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SB-152 Background checks and fingerprinting: state employment, licensing, and contracting. (2023-2024)

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Senate Bill No. 152

CHAPTER 198

An act to amend Sections 19448, 26001, 26010.6, and 26050 of, and to add Section 10073.5 to, the Business and Professions Code, to amend Sections 100002, 100006.3, and 100009 of, to add Section 382 to, and to repeal and add Section 100008 of, the Financial Code, to amend Sections 11852 and 11880 of the Government Code, to add Sections 25169.9, 25200.01, 50405.5, and 111633 to the Health and Safety Code, to add Section 14306.6 to the Public Resources Code, and to amend Section 2200 of, and to add Section 4321 to, the Welfare and Institutions Code, relating to background checks, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 13, 2023. Filed with Secretary of State September 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 152, Committee on Budget and Fiscal Review. Background checks and fingerprinting: state employment, licensing, and contracting.

(1) Existing law requires the Department of Justice 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, as specified. Existing law authorizes the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history information check pursuant to a referencing statute. Existing law requires the department to review the information returned from the Federal Bureau of Investigation, and to compile and disseminate a response or a fitness determination to the agency or entity identified in the referencing statute.

This bill would require the Office of Youth and Community Restoration, the State Department of State Hospitals, the Department of Financial Protection and Innovation, the California Horse Racing Board, the Department of Toxic Substances Control, the Department of Real Estate, the Department of Housing and Community Development, the Department of General Services, the California Conservation Corps, the Treasurer's office, and the Controller's office to submit to the Department of Justice fingerprint images and related information required by the Department of Justice for specified individuals, including employees, prospective employees, and contractors, as applicable.

This bill would also require the State Department of Public Health to require an applicant for a human prescription drug manufacturing license to submit fingerprint images, and related information as required, to the Department of Justice.

The bill would require the Department of Justice to provide a state- or federal-level response, as specified.

This bill would require the Department of Real Estate and the Department of Housing and Community Development to require certain services contracts, interagency agreements, or public entity agreements to include a provision requiring the contractor to agree to perform criminal background checks on its employees and subcontractors who will have access to specified information.

(2) Existing law establishes the Department of Financial Protection and Innovation in the Business, Consumer Services, and Housing Agency, headed by the Commissioner of Financial Protection and Innovation. Under existing law, the department has charge of the execution of specified laws relating to various financial institutions and financial services, including banks, trust companies, credit unions, finance lenders, and residential mortgage lenders. Existing law authorizes the commissioner to deliver, or cause to be delivered, to local, state, or federal law enforcement agencies fingerprints taken of specified individuals, including, among others, an applicant for employment with the department.

This bill would require the department to require fingerprint images from any department employee, prospective employee or applicant seeking employment within the department, contractor, subcontractor, volunteer, or vendor who may have access to criminal offender record information. The bill would require the Department of Justice to forward a request for national-level criminal offender record information to the Federal Bureau of Investigation and compile and disseminate the information returned, as specified.

(3) Existing law requires the Department of FISCal to require fingerprint images and associated information from any employee, prospective employee, contractor, subcontractor, volunteer, vendor, or partner agency employee whose duties include, or would include, having access to confidential or sensitive information or data on the network or computing infrastructure, as provided.

This bill would instead require the Department of FISCal to require fingerprint images and associated related information from any department employee, prospective employee, contractor, subcontractor, volunteer, or partner staff, as defined, whose duties include, or would include, having access to confidential or sensitive information or production data on the network.

Existing law requires the Chief of Human Resources of the Department of FISCal to follow a written appeal process for an individual who is determined ineligible for employment because of the individual's Department of Justice or Federal Bureau of Investigation criminal offender record, and requires the Chief of Human Resources to take evidence of rehabilitation under consideration when considering background information from the Department of Justice.

This bill would delete the above-described provisions regarding the duties of the Chief of Human Resources of the Department of FISCal.

(4) The Debt Collection Licensing Act prohibits a person from engaging in the business of debt collection in this state without first obtaining a license from the Commissioner of Financial Protection and Innovation pursuant to the act. The act requires the commissioner to submit to the Department of Justice fingerprint images and related information required by the Department of Justice of every applicant, as specified, for purposes of obtaining information as to the existence and content of, among other things, a record of state or federal convictions and state or federal arrests.

This bill would repeal that provision and would, instead, require the commissioner to require a background investigation of each applicant by means of a Federal Bureau of Investigation criminal history record check and would require the submission of fingerprints for each applicant, as prescribed. The bill would prohibit an application for a license from being denied for, among other things, a criminal conviction if the convicted person has obtained a certain certificate of rehabilitation or has been granted clemency or a pardon by a state or federal executive.

Existing law requires the commissioner to, upon an application for licensure, investigate specified persons related to an applicant depending upon whether the applicant is a partnership or is a corporation, trust, limited liability company, or association, as specified, including, if the applicant is a partnership, the general partners.

This bill would revise and recast those provisions, including by requiring the commissioner to, with respect to an applicant that is a partnership, investigate the applicant's managing partners and supervising partners, as defined in the partnership agreement.

This bill would, for purposes of the act, specify that "applicant" includes a natural person, partnership, corporation, limited liability company, trust, estate, cooperative, association, or other entity, who applies for a license.

(5) Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities. MAUCRSA establishes the Department of Cannabis Control, under the supervision and control of a director, to administer and enforce its provisions.

MAUCRSA authorizes the director to employ and appoint all employees necessary to properly administer the work of the department, in accordance with civil service laws and regulations. MAUCRSA requires the director to designate the persons employed by the department for purposes of the administration and enforcement of MAUCRSA, and requires the director to ensure that a sufficient number of employees are qualified peace officers for purposes of enforcing MAUCRSA.

MAUCRSA requires the Department of Cannabis Control to submit to the Department of Justice fingerprint images and other related information for criminal history information checks of certain employees, prospective employees, contractors, and subcontractors, as specified. MAUCRSA requires the Department of Cannabis Control to request from the Department of Justice subsequent notification service for those individuals, as specified.

This bill would repeal the requirement that the Department of Cannabis Control request from the Department of Justice subsequent notification service. The bill would also define criminal offender record information and controlled substances for purposes of the criminal history information check provisions.

MAUCRSA authorizes the department to issue state cannabis licenses and specifies license classifications, including, among others, a Type 13—Cannabis event organizer license classification.

This bill would define a cannabis event organizer for purposes of the Type 13—Cannabis event organizer license classification as a person authorized to plan and organize temporary cannabis events. The bill would add a Type 14—Processor classification to the codified list of license classifications, and would define a processor for these purposes as a person authorized to engage in only trimming, drying, curing, grading, packaging, and labeling of cannabis and nonmanufactured cannabis products.

(6) This bill would appropriate the sum of \$10,000 from the General Fund to the Department of Justice for purposes of implementing these provisions.

(7) AUMA authorizes the Legislature to amend its provisions with a $\frac{2}{3}$ vote of both houses to further its purposes and intent, except as specified.

This bill would state that the bill furthers the purposes and intent of AUMA.

(8) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10073.5 is added to the Business and Professions Code, to read:

10073.5. (a) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any employee, prospective employee, contractor, subcontractor, or volunteer whose duties include, or would include, access to criminal offender record information. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(b) (1) The department shall require a services contract, interagency agreement, or public entity agreement that includes, or would include, access to criminal offender record information to include a provision requiring the contractor to agree to perform criminal background checks on its employees and subcontractors who will have access to information described in subdivision (a) as part of their services contract, interagency agreement, or public entity agreement with the department.

(2) This subdivision shall only apply to a services contract, interagency agreement, or public entity agreement that is entered into, renewed, or amended on or after January 1, 2024.

(c) For purposes of this section:

(1) "Access" means the ability to view electronically or on paper.

(2) "Criminal offender record information" means the same as defined in Section 11075 of the Penal Code.

SEC. 2. Section 19448 of the Business and Professions Code is amended to read:

19448. (a) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all employees, prospective employees, and contractors pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(c) The board's chief of licensing and enforcement may investigate the criminal history of all persons listed in subdivision (a) in order to make a final determination of a person's fitness to perform duties.

SEC. 3. Section 26001 of the Business and Professions Code is amended to read:

26001. For purposes of this division, the following definitions apply:

(a) "A-license" means a state license issued under this division for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation, or are intended for use on, or consumption by, animals.

(b) "A-licensee" means any person holding a license under this division for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation, or are intended for use on, or consumption by, animals.

(c) "Animal" does not include a food animal as defined in Section 4825.1 or livestock as defined in Section 14205 of the Food and Agricultural Code.

(d) "Applicant" means an owner applying for a state license pursuant to this division.

(e) "Batch" means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

(1) Harvest batch. "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.

(2) Manufactured cannabis batch. "Manufactured cannabis batch" means either of the following:

(A) An amount of cannabis concentrate or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(B) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.

(f) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

(g) "Cannabis accessories" has the same meaning as in Section 11018.2 of the Health and Safety Code.

(h) "Cannabis beverage" means a form of edible cannabis product that is intended to be consumed in its final state as a beverage.

(i) "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from glandular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, a processed pet food, as defined by Section 113025 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(j) "Cannabis event organizer" means a person authorized to plan and organize temporary cannabis events as authorized in Section 26200.

(k) "Cannabis products" has the same meaning as in Section 11018.1 of the Health and Safety Code, and includes cannabis products intended for use on, or consumption by, an animal. Cannabis products are not considered food, as defined by Section 109935 of the Health and Safety Code, a drug, as defined by Section 109925 of the Health and Safety Code, or a cosmetic, as defined by Section 109900 of the Health and Safety Code.

(l) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(m) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in this division, or acting as a cannabis event organizer for temporary cannabis events.

- (n) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (o) "Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
- (p) "Customer" means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician's recommendation, or a primary caregiver.
- (q) "Daycare center" has the same meaning as in Section 1596.76 of the Health and Safety Code.
- (r) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.
- (s) "Department" means the Department of Cannabis Control within the Business, Consumer Services, and Housing Agency.
- (t) "Director" means the Director of the Department of Cannabis Control.
- (u) "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- (v) "Distributor" means a licensee that is authorized to engage in the distribution of cannabis and cannabis products.
- (w) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (x) "Edible cannabis product" means a cannabis product that is intended to be used, in whole or in part, for human or animal consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, a processed pet food, as defined by Section 113025 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
- (y) "Fund" means the Cannabis Control Fund established pursuant to Section 26210.
- (z) "Kind" means applicable type or designation regarding a particular cannabis variant, origin, or product type, including, but not limited to, strain name, trademark, or production area designation.
- (aa) "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
- (ab) "Labor peace agreement" means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.
- (ac) "License" means a state license issued under this division, and includes both an A-license and an M-license, as well as a testing laboratory license.
- (ad) "Licensee" means any person holding a license under this division, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.
- (ae) "Licensing authority" means the department and any state agency currently or formerly responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
- (af) "Live plants" means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (ag) "Local jurisdiction" means a city, county, or city and county.
- (ah) "Lot" means a batch or a specifically identified portion of a batch.
- (ai) "M-license" means a state license issued under this division for commercial cannabis activity involving medicinal cannabis.
- (aj) "M-licensee" means any person holding a license under this division for commercial cannabis activity involving medicinal cannabis.

(ak) "Manufacture" means to compound, blend, extract, infuse, package, label, or otherwise make or prepare a cannabis product.

(al) (1) "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation, or in compliance with any compassionate use, equity, or other similar program administered by a local jurisdiction.

(2) The amendments made to this subdivision by the act adding this paragraph shall become operative upon completion of the necessary changes to the track and trace program in order to implement the act adding this paragraph, as determined by the Department of Food and Agriculture, or on March 1, 2020, whichever occurs first.

(am) "Microbusiness" means a licensee that is authorized to engage in cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.

(an) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

(ao) "Operation" means any act for which licensure is required under the provisions of this division, or any commercial transfer of cannabis or cannabis products.

(ap) "Owner" means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The chief executive officer of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a license.

(aq) "Package" means any container or receptacle used for holding cannabis or cannabis products.

(ar) "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(as) "Physician's recommendation" means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(at) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

(au) "Primary caregiver" has the same meaning as in Section 11362.7 of the Health and Safety Code.

(av) "Processor" means a person authorized to engage in only trimming, drying, curing, grading, packaging, and labeling of cannabis and nonmanufactured cannabis products.

(aw) "Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

(ax) "Retailer" means a person authorized to engage in the retail sale and delivery of cannabis or cannabis products to customers.

(ay) "Sell," "sale," and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

(az) "Testing laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the department.

(ba) "Unique identifier" means an alphanumeric code or designation issued pursuant to the track and trace program established by the department and used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

(bb) "Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

SEC. 4. Section 26010.6 of the Business and Professions Code is amended to read:

26010.6. (a) Pursuant to subdivision (u) of Section 11105 of the Penal Code, and except as provided in subdivision (c), the Department of Cannabis Control shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for an employee, prospective employee, contractor, or subcontractor whose duties include or would include access to criminal offender record information, as defined in Section 11075 of the Penal Code, contained in the information systems or records of the Department of Cannabis Control or access to cannabis, cannabis products, or other controlled substances listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code, except for peace officer employees and prospective peace officer employees.

(b) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the Department of Cannabis Control shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all peace officer employees and prospective peace officer employees of the department. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (k) of Section 11105 of the Penal Code.

(c) Subdivision (a) does not apply to employees hired on or before June 30, 2023, or to any contract entered into on or before June 30, 2023.

SEC. 5. Section 26050 of the Business and Professions Code is amended to read:

26050. (a) The license classification pursuant to this division shall, at a minimum, be as follows:

(1) Type 1—Cultivation; Specialty outdoor; Small.

(2) Type 1A—Cultivation; Specialty indoor; Small.

(3) Type 1B—Cultivation; Specialty mixed-light; Small.

(4) Type 1C—Cultivation; Specialty cottage; Small.

(5) Type 2—Cultivation; Outdoor; Small.

(6) Type 2A—Cultivation; Indoor; Small.

(7) Type 2B—Cultivation; Mixed-light; Small.

(8) Type 3—Cultivation; Outdoor; Medium.

(9) Type 3A—Cultivation; Indoor; Medium.

(10) Type 3B—Cultivation; Mixed-light; Medium.

(11) Type 4—Cultivation; Nursery.

(12) Type 5—Cultivation; Outdoor; Large.

(13) Type 5A—Cultivation; Indoor; Large.

(14) Type 5B—Cultivation; Mixed-light; Large.

(15) Type 6—Manufacturer 1.

(16) Type 7—Manufacturer 2.

(17) Type 8—Testing laboratory.

(18) Type 10—Retailer.

(19) Type 11—Distributor.

(20) Type 12—Microbusiness.

(21) Type 13—Cannabis event organizer.

(22) Type 14—Processor.

(b) With the exception of testing laboratory licenses, which may be used to test cannabis and cannabis products regardless of whether they are intended for use by individuals who possesses a physician's recommendation, all licenses issued under this division shall bear a clear designation indicating whether the license is for commercial adult-use cannabis activity as distinct from commercial medicinal cannabis activity by prominently affixing an "A" or "M," respectively. Examples of such a designation include, but are not limited to, "A-Type 1" or "M-Type 1." Except as specifically specified in this division, the requirements for A-licenses and M-licenses shall be the same. For testing laboratories, the department shall create a license that indicates a testing laboratory may test both adult-use and medicinal cannabis.

(c) A license issued pursuant to this division shall be valid for 12 months from the date of issuance. The license may be renewed annually.

(d) The department shall establish procedures for the issuance and renewal of licenses.

SEC. 6. Section 382 is added to the Financial Code, to read:

382. (a) The department shall require fingerprint images from any department employee, prospective employee or applicant seeking employment within the department, contractor, subcontractor, volunteer, or vendor who may have access to criminal offender record information.

(b) The fingerprint images described in subdivision (a) shall be furnished to the Department of Justice for the purpose of obtaining state- and national-level criminal record information, and to determine the existence and nature of any of the following:

(1) A record of state or federal convictions and the existence and nature of state or federal arrests for which the person is free on bail or on their own recognizance pending trial or appeal.

(2) Being convicted of, or pleading nolo contendere to, a crime, or having committed an act involving dishonesty, fraud, or deceit, if the crime or act is substantially related to the qualifications, functions, or duties of a person in accordance with this provision.

(3) Any conviction or arrest for which the person is free on bail or on their own recognizance pending trial or appeal that has a reasonable nexus to the information or data that the person will be given access.

(c) When the Department of Justice receives a request for national-level criminal offender record information, it shall forward the request to the Federal Bureau of Investigation. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response as provided under subdivision (k) or (o) of Section 11105 of the Penal Code to the department.

(d) The department shall request subsequent arrest notifications from the Department of Justice as provided under Section 11105.2 of the Penal Code.

(e) The Department of Justice may assess a fee sufficient to cover the processing costs required under this section, as authorized pursuant to subdivision (e) of Section 11105 of the Penal Code.

(f) For purposes of this section, "criminal offender record information" means the same as defined in Section 13102 of the Penal Code.

SEC. 7. Section 100002 of the Financial Code is amended to read:

100002. For purposes of this division, the following terms have the following meanings:

(a) "Applicant" means a person, including a natural person, partnership, corporation, limited liability company, trust, estate, cooperative, association, or other entity, who applied for a license pursuant to this division.

(b) "California debtor accounts" means accounts that are owned by consumers who reside in California at the time that the consumer makes a payment on the account.

(c) "Collection agency" means a business entity through which a debt collector or an association of debt collectors engage in debt collection.

(d) "Commissioner" means the Commissioner of Financial Protection and Innovation.

(e) "Consumer credit transaction" means a transaction between a natural person and another person in which property, services, or money is acquired on credit by that natural person from the other person primarily for personal, family, or household purposes.

(f) "Consumer debt" or "consumer credit" means money, property, or their equivalent, due or owing, or alleged to be due or owing, from a natural person by reason of a consumer credit transaction. The term "consumer debt" includes a mortgage debt. The term "consumer debt" includes "charged-off consumer debt" as defined in Section 1788.50 of the Civil Code.

(g) "Creditor" means a person who extends consumer credit to a debtor.

(h) "Debt" means money, property, or their equivalent that is due or owing or alleged to be due or owing from a natural person to another person.

(i) "Debt collection" means any act or practice in connection with the collection of consumer debt.

(j) "Debt collector" means any person who, in the ordinary course of business, regularly, on the person's own behalf or on behalf of others, engages in debt collection. The term includes any person who composes and sells, or offers to compose and sell, forms, letters and other collection media used or intended to be used for debt collection. The term "debt collector" includes "debt buyer" as defined in Section 1788.50 of the Civil Code.

(k) "Debtor" means a natural person from whom a debt collector seeks to collect a consumer debt that is due or owing or alleged to be due or owing from the person.

(l) "Department" means the Department of Financial Protection and Innovation.

(m) "Fund" means the Debt Collection Licensing Fund established pursuant to Section 100006.5.

(n) "Licensee" means a person licensed, conditionally or unconditionally, pursuant to this chapter.

(o) "Nationwide Multistate Licensing System & Registry" means a system of record, created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, for nondepository, financial services licensing or registration in participating state agencies, the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam.

(p) "Person" means a natural person, partnership, corporation, limited liability company, trust, estate, cooperative, association, or other similar entity.

SEC. 8. Section 100006.3 of the Financial Code is amended to read:

100006.3. (a) The commissioner may require an applicant for a license to make some or all of the filings with the commissioner through the Nationwide Multistate Licensing System & Registry.

(b) The commissioner may require an application to be made through the Nationwide Multistate Licensing System & Registry, and may require fees, financial statements, supporting documents, changes of address, and any other information, and amendments or modifications thereto, to be submitted by applicants and licensees through the Nationwide Multistate Licensing System & Registry.

(c) The commissioner may require licensees to pay annual fees through the Nationwide Multistate Licensing System & Registry.

SEC. 9. Section 100008 of the Financial Code is repealed.

SEC. 10. Section 100008 is added to the Financial Code, to read:

100008. (a) The commissioner shall require a background investigation of each applicant by means of a Federal Bureau of Investigation criminal history record check of the individuals subject to investigation under Section 100009 and shall require the submission of fingerprints for each individual subject to investigation under Section 100009.

(b) If the applicant is a partnership, corporation, limited liability company, trust, estate, cooperative, association, or other business organization, the commissioner shall require a Federal Bureau of Investigation criminal history record check, including the submission of fingerprints, for each individual described in Section 100009.

(c) Notwithstanding any other provision of law, the Nationwide Multistate Licensing System Registry may be used as a channeling agent between the United States Department of Justice and the commissioner for purposes of requesting and distributing information for the background investigations described in this section.

(d) (1) An applicant shall not be denied a license on the basis of a criminal conviction, or on the basis of acts underlying a criminal conviction, if the convicted person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or has been granted clemency or a pardon by a state or federal executive.

(2) An applicant shall not be denied a license on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.425 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide the commissioner with proof of the dismissal if it is not reflected in the applicant's criminal history record report.

(3) An applicant shall not be denied a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or juvenile adjudication.

(4) An applicant may be denied a license on the grounds that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. An applicant shall not be denied a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(5) If an applicant is denied a license based solely or in part on conviction history, the applicant shall be notified in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) The procedure for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the decision.

(D) The processes to request a copy of the applicant's complete conviction history and to question the accuracy or completeness of the record.

SEC. 11. Section 100009 of the Financial Code is amended to read:

100009. (a) (1) Upon the filing of an application for a license pursuant to Section 100007 and the payment of the fees, if the applicant is a partnership, the commissioner shall investigate all of the following:

(A) The applicant.

(B) The applicant's managing partners and supervising partners, as defined in the partnership agreement.

(C) Any individual owning or controlling, directly or indirectly, 10 percent or more of the outstanding interests in the applicant.

(D) Any individual responsible for the conduct of the applicant's debt collection activities or policies in this state.

(2) Upon the filing of an application for a license pursuant to Section 100007 and the payment of the fees, if the applicant is a corporation, trust, limited liability company, or association, including an unincorporated organization, the commissioner shall investigate all of the following:

(A) The applicant.

(B) Any principal officer of the applicant.

(C) The applicant's board of directors.

(D) Any trustee of the applicant.

(E) Any managing member of the applicant if the applicant is a limited liability company.

(F) Any individual owning or controlling, directly or indirectly, 10 percent or more of the outstanding equity securities in the applicant.

(G) Any individual responsible for the conduct of the applicant's debt collection activities or policies in this state.

(b) Upon the filing of an application for a license pursuant to Section 100007 and the payment of the fees, the commissioner shall investigate the individual responsible for the debt collection activity of the licensee at the location described in the application. The investigation may be limited to information that was not included in prior applications filed pursuant to this division.

(c) For the purposes of this section, "principal officers" means a president, chief executive officer, chief operating officer, treasurer, and chief financial officer, as may be applicable, and any other officer with direct decisionmaking responsibility for the applicant's debt collection activities or policies in this state.

SEC. 12. Section 11852 of the Government Code is amended to read:

11852. For purposes of this chapter:

- (a) "Accounting book of record" means the central accounts maintained by the Controller and used in the preparation of financial statements, including the annual comprehensive financial report issued pursuant to Section 12460.
- (b) "Approved FISCAl Project documents" means any Special Project Report approved by the Department of Technology, or its successor agency, for the FISCAl, as may be amended, augmented, or changed by any subsequent approved Special Project Report or legislative action.
- (c) "Cost or costs of the system" means all costs related to the acquisition, design, development, installation, deployment, and other related costs of the system, including, but not limited to, software, hardware, licenses, upgrades, training, facilities, contractors, and staff.
- (d) "Cost allocation plan" means the plan described in Section 11874.
- (e) "Deferred departments" means departments and agencies that are extended a delayed implementation date pursuant to the department's plan.
- (f) "Department" means the Department of FISCAl established pursuant to Section 11890.
- (g) "Director" means the Director of FISCAl appointed pursuant to Section 11894.
- (h) "Exempt departments" means departments or agencies not required to implement FISCAl but that will interface pursuant to the department's plan.
- (i) "FISCAl" means the Financial Information System for California.
- (j) "FISCAl Consolidated Payment Fund" means the fund created pursuant to subdivision (a) of Section 11872.
- (k) "FISCAl Internal Services Fund" means the fund created pursuant to Section 11870.
- (l) "Interface" means to communicate or interoperate with the system.
- (m) "Partner agencies" means the Department of Finance, the Controller, the Department of General Services, and the Treasurer.
- (n) "Partner staff" means specified employees or contractors of the Department of Finance, the Controller's office, the Department of General Services, or the Treasurer's office who are assigned to work on FISCAl activities such as the maintenance, operations, and support of the FISCAl system and who are issued a department email account.
- (o) "State departments and agencies" means all state offices, officers, departments, divisions, bureaus, boards, commissions, organizations, or agencies, claims against which are paid by warrants drawn by the Controller, and whose financial activities are reported in the annual financial statement of the state or are included in the annual Governor's Budget, including, but not limited to, the California State University, the University of California, the legislative branch, and the judicial branch.
- (p) "System" means a single integrated financial management system for the state that encompasses the management of resources and dollars as described in the approved FISCAl Project documents and includes the information required by Section 11862.

SEC. 13. Section 11880 of the Government Code is amended to read:

- 11880.** (a) The department shall require fingerprint images and related information from any department employee, prospective employee, contractor, subcontractor, volunteer, or partner staff whose duties include, or would include, having access to confidential or sensitive information or production data on the network.
- (b) The department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any current or prospective department employee, contractor, subcontractor, and current or prospective Department of Finance partner staff whose duties include, or would include, having access to confidential or sensitive information or production data on the network, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.
- (c) The Department of General Services shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any current or prospective Department of General Services partner staff whose duties include, or would include, having access to confidential or sensitive information or production data on the network, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) The Treasurer's office shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any current or prospective Treasurer's office partner staff whose duties include, or would include, having access to confidential or sensitive information or production data on the network, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(e) The Controller's office shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any current or prospective Controller's office partner staff whose duties include, or would include, having access to confidential or sensitive information or production data on the network, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 14. Section 25169.9 is added to the Health and Safety Code, to read:

25169.9. (a) The department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any person applying for registration as a hazardous waste transporter who will transport hazardous waste of concern and submits a disclosure statement containing the information specified in subdivision (a) of Section 25112.5 pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 15. Section 25200.01 is added to the Health and Safety Code, to read:

25200.01. (a) The department shall, consistent with subdivision (d) of Section 25112.5, submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees of the department with hazardous waste facilities permit review duties under this article pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 16. Section 50405.5 is added to the Health and Safety Code, to read:

50405.5. (a) Effective January 1, 2024, the department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for any employee, prospective employee, contractor, and subcontractor, whose duties include, or would include, access to nonanonymized confidential information, personally identifiable information, personal health information, or financial information received by the department or contained in any information systems or records of the department, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (o) of Section 11105 of the Penal Code.

(b) (1) The department shall require any services contract, interagency agreement, or public entity agreement that includes, or would include, access to information described in subdivision (a) to include a provision requiring the contractor to agree to do both of the following:

(A) Perform criminal background checks on its employees, contractors, agents, or subcontractors who will have access to information described in subdivision (a).

(B) Certify the results of the criminal background check to the department as part of their services contract, interagency agreement, or public entity agreement with the department.

(2) This subdivision shall only apply to a services contract, interagency agreement, or public entity agreement that is entered into, renewed, or amended on or after January 1, 2024.

(c) This section does not apply to employees hired before January 1, 2024, unless the employee has subsequently separated from state service pursuant to Section 19996 of the Government Code or accepted an appointment to a different appointing authority, as those terms are defined in Sections 18524 and 18525 of the Government Code.

SEC. 17. Section 111633 is added to the Health and Safety Code, to read:

111633. The State Department of Public Health shall require that an applicant for a human prescription drug manufacturing license submit fingerprints to the Department of Justice, and related information as required by the Department of Justice, as required by this chapter, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 18. Section 14306.6 is added to the Public Resources Code, to read:

14306.6. (a) In complying with subdivision (b) of Section 14306 and Section 14306.5 of this code and Section 12645g(a) of Title 42 of the United States Code, the corps shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice, pursuant to subdivision (u) of Section 11105 of the Penal Code, for all persons applying for any of the following:

- (1) Enrollment as a corpsmember in the corps program.
- (2) A position as a special corpsmember, as described in Section 14303.
- (3) A civil service position supervising corpsmembers.
- (4) A civil service position funded in whole or in part by AmeriCorps.

(b) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 19. Section 2200 of the Welfare and Institutions Code, as amended by Section 6.1 of Chapter 786 of the Statutes of 2022, is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

- (1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.
- (2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.
- (3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.
- (4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.
- (5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

- (1) Investigate complaints from youth.
- (2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.
- (3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.
- (4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.
- (5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) The Office of Youth and Community Restoration shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers requiring direct contact with young people in juvenile facilities or access to criminal offender record information, as defined by Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(k) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(l) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 20. Section 2200 of the Welfare and Institutions Code, as added by Section 6.2 of Chapter 786 of the Statutes of 2022, is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) The Office of Youth and Community Restoration shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers requiring direct contact with young people in juvenile facilities or access to criminal offender record information, as defined by Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(j) This section shall become operative on January 1, 2028.

SEC. 21. Section 4321 is added to the Welfare and Institutions Code, to read:

4321. (a) (1) The criminal history check authorized by this section is limited to an employee, prospective employee, contractor, subcontractor, and volunteer whose duties include, or would include, access to any of the following:

(A) A State Department of State Hospitals facility.

(B) State Department of State Hospitals patients or clients.

(C) Individuals who are being evaluated for commitment to the State Department of State Hospitals.

(D) Medical Information, as defined by Section 56.05 of the Civil Code.

(E) Criminal offender record information, as defined in Section 11075 of the Penal Code, including federal criminal history information obtained pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The State Department of State Hospitals shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of an employee, prospective employee, contractor, subcontractor, and volunteer, specified in subdivision (a), in accordance with subdivision (u) of Section 11105 of the Penal Code.

(c) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 22. The sum of ten thousand dollars (\$10,000) is hereby appropriated from the General Fund to the Department of Justice for purposes of implementing this act.

SEC. 23. The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.

SEC. 24. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.