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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

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**Bill No:** SB 905                      **Hearing Date:** May 20, 2020  
**Author:** Archuleta  
**Version:** March 26, 2020  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Criminal History Information Requests*

## HISTORY

**Source:** California Catholic Conference

**Prior Legislation:** None

**Support:** California Attorney General; California Public Defenders Association; Oakland Privacy

**Opposition:** None known

## PURPOSE

*The purpose of this bill is to provide that a residence address shall not be required to be submitted to the Department of Justice (DOJ) for a background check of an individual applying to work with a minor and makes other technical amendments regarding federal background checks.*

*Existing law* provides that people seeking a license, employment or volunteer position with supervisory or disciplinary power over a minor may have a criminal background check through the DOJ. (Penal Code § 11105.3)

*Existing law* requires any request for a criminal background check shall include the fingerprints of the individual along with other specified information. (Penal Code § 11105.3(b).)

*This bill* provides that the DOJ shall not require the applicant's residence address for any request for records under. (Penal Code § 11105.3)

*Existing law* provides that the under specified statutes the DOJ may request a federal background check along with the state criminal history information. (Penal Code § 11105)

*This bill* adds "universal citation" information into California law to clarify that all agencies and entities authorized to get background checks can also receive federal background checks.

## COMMENTS

### 1. Need for the Bill

According to the author:

Under current law, the Department of Justice can be forced to divulge the background check records without a proper warrant, constituting an unlawful seizure. The fear of this personal information being taken has created a chilling effect on the volunteer efforts of organizations throughout the state. Individuals are afraid of volunteering and contributing in their communities for fear of their privacy being breached by federal entities.

### 2. Remove address requirement

Under existing law specified people whose job or volunteer position includes authority over children are required to get a criminal background check. Under existing law this may require a person submit their home address along with their fingerprints. Some organizations have found that while people are happy to volunteer they are not comfortable submitting their fingerprints to a governmental agency. This bill clarifies that a residence address cannot be required.

### 3. Federal background check clarification

The federal government requires statutory authority in order for a federal criminal background check. While many state background check statutes have the appropriate language, not all do. This bill introduces a “universal citation” into California law, which simplifies the inclusion of language for agencies and entities seeking statutory authority to perform federal criminal history records checks. Consistent references to proposed legislation ensures all requirement criteria of Public Law 92-544 and FBI policy are met, which will reduce the number of requests for federal criminal records checks authority that are denied by the FBI.

### 4. Amendment to be taken in Committee

The author will take an amendment to delete lines 3-5 on page 19 of the bill.

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