
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1390 **Hearing Date:** April 14, 2026
Author: Menjivar
Version: March 25, 2026
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Online dating services: background checks*

HISTORY

Source: Author

Prior Legislation: AB 1289 (Cooper), Ch. 740, Stats. 2016

Support: Unknown

Opposition: None known

PURPOSE

The purpose of this bill is to require an online dating service provider to conduct, or have a third party conduct, a criminal background check for each California user; require the background check to be completed upon the creation of a profile by a California user; and require an online dating service provider to place a flag on a California user's profile if the user has specified criminal convictions or is on the national sex offender registry.

Existing law requires the Department of Justice (DOJ) to maintain state summary criminal history information. (Pen. Code, § 11105, subd. (a)(1).)

Existing law requires DOJ to furnish state summary criminal history information to specified entities, if needed in the course of their duties, including the courts of the state; peace officers, as defined; district attorneys of the state; prosecuting city attorneys; city attorneys pursuing civil gang injunctions, drug abatement actions, or pursuing gun violence restraining orders; probation officers of the state; parole officers of the state; a public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon; a public defender or attorney of record when representing a person in a criminal case; any agency, officer, or official of the state if the 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, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct; any city or county, city and county, district, or any officer or official if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute,

ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct; any person or entity when access is expressly authorized by statute if the 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, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct; health officers of a city, county, city and county, or district when in the performance of their official duties preventing the spread of communicable diseases; any managing or supervising correctional officer of a county jail or other county correctional facility; an officer providing conservatorship investigations; a person authorized to conduct a guardianship investigation; among others. (Pen. Code, § 11105, subd. (b).)

Existing law authorizes DOJ to furnish state summary criminal history information and, when specifically authorized, federal-level criminal history information upon a showing of compelling need to any of several specified agencies, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment, certification, or licensing duties, the employer must follow restrictions listed in the Labor Code. (Pen. Code, § 11105, subd. (c).)

Existing law authorizes any local criminal justice agency as defined to compile local summary criminal history information and requires the local criminal justice agency to furnish this information to specified entities. (Pen. Code, § 13300.)

Existing law provides that a “transportation network company” (TNC) is an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle. (Pub. Util. Code, § 5431, subd. (c).)

Existing law requires a TNC to conduct, or have a third party conduct, a local and national criminal background check for each participating driver that must include both of the following:

- The use of a multistate and multijurisdiction criminal records locator or other similar commercial nationwide database with validation.
- A search of the U.S. Department of Justice (DOJ) National Sex Offender Public website. (Pub. Util. Code, § 5445.2, subd. (a)(1).)

Existing law prohibits a TNC from contracting with, employing, or retaining a driver if the driver meets either of the following criteria:

- Is currently registered on the U.S. DOJ National Sex Offender Public website.
- Has been convicted of any of the following offenses: a violent felony, human trafficking, igniting an explosive or committing arson with the intent of terrorizing another, possession or manufacture of an weapon of mass destruction, knowingly threatening to use a weapon of mass destruction, or possession of a restricted biological agent. (Pub. Util. Code, § 5445.2, subd. (a)(2).)

Existing law prohibits a TNC from contracting with, employing, or retaining a driver if the driver has been convicted of any of the following offenses within the previous seven years:

- Misdemeanor assault or battery.
- A domestic violence offense.
- Driving under the influence of alcohol or drugs.
- Intimidating a voter, various bribery offenses, extortion, false impersonation, theft, or grand theft. (Pub. Util. Code, § 5445.2, subd. (a)(3).)

Existing law provides that the restrictions related to prior convictions apply with respect to a conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined above. (Pub. Util. Code, § 5445.2, subd. (a)(4).)

Existing law provides that existing law related to a TNC contracting with, employing, or retaining a driver, shall not be interpreted to prevent a transportation network company from imposing additional standards. (Pub. Util. Code, § 5445.2, subd. (a)(5).)

Existing law provides that a TNC that violates, or fails to comply with, the provisions above is subject to a penalty of not less than \$1,000 nor more than \$5,000 for each offense. (Pub. Util. Code, § 5445.2, subd. (b).)

Existing law authorizes, notwithstanding existing law, an investigative consumer reporting agency to furnish an investigative consumer report to a TNC about a person seeking to become a participating driver, regardless of whether the participating driver is to be an employee or an independent contractor of the transportation network company. (Pub. Util. Code, § 5445.2, subd. (c)(1).)

Existing law provides that the prohibition on a consumer reporting agency from furnishing specified items including records of arrest, indictment, information, misdemeanor complaint, or conviction of a crime that is more than 7 years old, does not apply to an investigative consumer report furnished to a TNC. (Pub. Util. Code, § 5445.2, subd. (c)(2).)

Existing law requires that an investigative consumer reporting agency only furnish an investigative report for specified purposes, including that it is intended to be used for information for employment purposes. (Civ. Code, § 1786.12, subd. (d).)

Existing law prohibits an investigative consumer reporting agency from furnishing specified items, including records of arrest, indictment, information, misdemeanor complaint, or conviction of a crime that is more than 7 years old. Prohibits this information from being reported if at any time it is learned that, in the case of a conviction, a full pardon has been granted or, in the case of an arrest, indictment, information, or misdemeanor complaint, a conviction did not result, except as specified. (Civ. Code, § 1786.18, subd. (a)(7).)

Existing law enumerates the felonies considered “violent.” Provides that the following are violent felonies: murder or voluntary manslaughter; mayhem; rape, as defined; sodomy, as defined; oral copulation, as defined; lewd or lascivious act, as defined; any felony punishable by death or imprisonment in the state prison for life; any felony in which the defendant inflicts great bodily injury on a person other than an accomplice; any robbery; arson; sexual penetration, as defined; attempted murder; explosion or attempted explosion of a destructive device with the

intent to commit murder; explosion or ignition of any destructive device or any explosive which causes bodily injury to any person; explosion of a destructive device which causes death or great bodily injury; kidnapping; assault with the intent to commit mayhem, rape, sodomy or oral copulation; continuous sexual abuse of a child; carjacking, as defined; rape or sexual penetration, in concert; extortion which would constitute a felony violation of the gang statute; threats to victims or witnesses which would constitute a felony violation of the gang statute; any first degree burglary; use of a firearm during the commission of specified crimes; possession, development, production, and transfers of weapons of mass destruction; and rape, wherein it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim. (Pen. Code, § 667.5, subd. (c).)

Existing law enumerates the felonies considered “serious.” Provides that the following are serious felonies: murder or voluntary manslaughter; mayhem; rape; sodomy by force, violence, duress, menace, or threat or fear of bodily injury; oral copulation by force, violence, duress, menace or threat or fear of bodily injury; lewd act with child under fourteen years of age; any felony punishable by death or life imprisonment; any felony in which defendant personally inflicts great bodily injury on any person other than an accomplice or personally uses a firearm; attempted murder; assault with intent to commit rape or robbery; assault with a deadly weapon or instrument on a peace officer; assault by a life prisoner on a non-inmate; assault with a deadly weapon by an inmate; arson; exploding a destructive device or any explosive with intent to injure; exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; exploding a destructive device or any explosive with intent to murder; burglary of an inhabited dwelling; robbery or bank robbery; kidnapping; holding a hostage by an inmate; attempt to commit a crime punishable by life imprisonment or death; any felony where defendant personally used a dangerous or deadly weapon; sale or furnishing heroin, cocaine, PCP, or methamphetamine to a minor; forcible penetration with a foreign object; grand theft involving a firearm; any gang-related felony; assault with the intent to commit mayhem or specified sex offenses; maliciously throwing acid or flammable substances; witness intimidation; assault with a deadly weapon or firearm or assault on a peace officer or firefighter; assault with a deadly weapon on a public transit employee; criminal threats; discharge of a firearm at an inhabited dwelling, vehicle, or aircraft; commission of rape or sexual penetration in concert; continuous sexual abuse of a child; shooting from a vehicle; any attempt to commit a “serious” felony other than assault; any violation of the 10 years, 20 years, 25 years to life gun law; possession or use of any weapon of mass destruction; human trafficking of a minor, except as provided; and any conspiracy to commit a “serious” felony. (Pen. Code, § 1192.7, subd. (c).)

This bill includes the following definitions:

- “California user” means a user who submits a California ZIP Code as part of their registration with an online dating service provider.
- “Flag” means a conspicuous notation denoting that a California user has a conviction for a criminal offense described in the provisions of this bill that is visible to other users who view that California user’s profile.
- “Online dating service” means a dating, matrimonial, or social referral service offered primarily online, including by means of an internet website or a mobile application.
- “Online dating service provider” means a person or entity predominantly engaged in the business of offering an online dating service.

- “Profile” means a description of a user that an online dating service provider makes available to other users to view for purposes of the online dating service.
- “User” means an individual who submits to an online dating service provider, or related third party, personal information to register for a profile to use an online dating service offered by the online dating service provider.

This bill requires an online dating service provider to conduct, or have a third party conduct, a local and national criminal background check for each California user that includes both of the following:

- A multistate and multijurisdiction criminal records locator or other similar commercial nationwide database with validation.
- A search of the U.S. DOJ National Sex Offender Public Website.

This bill requires the background check to be completed upon the creation of a profile by a California user.

This bill requires an online dating service provider to place a flag on a California user’s profile if the user meets any of the following criteria:

- The California user is currently registered on the U.S. DOJ National Sex Offender Public Website.
- The California user has been convicted of any of the following offenses:
 - A violent felony, as defined.
 - Assault or battery, as defined.
 - Any offense involving domestic violence.
 - A hate crime, as defined.
- The California user has been convicted of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined above.

COMMENTS

1. Need For This Bil

According to the author:

In today’s modern dating world, online dating has become increasingly popular with dating apps being a primary choice for many people to meet, interact, and build relationships. While dating apps have grown in reach and influence, so has the evidence showing that platforms have failed to keep pace with the safety standards their users reasonably expect. While some platforms include in their terms of service that users are not authorized to use their platforms if they have been convicted of violent crimes, their terms go on to make clear that they do not conduct criminal background checks or inquire into the backgrounds of their users. SB 1390 is designed to close that gap. By requiring dating platforms to conduct criminal background checks at registration and flag users with convictions related to violent felonies, assault, hate crimes, domestic violence, and sexual violence, this bill ensures that online dating platforms provide users with a safe space to swipe.

2. Prevalence of Online Dating

Over the past thirty years, online dating has become extremely common in the U.S. Historically website-based, app-based online dating has become popular over the last 15 years. Researchers have identified several trends in online dating. A 2023 survey conducted by the Pew Research Center found that 30% of adults reported that they had ever used a dating website or app.¹ Not surprisingly, online dating is more common among younger adults than among older adults with approximately half of those under 30 (53%) reporting that they had ever used a dating site or app, compared with 37% of those ages 30 to 49, 20% of those 50 to 64, and 13% of those 65 and older.² The survey noted the following demographic information about users of online dating platforms:

Men are somewhat more likely than women to have tried online dating (34% vs. 27%), as are those with at least some college education when compared with those with a high school education or less.

Adults who have *never* been married are much more likely than married adults to report having used online dating sites or apps (52% vs. 16%). Adults who are currently living with a partner (46%) or who are divorced, separated, or widowed (36%) are also more likely to have tried online dating than married adults.

There are no statistically significant differences in the shares of adults who report ever using an online dating platform by race or ethnicity: Similar shares of White, Black, Hispanic and Asian adults report ever having done so.³

Notably, one in 10 partnered adults (i.e., individuals who are married, living with a partner, or in a committed romantic relationship) met their current significant other through a dating site or app.⁴ For partnered adults under 30, that percentage is even higher with one in five reporting that they met their current partner through a dating site or app.⁵

Of relevance to this bill, the Pew survey reported that a majority of those surveyed support requiring background checks before someone can create a profile.⁶ The share of U.S. adults who said online dating is generally a very or somewhat safe way to meet people has decreased slightly since 2019, from 53% to 48%, and women are more likely than men to say online dating is not too safe or not at all safe.⁷

3. Prior Legislation Requiring Criminal Background Checks for TNC Drivers

A decade ago, the Legislature enacted AB 1289 (Cooper), Chapter 740, Statutes of 2016, which required a TNC to conduct, or have a third party conduct, a local and national criminal background check for each participating driver. AB 1289 prohibited a TNC from contracting with, employing, or retaining a driver if the person is currently registered on the U.S. DOJ

¹ Vogels & McClain, *Key findings about online dating in the U.S.* (Feb. 2, 2023) <www.pewresearch.org/short-reads/2023/02/02/key-findings-about-online-dating-in-the-u-s/>.

² *Ibid.*

³ *Ibid.*

⁴ Vogels & McClain, *supra*.

⁵ *Ibid.*

⁶ Vogels & McClain, *supra*.

⁷ *Ibid.*

National Sex Offender Public Website, or has been convicted of certain terrorism-related felonies or a violent felony. The bill also prohibited a TNC from contracting with, employing, or retaining a driver if the person has been convicted of any misdemeanor assault or battery, any domestic violence offense, driving under the influence of alcohol or drugs, or any of a specified list of felonies within the previous 7 years. The legislation was introduced after “[the] District Attorneys in Los Angeles and San Francisco uncovered 25 participating TNC drivers with convictions for murder, assault, DUI, and other criminal offenses.” (Sen. Com. on Public Safety, Analysis of Assem. Bill No. 1289 (2015-2016 Reg. Sess.) as amended Jun. 21, 2016, p. 4.)

In addition to requiring criminal background checks for prospective TNC drivers, and prohibiting the contracting with, employment of, or retention of individuals with specified criminal histories, Public Utilities Code section 5445.2 established a civil fine of between \$1,000-5,000 for each violation of its provisions.

4. Effect of This Bill

This bill is largely modeled after Public Utilities Code section 5445.2 and has two components. First, this bill requires an online dating service provider to conduct, or have a third party conduct, a criminal background check for each California user. The background check must be completed when the dating profile is created. Second, this bill requires an online dating service provider to place a flag on a California user’s profile if the user has specified criminal convictions or is on the national sex offender registry. The criminal offenses that would trigger the requirement that a user’s profile is flagged include: a violent felony, as defined in Penal Code section 667.5; an assault or battery; any offense involving domestic violence; or a hate crime.

The provisions in this bill differ from the provisions in Public Utilities Code section 5445.2 in two significant ways. Unlike Section 5445.2, this bill does not include an enforcement mechanism or penalty for violations of its provisions. In addition, this bill does not include a washout period for any of the criminal convictions that would result in an online profile being flagged. While Section 5445.2 requires the permanent prohibition of prospective TNC drivers with a conviction for a violent felony or terrorism-related offense, the prohibition on prospective TNC drivers with other criminal convictions is limited to convictions occurring in the prior seven years.

This bill raises several policy considerations. Public Utilities Code section 5445.2 is ultimately a consumer protection law and is designed to keep TNC riders safe from drivers. Because of the confined nature of a vehicle and the fact that the driver is in control of the vehicle, riders are inherently vulnerable to harms inflicted upon them by the driver. For example, a rider susceptible to harm if the driver is intoxicated, drives recklessly, or decides to kidnap them or physically harm them. Accordingly, the background check requirements of Public Utilities Code section 5445.2 are intended to weed out prospective drivers who may be more inclined to harm riders. In doing so, Section 5445.2 is intended to increase trust in the safety of TNCs. That is critical, particularly in areas in which there is limited public transit and walkability, and where individuals do not have access to drive a private vehicle.

This bill requires background checks for users of online dating services. There are some notable distinctions between the way online dating services and TNCs are utilized by consumers. While there may be benefits to requiring users of online dating services to undergo a criminal background check, it should be noted that meeting new people (whether through dating apps or organically) is inherently risky. However, arguably, online dating services do not necessarily

produce the same level of vulnerability to individual consumers in the same way that utilizing a TNC does. For example, many people create online dating profiles but never interact with anyone (e.g., have an inactive profile, do not match with other users, etc.). Some may match with other users but never exchange messages or may exchange messages but never meet in person. For those who do meet in person, the initial date (or even first several dates) is often in a public setting which generally minimizes the risk of harm to an individual. Unlike TNCs which provide a critical service, particularly in light of the country's public transit infrastructure and overall walkability, online dating services may offer a useful but not necessarily critical service in the same way or to the same degree.

Committee members may wish to consider whether the criminal offenses included in the bill that would trigger a user's profile to be flagged are appropriate. Should any crimes be added or removed? What is meant by "any domestic violence offense"? The term is borrowed from Public Utilities Code section 5445.2 and is not defined in that code section or in this bill. Is "domestic violence offense" limited to convictions of Penal Code section 273.5 (felony domestic violence) or Penal Code section 243, subdivision (e) (misdemeanor domestic violence)? Many criminal acts could occur within the context of domestic violence (e.g., kidnapping, false imprisonment, stalking, sexual assault, making criminal threats, etc.). While some of these acts would be covered by the provisions of this bill because those offenses are included in the violent felony list, some would not be. For example, stalking, as defined in Penal Code section 646.9, is a wobbler, and even if charged as a felony, is not included on the violent felony list. The same is true for making a criminal threat, as defined in Penal Code section 422, and false imprisonment, as defined in Penal Code section 236. The Committee may wish to consider whether and how to define "any domestic violence offense." With respect to the washout period, the Committee may wish to consider whether there should be a washout period for prior convictions that result in a flag on a user's profile.

Given the inaccuracies sometimes contained in background check information supplied by commercial background check companies especially for individuals with common names, the Committee may wish to consider whether any type of criminal background check apart from one utilizing state and federal criminal history information should be authorized.

Finally, the Committee may wish to consider whether this bill should include civil penalties for an online dating service provider's failure to comply with the requirements in this bill in order to disincentivize noncompliance.

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