

Bill

SB 1298 Skinner (Skinner)
Increasing Access to Employment Act

Summary

This bill increases opportunities for individuals to obtain an occupational license and public employment. Specifically, this bill:

- (1) Enhances a person's ability to get a license by eliminating the DOJ's ability to disseminate information about old and dismissed convictions to employers and agencies;
- (2) Streamlines the process individuals to access, verify, and correct their own inaccurate records; and
- (3) Creates a fund for rehabilitation and reentry services.

Current Law (Article 5 Sections 11120-11126 of the Penal code) governs how an individual can obtain their own state criminal history information from the Department of Justice and provides the mechanism by which incorrect information can be corrected.

Current Law (Section 11105 of the Penal Code) regulates the information that DOJ can furnish to licensing agencies. Section 13300 of the Penal Code allows local law enforcement agencies to furnish criminal history information for the purposes of employment and licensing.

Background

The expungement process in California is not the complete removal of sealed records; the record still exists, can be used as priors by DAs, and nothing happens to the record of arrest. Rather, there is a note on the court record and RAP sheet that says, "expunged" and individuals can lawfully tell private employers that they do not have a conviction. However, licensing agencies and public employers can still see records because they get background check information from the DOJ.

The Problem

Licensing agencies and employers can compile a person's criminal history record from any source (court records, local law enforcement records, private background check companies).

Licensing boards and public employers can deny, suspend, and revoke employment and licensure based off of old and dismissed convictions. This prevents people who have proven their rehabilitation from becoming employed in numerous occupations. Individually regulating each licensing board and public employer is nearly impossible because there are so many licensing boards and agencies throughout the state, and the boards will find ways to circumvent regulations if they have access to a person's criminal history at all. Boards and agencies must be prevented from accessing information about old and dismissed convictions in the first place.

Further, appealing a denial from a licensing agency is a difficult task because individuals do not know which records the board will receive. By giving consumers the same CORI that is sent to the boards, they will be in a better position to explain their convictions, show how the conviction does not relate to the profession, and demonstrate their commitment to rehabilitation.

This bill makes it so that licensing agencies do not get to see expunged convictions, thereby eliminating the candor trap.

Sponsor

Californians for Safety and Justice

For More Information

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