through third-party vendors, which has created additional financial costs, significant hiring delays, and increased exposure for potential liabilities.

This bill is necessary to ensure the UC has access to DOJ and FBI federal criminal conviction history so that it can conduct timely background checks for critical positions. This will allow the UC to continue to provide a safe and secure environment for its employees, students, and others in the University community, protect its property and assets, and uphold the reputation and integrity of the University.

**– END –**