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## SB-160 Background checks. (2025-2026)

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### Senate Bill No. 160

#### CHAPTER 113

An act to amend Sections 2064.5, 2082, 2111, 2112, 2113, 2125, 2168.2, 3575, and 19239 of, and to add Sections 2042, 2513.5, 2953.1, 2960.01, 2960.02, 2999.106, 4982.01, 4989.55, 4992.31, 4999.92, 7503.05, and 7525.3 to, the Business and Professions Code, to add Sections 33113.5, 59009, 59105, 59206, 66611, and 92612.3 to the Education Code, to repeal and add Section 1030 of the Government Code, to add Section 733.5 to the Harbors and Navigation Code, to add Sections 53.5 and 90.1 to the Military and Veterans Code, and to amend Section 11105 of, and to add Sections 11105.001, 11105.002, 11105.05, 11105.2, 11107.6, and 26330 to, the Penal Code, relating to background checks, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor September 17, 2025. Filed with Secretary of State September 17, 2025. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 160, Committee on Budget and Fiscal Review. Background checks.

(1) Existing law, the Medical Practice Act, establishes the Medical Board of California and sets forth its powers and duties relating to the licensure and regulation of physicians and surgeons. Existing law establishes the Osteopathic Medical Board of California and sets forth its powers and duties relating to the licensure and regulation of osteopathic physicians and surgeons consistent with the Osteopathic Act, as specified.

This bill would require those boards to require each applicant to furnish a full set of fingerprints for purposes of conducting criminal history record checks. The bill would require the board to submit those fingerprint images and related information to the Department of Justice (DOJ) and would require the DOJ to charge a fee for those costs, as prescribed.

Existing law requires medical school graduates, within 180 days after beginning a board-approved postgraduate program, to obtain a physician's and surgeon's postgraduate training license. Existing law requires each application to include either fingerprint cards or a copy of a completed Live Scan form from the applicant in order to establish the identity of the applicant and whether the applicant has a criminal conviction, in accordance with specified provisions.

This bill would delete the above provisions on using that information in order to establish the applicant's identity and criminal conviction records. The bill would instead require those boards to submit to the DOJ fingerprint images and related information required by the DOJ of all applicants to determine whether the applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a state- and federal-level response, as described.

Existing law requires each application for a medical license to contain specified information including either fingerprint cards or a copy of a completed Live Scan form from the applicant in order to establish the applicant's identity and criminal conviction records.

This bill would delete the above provisions on using that information in order to establish the applicant's identity and criminal conviction records. The bill would instead require those boards to submit to the DOJ fingerprint images and related information required by the DOJ of all applicants to determine whether the applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a state- and federal-level response, as described.

Existing law establishes a process for physicians who are not citizens but who meet certain postgraduate requirements to participate in professional activities of approved medical schools or academic medical centers, subject to completing an application process and submitting the requisite fees established by the board.

This bill would require the board to submit to the DOJ fingerprint images and related information to determine if an applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a state- and federal-level response, as described.

Existing law establishes a process for a person who does not immediately qualify for a physician's and surgeon's certificate and who is offered a full-time faculty position at a medical school or academic medical center to be granted a certificate to engage in the practice of medicine. Existing law requires an applicant to submit specified information to the board to qualify for the certificate.

This bill would require the board to submit to the DOJ fingerprint images and related information to determine whether an applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a specified response, as described.

Existing law establishes the Licensed Physicians from Mexico Program under which the Medical Board of California is required to issue a 3-year physician and surgeon's license to each licensed physician from Mexico who, among other requirements, passes a board review course with a score equivalent to that registered by United States applicants when passing a board review course for the United States certification examination in each of the physician's specialty areas.

This bill would delete that requirement. The bill would also require the board to submit to the DOJ fingerprint images and related information to determine whether an applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a specified state- and federal-level response, as described.

Existing law authorizes a person who meets specified eligibility requirements to apply for a special faculty permit to practice medicine only within a medical school or certain affiliated institution. Existing law requires the application for a special faculty permit to be on a form prescribed by the board and to include specified information regarding the applicant's qualifications.

This bill would require the board to submit to the DOJ fingerprint images and related information to determine whether an applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a specified state- and federal-level response, as described.

(2) Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensure and regulation of midwives by the Medical Board of California in accordance with specified procedures.

This bill would require the board to submit to the DOJ fingerprint images and related information to determine whether an applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a specified state and federal response, as described.

(3) Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law also establishes a process whereby a person who is registered with the board as a psychological associate may perform psychological functions in preparation for licensure as a psychologist. Existing law further establishes procedures for graduates and students who have completed certain psychoanalysis training to engage in psychoanalysis as an adjunct to teaching, training, or research, subject to meeting certain requirements. Existing law authorizes a person who is registered with the board as a psychological testing technician to administer and score standardized objective psychological and related tests, upon meeting specified application requirements.

This bill would require the board to require the above-described applicants for licensure or registration under that law to undergo a fingerprint-based state and national criminal history background check. The bill would require the board to submit to the DOJ fingerprint images and related information for those individuals and would require the department to provide a state- and federal-level response, as described.

(4) Existing law requires the Medical Board of California to promulgate regulations regarding qualifications for the registration of individuals as certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees, in accordance with certain procedures. Under existing law, an individual seeking registration from the board under these provisions is subject to a state- and federal-level criminal offender record information search conducted through the DOJ, as specified.

This bill would revise and recast the above-described criminal information requirements. The bill would require the board to submit to the DOJ fingerprint images and related information to determine whether an applicant has a criminal conviction record, as specified. The bill would also require the department to provide a state- and federal-level response, as described.

(5) Existing law establishes the Board of Behavioral Sciences to license and regulate specified professionals, including marriage and family therapists and educational psychologists, among others. Existing law requires the board to keep an accurate record of all applicants for licensure and all individuals to whom it has issued a license.

This bill would require the board to require an applicant for a marriage and family therapist licensure, registration as an associate marriage and family therapist, and other specified behavioral sciences professionals to undergo a fingerprint-based state and national criminal history background check. The bill would require the board to submit to the DOJ fingerprint images and related information to determine whether an applicant has a criminal conviction record, as specified. The bill would require the DOJ to provide a state- and federal-level response, as described.

(6) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services.

This bill would require the bureau to require each applicant as a repossession agency licensee, qualified certificate holder, or registrant, as defined, to undergo a fingerprint-based state and national criminal history background check. The bill would require the bureau to submit to the DOJ fingerprint images and related information on applicants. The bill would require the DOJ to provide a state- and federal-level response, as prescribed.

(7) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services.

This bill would require the bureau to require each applicant for a private investigator license and qualified manager, as defined, to undergo a fingerprint-based state and national criminal history background check. The bill would require the bureau to submit to the DOJ fingerprint images and related information on applicants. The bill would require the DOJ to provide a state- and federal-level response, as described.

(8) Existing law, the Household Movers Act, provides for the licensure and regulation of household movers, including corporations and persons, as defined, by the Division of Household Movers established within the Bureau of Household Goods and Services. Existing law establishes a process for each applicant under that act to submit to the DOJ fingerprint images and related information as a prerequisite to the issuance of a permit to operate as a household mover.

This bill would revise and recast those provisions. The bill would require the bureau to require each applicant for a permit as a household mover, as defined, to undergo a fingerprint-based state and national criminal history background check. The bill would require the bureau to submit to the DOJ fingerprint images and related information for the purposes of obtaining information as to state and federal convictions and arrests, as prescribed.

(9) Existing law requires a fingerprint-based criminal history information check that is required pursuant to any statute to be requested from the DOJ. When a government agency or other entity requests such a criminal history check for purposes of employment, licensing, or certification, existing law requires the DOJ to disseminate specified information in response to the request, including information regarding convictions and arrests for which the applicant is presently awaiting trial.

Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, and assigns to it numerous duties relating to the governance and financing of the public elementary and secondary schools of this state. Existing law establishes the California School for the Deaf, Northern California, the California School for the Deaf, Southern California, and the California School for the Blind, known as the state special schools, under the administration of the department, and 3 related diagnostic centers under the administration of the Superintendent, as provided.

This bill would authorize the department to require employees, prospective employees, volunteers, contractors, and subcontractors of the department, the state special schools, or the diagnostic centers to undergo a fingerprint-based state and national criminal history background check, as provided.

(10) Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in the state.

This bill would authorize the California State University to require employees, prospective employees, volunteers, contractors to undergo a fingerprint-based state and national criminal history background check, as provided.

(11) The California Constitution provides that the University of California constitutes a public trust administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes, including, among others, as may be necessary to ensure the security of its funds.

This bill would expressly authorize the University of California to require background checks, to be completed by the DOJ as specified, during the final stages of the recruitment process for prospective staff employees, contractors, and volunteers.

(12) Existing law requires the sheriff or other specified agency to furnish a classifiable set of fingerprints to the DOJ and to the Federal Bureau of Investigation (FBI) for every peace officer employed, except as provided.

This bill would require a law enforcement agency, as defined, to require peace officers and prospective peace officers to undergo a criminal history background check and to submit fingerprint images and related information to the DOJ, as specified. The bill would require the DOJ to provide a state- or federal-level response, as described. By increasing the duties of local law enforcement agencies, this bill would impose a state-mandated local program.

(13) Under the Yacht and Ship Brokers Act, the Division of Boating and Waterways in the Department of Parks and Recreation licenses the activities of brokers and salespersons engaged in the buying and selling of yachts and ships, as specified. The act authorizes the division to deny an application or suspend or revoke the license of a yacht broker or yacht salesperson who, within 4 years immediately preceding, has committed any of certain specified acts, including, among others, having been convicted of a felony or any crime involving moral turpitude or withholding information from the department that they at any time have been convicted of a felony or any crime involving moral turpitude.

This bill would require the division to require an applicant for a yacht and ship broker or salesperson license to undergo a fingerprint-based state and national criminal history background check, as provided.

(14) Existing law requires the DOJ to maintain state summary criminal history information, as defined, and to furnish this information to various state and local government officers, officials, and other prescribed entities, if needed in the course of their duties. Existing law makes it a crime for a person authorized by law to receive state summary criminal history information to knowingly furnish that information to a person who is not authorized to receive it.

This bill would require the DOJ to inform the Joint Legislative Budget Committee, the Senate Standing Committee on Public Safety, and the Assembly Public Safety Committee, as specified, within 30 days of determining that a legislative enactment is likely to be needed, for an entity that is authorized to receive criminal history information, to reestablish or retain proper authorization for an applicant population. The bill would additionally prohibit the department from disseminating criminal history information, as specified. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

This bill would require a criminal justice agency to submit fingerprint images and related information for a specified individual to the department if the individual is subject to a state or national criminal history background check, as specified. By expanding the scope of the crime of unlawful disclosure of state summary criminal history information, this bill would impose a state-mandated local program.

This bill would require certain government entities, including, among others, the California State Summer School for the Arts and the Department of Fish and Wildlife, to submit fingerprint images and related information for various persons, including employees or prospective employees, to the DOJ, if the employees are subject to a state and national criminal history background check, as specified. The bill would also require a law enforcement agency, if it performs a background check, to submit fingerprint images and related information for a retiring or retired peace officer seeking an endorsement for the officer to carry a concealed and loaded firearm.

(15) Existing law requires the DOJ to provide subsequent state or federal arrest or disposition notification to the State Department of Social Services, the Medical Board of California, the Osteopathic Medical Board of California, and other authorized entities to assist in, among other things, fulfilling employment, licensing, or certification duties. Existing law requires an entity, other than a law enforcement agency, as defined, to enter into a contract with the DOJ in order to receive notification of subsequent state or federal arrests or dispositions for licensing, employment, or certification purposes.

Commencing January 1, 2028, this bill would no longer exempt law enforcement agencies from the contract requirement. Commencing January 1, 2028, the bill would also require authorized entities for each volunteer, as specified, to verify no less than every 6 months that the person is still a volunteer with the entity.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(17) This bill would, for the 2025–26 fiscal year, appropriate the sum of \$10,000 to the DOJ for purposes of administering the above-described fingerprint requirements.

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

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 2042 is added to the Business and Professions Code, to read:

**2042.** Notwithstanding any other law, the Medical Board of California and the Osteopathic Medical Board of California shall require each applicant to furnish to the board a full set of fingerprints for purposes of conducting criminal history record checks. The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state and federal response to the board pursuant to subdivision (p) of Section 11105 of the Penal Code. The Department of Justice shall charge a fee sufficient to cover the cost of processing the fingerprints and response required by this section. The applicant shall be responsible for this cost.

**SEC. 2.** Section 2064.5 of the Business and Professions Code is amended to read:

**2064.5.** (a) Within 180 days after beginning a board-approved postgraduate training program pursuant to Section 2065, medical school graduates shall obtain a physician's and surgeon's postgraduate training license. To be considered for a postgraduate training license, the applicant shall submit the application forms and primary source documents required by the board, shall successfully pass all required licensing examinations, shall pay a nonrefundable application and processing fee, and shall not have committed any act that would be grounds for denial.

(1) Each application submitted pursuant to this section shall be made upon an online electronic form, or another form provided by the board, and each application form shall contain a legal verification by the applicant certifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in supporting documents provided by the applicant is true and correct.

(2) Each application shall include the following:

(A) A diploma issued by a board-approved medical school. The requirements of the school shall not have been less than those required under this chapter at the time the diploma was granted or by any preceding medical practice act at the time that the diploma was granted. In lieu of a diploma, the applicant may submit evidence satisfactory to the board of having possessed the same.

(B) An official transcript or other official evidence satisfactory to the board showing each approved medical school in which a resident course of professional instruction was pursued covering the minimum requirements for certification as a physician and surgeon, and that a diploma and degree were granted by the school.

(C) Other information concerning the professional instruction and preliminary education of the applicant as the board may require.

(D) An affidavit showing to the satisfaction of the board that the applicant is the person named in each diploma and transcript that the applicant submits, that the applicant is the lawful holder thereof, and that the diploma or transcript was procured in the regular course of professional instruction and examination without fraud or misrepresentation.

(E) Either fingerprint cards or a copy of a completed Live Scan form from the applicant.

(F) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, an official Educational Commission for Foreign Medical Graduates (ECFMG) Certification Status Report confirming the graduate is ECFMG certified.

(b) Any physician's and surgeon's postgraduate training license in an active status issued on or after January 1, 2020, shall be valid for a period of 36 months. The physician's and surgeon's postgraduate training licensee may engage in the practice of medicine only in connection with the licensee's duties as an intern or resident physician in a board-approved program, including its affiliated sites, or under those conditions as are approved in writing and maintained in the postgraduate licensee's file by the director of the program.

(c) The postgraduate training licensee may engage in the practice of medicine in locations authorized by subdivision (b), and as permitted by the Medical Practice Act and other applicable statutes and regulations, including, but not limited to, the following:

(1) Diagnose and treat patients.

(2) Prescribe medications without a cosigner, including prescriptions for controlled substances, if the licensee has the appropriate Drug Enforcement Agency registration or permit and is registered with the Department of Justice CURES program.

(3) Sign birth certificates without a cosigner.

(4) Sign death certificates without a cosigner.

(5) Sign any other forms a physician and surgeon is authorized to sign.

(d) The postgraduate training licensee may be disciplined by the board at any time for any of the grounds that would subject the holder of a physician's and surgeon's certificate to discipline.

(e) If the medical school graduate fails to obtain a postgraduate license within 180 days after beginning a board-approved postgraduate training program or if the board denies the graduate's application for a postgraduate license, all privileges and exemptions under this section shall automatically cease.

(f) Each medical school graduate who was issued a postgraduate training authorization letter by the board prior to January 1, 2020, and is enrolled in a board-approved postgraduate training program by April 30, 2025, will be issued a postgraduate training license automatically by June 30, 2020, or by June 30 of the year following initial enrollment into a board-approved postgraduate training program, whichever is earlier, upon proof of enrollment in the postgraduate training program.

(g) The board shall confidentially destroy the file of each medical school graduate who was issued a postgraduate training authorization letter by the board prior to January 1, 2020, who did not enroll in a postgraduate training program by April 30, 2025.

(h) The Medical Board of California and the Osteopathic Medical Board of California shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for the postgraduate training license, as defined in this section, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475) and Section 2221.

**SEC. 3.** Section 2082 of the Business and Professions Code is amended to read:

**2082.** (a) Each application shall include the following:

(1) A diploma issued by an approved medical school. The requirements of the school shall have been at the time of granting the diploma in no degree less than those required under this chapter or by any preceding medical practice act at the time that the diploma was granted. In lieu of a diploma, the applicant may submit evidence satisfactory to the board of having possessed the same.

(2) An official transcript or other official evidence satisfactory to the board showing each approved medical school in which a resident course of professional instruction was pursued covering the minimum requirements for certification as a physician and surgeon, and that a diploma and degree were granted by the school.

(3) Other information concerning the professional instruction and preliminary education of the applicant as the board may require.

(4) Proof of passage of the written examinations as provided under Article 9 (commencing with Section 2170) with a score acceptable to the board.

(5) Proof of satisfactory completion of the postgraduate training required under Section 2096 on a form approved by the board.

(6) An affidavit showing to the satisfaction of the board that the applicant is the person named in each diploma and transcript that they have submitted, that they are the lawful holder thereof, and that the diploma or transcript was procured in the regular course of professional instruction and examination without fraud or misrepresentation.

(7) Either fingerprint cards or a copy of a completed Live Scan form from the applicant.

(8) Beginning January 1, 2020, if the applicant attended a foreign medical school approved by the board pursuant to Section 2084, an official Educational Commission for Foreign Medical Graduates (ECFMG) Certification Status Report submitted by the Educational Commission for Foreign Medical Graduates confirming the graduate is ECFMG certified.

(9) Beginning January 1, 2020, if the applicant attended a foreign medical school approved by the board pursuant to Section 2084, official evidence satisfactory to the board of completion of all formal requirements of the medical school for graduation,

except the applicant shall not be required to have completed an internship or social service or be admitted or licensed to practice medicine in the country in which the professional instruction was completed.

(b) The Medical Board of California and the Osteopathic Medical Board of California shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for the physician's and surgeon's certificate, as defined by Section 2050, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475) and Section 2221.

**SEC. 4.** Section 2111 of the Business and Professions Code is amended to read:

**2111.** (a) Physicians who are not citizens but who meet the requirements of subdivision (b) and who seek postgraduate study in an approved medical school or academic medical center may, after receipt of an appointment from the dean of the California medical school, or dean or chief medical officer of an academic medical center, and application to and approval by the board, be permitted to participate in the professional activities of the department or division in the medical school or academic medical center to which they are appointed. The physician shall be under the direction of the head of the department to which the physician is appointed, supervised by the medical center staff of the medical school or academic medical center, and known for these purposes as a "visiting fellow." The visiting fellow shall wear a visible name tag containing the title "visiting fellow" when the visiting fellow provides clinical services.

(b) (1) Application for approval shall be made on a form prescribed by the division and shall be accompanied by a fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. The application shall show that the person does not immediately qualify for a physician's and surgeon's certificate under this chapter and that the person has completed at least three years of postgraduate basic residency requirements. The application shall include a written statement of the recruitment procedures followed by the medical school or academic medical center before offering the appointment to the applicant.

(2) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for Section 2111 permits, as defined by this section, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475).

(3) Approval shall be granted only for appointment to one medical school or academic medical center, and a physician shall not be granted more than one approval for the same period of time.

(4) Approval may be granted for a maximum of three years and shall be renewed annually. The medical school or academic medical center shall submit a request for renewal on a form prescribed by the board, which shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(c) Except to the extent authorized by this section, the visiting fellow may not engage in the practice of medicine. The visiting fellow or the medical school or academic medical center shall not assess any charge for the medical services provided by the visiting fellow, and the visiting fellow shall not receive any other compensation therefor.

(d) The time spent under appointment in a medical school or academic medical center pursuant to this section shall not be used to meet the requirements for licensure.

(e) (1) The board shall notify both the visiting fellow and the dean of the appointing medical school or the dean or chief medical officer of the academic medical center of any complaint made about the visiting fellow.

(2) The board may terminate its approval of an appointment for any act that would be grounds for discipline if done by a licensee. The board shall provide both the visiting fellow and the dean of the medical school or dean or chief medical officer of the academic medical center with a written notice of termination including the basis for that termination. The visiting fellow may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the visiting fellow wishes to present to the board.

(f) This section shall not preclude any United States citizen who has received a medical degree from a medical school located in a foreign country and recognized by the board from participating in any program established pursuant to this section.

(g) A visiting fellow approved pursuant to this section before January 1, 2021, who participates in the professional activities of the department or division in an academic medical center shall be deemed to be appointed to that academic medical center as

though the initial application had been sponsored by the academic medical center.

(h) As used in this section, "academic medical center" has the same meaning as defined in subdivision (a) of Section 2168.

(i) The permit authorized by this section may be canceled in any of the following circumstances:

(1) Upon request by the permit holder.

(2) Upon request by an authorized representative of the sponsoring facility or institution.

(3) By the board after the permit has expired and is no longer eligible for renewal.

**SEC. 5.** Section 2112 of the Business and Professions Code is amended to read:

**2112.** (a) Physicians who are not citizens and who seek postgraduate study, may, after application to and approval by the board, be permitted to participate in a fellowship program in a specialty or subspecialty field, providing the fellowship program is given in a hospital in this state which is approved by the Joint Commission and providing the service is satisfactory to the board. Such physicians shall at all times be under the direction and supervision of a licensed, board-certified physician and surgeon who is recognized as a clearly outstanding specialist in the field in which the foreign fellow is to be trained. The supervisor, as part of the application process, shall submit the supervisor's curriculum vitae and a protocol of the fellowship program to be completed by the foreign fellow. Approval of the program and supervisor is for a period of one year, but may be renewed annually upon application to and approval by the board. The approval may not be renewed more than four times. The board may determine a fee, based on the cost of operating this program, which shall be paid by the applicant at the time the application is filed.

(b) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for Section 2112 permits, as defined by this section, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475).

(c) Except to the extent authorized by this section, no such visiting physician may engage in the practice of medicine or receive compensation therefor. The time spent under appointment in a medical school pursuant to this section may not be used to meet the requirements for licensure.

(d) Nothing in this section shall preclude any United States citizen who has received their medical degree from a medical school located in a foreign country from participating in any program established pursuant to this section.

(e) The permit authorized by this section may be canceled in the following circumstances:

(1) Upon request by the permit holder.

(2) Upon request by an authorized representative of the sponsoring facility or institution.

(3) By the board after the permit has expired and is no longer eligible for renewal.

**SEC. 6.** Section 2113 of the Business and Professions Code is amended to read:

**2113.** (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school, or dean or chief medical officer of an academic medical center, in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of that person's duties as approved by the board in connection with the faculty position. A certificate of registration does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that the applicant has been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.



(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under the head of the department's direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of the applicant's duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's or academic medical center's chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the sponsoring medical school or academic medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school or academic medical center's department chair or division chief.

(4) Demonstration by the dean of the medical school, or dean or chief medical officer or an academic medical center, that the applicant has the requisite qualifications to assume the position to which the applicant is to be appointed and that shall include a written statement of the recruitment procedures followed by the medical school or academic medical center before offering the faculty position to the applicant.

(5) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for Section 2113 registration, as defined by this section, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475).

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, or academic medical center, and a person shall not be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school, or the dean or chief medical officer of an academic medical center, may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, the registrant shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (2) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless the registrant is issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a

person who does not hold a physician's and surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) A registrant granted a certificate of registration before January 1, 2021, to engage in the practice of medicine pursuant to this section at an academic medical center shall be deemed to be authorized at that academic medical center as though the initial application had been sponsored by the academic medical center.

(j) As used in this section, "academic medical center" has the same meaning as defined in subdivision (a) of Section 2168.

(k) The certificate of registration authorized by this section may be canceled in the following circumstances:

(1) Upon request by the certificate holder.

(2) Upon request by an authorized representative of the sponsoring facility or institution.

(3) By the board after the certificate has expired and is no longer eligible for renewal.

**SEC. 7.** Section 2125 of the Business and Professions Code is amended to read:

**2125.** (a) For purposes of this article, the following definitions apply:

(1) "Board" means the Medical Board of California.

(2) "Program" means the Licensed Physicians from Mexico Program.

(b) (1) The Licensed Physicians from Mexico Program is hereby created.

(2) The board shall approve physician candidates from Mexico for program participation.

(c) (1) This program extends the physician component of the Licensed Physicians and Dentists from Mexico Pilot Program, as established in former Section 853, which authorized up to 30 licensed physicians specializing in family practice, internal medicine, pediatrics, and obstetrics and gynecology from Mexico to practice medicine in California for a period not to exceed three years.

(2) The program shall also maintain an alternate list of program participants.

(d) The board shall issue a nonrenewable three-year physician's and surgeon's license to each licensed physician from Mexico who meets the criteria set forth in this section.

(e) Each physician from Mexico, to be eligible to participate in this program, shall comply with all of the following:

(1) Be licensed, certified or recertified, and in good standing in their medical specialty in Mexico. This certification or recertification shall be performed, as appropriate, by the Consejo Mexicano de Ginecología y Obstetricia, A.C., the Consejo Mexicano de Certificación en Medicina Familiar, A.C., the Consejo Mexicano de Medicina Interna, A.C., the Consejo Mexicano de Certificación en Pediatría, A.C., or the Consejo Mexicano de Psiquiatría, A.C.

(2) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for a physician's and surgeon's license, as defined by this section, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475) and Section 2221.

(3) Before leaving Mexico, have completed all of the following requirements:

(A) Passed an interview examination developed by the National Autonomous University of Mexico (UNAM) for each specialty area. Each family practitioner who includes obstetrics and gynecology in their practice and shall not perform deliveries in California unless they have performed 50 live birth deliveries, as required by United States standards, confirmed by written documentation by the supervising department chair, hospital administrator, or hospital chief medical

officer. Each obstetrician and gynecologist from Mexico shall be a fellow in good standing of the American College of Obstetricians and Gynecologists.

(B) (i) Satisfactorily completed an orientation program approved by the board in connection with the Licensed Physicians and Dentists from Mexico Pilot Program, as established in former Section 853, and that includes medical protocol, community clinic history and operations, medical administration, hospital operations and protocol, medical ethics, the California medical delivery system, health maintenance organizations and managed care practices, medication documentation and reconciliation, the electronic medical records system utilized by federally qualified health centers, and standards for medical record documentation to support medical decisionmaking and quality care. This orientation program may be changed by a committee of at least five chief medical officers at federally qualified health centers employing program licensees to ensure that the orientation program contains the requisite subject matter and meets appropriate California law and medical standards where applicable.

(ii) Satisfactorily completed the Test of English as a Foreign Language by scoring a minimum of 85 percent or the Occupational English Test with a minimum score of 350, and provided written documentation of their completion to the board.

(C) Representatives from California and the UNAM in Mexico that executed and implemented the provisions of the former Physicians and Dentists from Mexico Pilot Program shall be the points of contact involved in securing required documents, recruiting and vetting candidates, assisting candidates for this program in Mexico to meet all program requirements, selecting appropriate federally qualified health centers throughout California, ensuring compliance with program provisions, developing policy and clinical workshops, monitoring productivity and increased access to medical care, and assessing the necessity of policy and programmatic improvements.

(4) Upon satisfactory completion of the requirements in paragraphs (1) to (3), inclusive, and after having received their nonrenewable three-year physician's and surgeon's license, each licensee shall be required to obtain continuing education pursuant to Section 2190. Each physician shall obtain 25 continuing education units per year for three years of program participation, which shall be subject to random audits by the board to ensure compliance. The board may issue a citation and administrative fine against a licensee who fails to comply with the requirements of this paragraph.

(5) The federally qualified health centers employing physicians from Mexico shall continue the peer review protocols and procedures as required by the federal government. The federally qualified health centers shall work with a California medical school approved by the board pursuant to Section 2084 or a residency program approved by the Accreditation Council for Graduate Medical Education to conduct 10 secondary reviews of randomly selected patient encounters with each licensee per six-month period, and the reviews shall be transmitted to the approved medical school or medical institution with an approved residency program in PDF format. The secondary reviews shall be undertaken every six months of each year for the three years that the physicians from Mexico are employed by federally qualified health centers. The faculty reviewers in family medicine, pediatrics, internal medicine, psychiatry, and obstetrics and gynecology from the California medical school approved by the board pursuant to Section 2084 or the residency program approved by the Accreditation Council for Graduate Medical Education shall provide feedback to the federally qualified health centers of the findings of their secondary reviews. The faculty and federally qualified health center chief medical officers shall jointly develop no less than two quality assurance (QA) seminars for all physicians from Mexico to attend during the six months of secondary reviews conducted. The purpose of the approved medical school or medical institution with an approved residency program secondary peer reviews shall be to provide feedback on compliance with medical standards, protocols, and procedures required by the federal government and assessed by the monthly or quarterly peer reviews conducted by federally qualified health centers. The associated costs for the secondary reviews and QA seminars shall be the responsibility of the federally qualified health centers on a pro rata basis.

(6) The federally qualified health centers employing physicians in the program shall be required to have medical quality assurance protocols and be accredited by The Joint Commission, National Committee for Quality Assurance, or Accreditation Association for Ambulatory Health Care.

(7) Participating hospitals shall have the authority to establish criteria necessary to allow individuals participating in this program to be granted hospital privileges in their facilities, taking into consideration the need and concerns for access to patient populations served by federally qualified health centers and attending doctors from Mexico, especially in rural areas that do not have hospitals staffed to provide deliveries of newborns.

(8) A licensee shall practice only in the nonprofit community health center that offered the licensee employment and the corresponding hospital. This three-year physician's and surgeon's license shall be deemed to be a license in good standing pursuant to the provisions of this chapter for the purpose of participation and reimbursement in all federal, state, and local health programs. These programs shall include the Medicare Program, the fee-for-service and managed care delivery systems of the Medi-Cal program, and private insurance. A physician from Mexico shall not be denied credentials by a health plan because the physician is a participant in this state program and did not receive their medical education and training in the

United States. The nonrenewable three-year physician's and surgeon's license issued pursuant to this program shall be referred to as a Physician's and Surgeon's from Mexico License and shall not include any additional notations beyond the current numerical identifiers that the board applies.

(f) (1) Notwithstanding subdivisions (a) to (d), inclusive, of Section 30, the board shall issue a nonrenewable three-year physician's and surgeon's license pursuant to this section to an applicant who has not provided an individual taxpayer identification number or social security number if the board staff determines the applicant is otherwise eligible for a license only under the program pursuant to this section, subject to the following conditions:

(A) The applicant shall immediately seek both an appropriate three-year visa and the accompanying social security number from the United States government within 14 days of being issued a medical license under this section.

(B) The applicant shall immediately provide to the board a social security number obtained in accordance with subparagraph (A) within 10 days of the federal government issuing the social security card related to the issued visa.

(C) The applicant shall not engage in the practice of medicine pursuant to this section until the board determines that the conditions in subparagraphs (A) and (B) have been met.

(2) The board, if it determines that an applicant has met the conditions in paragraph (1), shall notify the applicant that the applicant may engage in the practice of medicine under the license in accordance with this section.

(g) (1) (A) Between January 1, 2025, and January 1, 2029, the board shall coordinate with the representatives described in subparagraph (C) of paragraph (2) of subdivision (e) to ensure that no more than 155 program participants have a current and active license at the same time.

(B) During the time period described in subparagraph (A), no more than 30 of the 155 licenses may be issued to physicians whose primary area of practice is psychiatry.

(C) During the time period described in subparagraph (A), an applicant shall submit an application to the board between October 1, 2025, and December 31, 2025, except that the board may accept up to 15 applications after December 31, 2025, and before January 1, 2028.

(2) (A) Between January 1, 2029, and January 1, 2033, the board shall coordinate with the representatives described in subparagraph (C) of paragraph (2) of subdivision (e) to ensure that no more than 195 program participants have a current and active license at the same time.

(B) During the time period described in subparagraph (A), no more than 40 of the 195 licenses may be issued to physicians whose primary area of practice is psychiatry.

(C) During the time period described in subparagraph (A), an applicant shall submit an application to the board between October 1, 2029, and December 31, 2029, except that the board may accept up to 19 applications after December 31, 2029, and before January 1, 2032.

(3) (A) Between January 1, 2033, and January 1, 2037, the board shall coordinate with the representatives described in subparagraph (C) of paragraph (2) of subdivision (e) to ensure that no more than 225 program participants have a current and active license at the same time.

(B) During the time period described in subparagraph (A), no more than 40 of the 225 licenses may be issued to physicians whose primary area of practice is psychiatry.

(C) During the time period described in subparagraph (A), an applicant shall submit an application to the board between October 1, 2033, and December 31, 2033, except that the board may accept up to 22 applications after December 31, 2033, and before January 1, 2036.

(4) (A) Between January 1, 2037, and January 1, 2041, the board shall coordinate with the representatives described in subparagraph (C) of paragraph (2) of subdivision (e) to ensure that no more than 255 program participants have a current and active license at the same time.

(B) During the time period described in subparagraph (A), no more than 40 of the 255 licenses may be issued to physicians whose primary area of practice is psychiatry.

(C) During the time period described in subparagraph (A), an applicant shall submit an application to the board between October 1, 2037, and December 31, 2037, except that the board may accept up to 25 applications after December 31, 2037, and before January 1, 2040.

(5) (A) Between January 1, 2041, and January 1, 2045, the board shall coordinate with the representatives described in subparagraph (C) of paragraph (2) of subdivision (e) to ensure that no more than 275 program participants have a current and active license at the same time.

(B) During the time period described in subparagraph (A), no more than 40 of the 275 licenses may be issued to physicians whose primary area of practice is psychiatry.

(C) During the time period described in subparagraph (A), an applicant shall submit an application to the board between October 1, 2041, and December 31, 2041, except that the board may accept up to 27 applications after December 31, 2041, and before January 1, 2044.

(6) A physician's eligibility pursuant to this subdivision is subject to the physician complying with all of the requirements set forth in this section.

(h) All applicable employment benefits, salary, and policies provided by nonprofit community health centers to their current employees shall be provided to medical practitioners from Mexico participating in this program. This shall include nonprofit community health centers providing malpractice insurance coverage.

(i) Each program applicant shall be responsible for working with the governments of Mexico and the United States in order to obtain the necessary three-year visa required for program participation.

**SEC. 8.** Section 2168.2 of the Business and Professions Code is amended to read:

**2168.2.** An application for a special faculty permit shall be made on a form prescribed by the board and shall include any information that the board may prescribe to establish an applicant's eligibility for a permit. This information shall include, but is not limited to, the following:

(a) A statement from the dean of the medical school or dean or chief medical officer at an academic medical center at which the applicant will be employed describing the applicant's qualifications and justifying the dean's or chief medical officer's determination that the applicant satisfies the requirements of paragraph (1) of subdivision (a) of Section 2168.1.

(b) A statement by the dean of the medical school or dean or chief medical officer of the academic medical center listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's or academic medical center's educational program and justifying any clinical activities at each of the institutions listed by the dean or chief medical officer.

(c) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for special faculty permits, as defined by Section 2168, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response in accordance with subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475).

**SEC. 9.** Section 2513.5 is added to the Business and Professions Code, to read:

**2513.5.** The Medical Board of California shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for a midwife license, as defined by Section 2507, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475).

**SEC. 10.** Section 2953.1 is added to the Business and Professions Code, to read:

**2953.1.** (a) The board shall require an applicant for registration as a research psychoanalyst and applicant for registration as a student research psychoanalyst, as defined in Section 2950, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 11.** Section 2960.01 is added to the Business and Professions Code, to read:

**2960.01.** (a) The board shall require an applicant for licensure as a psychologist, as defined in Section 2902, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 12.** Section 2960.02 is added to the Business and Professions Code, to read:

**2960.02.** (a) The Board of Psychology shall require an applicant for registration as a psychological associate, as defined in Section 2913, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 13.** Section 2999.106 is added to the Business and Professions Code, to read:

**2999.106.** (a) The Board of Psychology shall require an applicant for registration as a psychological testing technician, as defined in Section 2999.100, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 14.** Section 3575 of the Business and Professions Code is amended to read:

**3575.** (a) For the purposes of this chapter, the following definitions shall apply:

(1) "Board" means the Medical Board of California.

(2) "Polysomnography" means the treatment, management, diagnostic testing, control, education, and care of patients with sleep and wake disorders. Polysomnography shall include, but not be limited to, the process of analysis, monitoring, and recording of physiologic data during sleep and wakefulness to assist in the treatment of disorders, syndromes, and dysfunctions that are sleep-related, manifest during sleep, or disrupt normal sleep activities. Polysomnography shall also include, but not be limited to, the therapeutic and diagnostic use of oxygen, the use of positive airway pressure including continuous positive airway pressure (CPAP) and bilevel modalities, adaptive servo-ventilation, and maintenance of nasal and oral airways that do not extend into the trachea.

(3) "Supervision" means that the supervising physician and surgeon shall remain available, either in person or through telephonic or electronic means, at the time that the polysomnographic services are provided.

(b) (1) Within one year after the effective date of this chapter, the board shall promulgate regulations relative to the qualifications for the registration of individuals as certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees. The qualifications for a certified polysomnographic technologist shall include all of the following:

(A) The applicant shall have valid, current credentials as a polysomnographic technologist issued by a national accrediting agency approved by the board.

(B) The applicant shall have graduated from a polysomnographic educational program that has been approved by the board.

(C) The applicant shall have passed a national certifying examination that has been approved by the board.

(2) An applicant for registration as a certified polysomnographic technologist may satisfy the qualifications described in paragraph (1) by submitting proof to the board that they have been practicing polysomnography for at least five years in a manner that is acceptable to the board. However, beginning three years after the effective date of this chapter, all individuals seeking to obtain certification as a polysomnographic technologist shall have passed a national certifying examination that has been approved by the board.

(c) (1) In accordance with Section 2042, any person seeking registration from the board as a certified polysomnographic technologist, a polysomnographic technician, or a polysomnographic trainee shall be subject to a state- and federal-level criminal offender record information search conducted through the Department of Justice as specified in paragraph (2).

(2) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all applicants for registration as a certified polysomnographic technologist, a polysomnographic technician, or a polysomnographic trainee, as defined by this section, to determine whether the applicant has a criminal conviction record in this state or in any other jurisdiction, including foreign countries, pursuant to Section 2042. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code for the board to determine whether the applicant is subject to denial of licensure under the provisions of Division 1.5 (commencing with Section 475).

(d) An individual may use the title "certified polysomnographic technologist" and may engage in the practice of polysomnography only under the following circumstances:

(1) The individual is registered with the board and has successfully undergone a state- and federal-level criminal offender record information search pursuant to subdivision (c).

(2) The individual works under the supervision and direction of a licensed physician and surgeon.

(3) The individual meets the requirements of this chapter.

(e) Within one year after the effective date of this chapter, the board shall adopt regulations that establish the means and circumstances in which a licensed physician and surgeon may employ polysomnographic technicians and polysomnographic trainees. The board may also adopt regulations specifying the scope of services that may be provided by a polysomnographic technician or polysomnographic trainee. Any regulation adopted pursuant to this section may specify the level of supervision that polysomnographic technicians and trainees are required to have when working under the supervision of a certified polysomnographic technologist or licensed health care professional.

(f) This section shall not apply to California licensed allied health professionals, including, but not limited to, respiratory care practitioners, working within the scope of practice of their license.

(g) Nothing in this chapter shall be interpreted to authorize a polysomnographic technologist, technician, or trainee to treat, manage, control, educate, or care for patients other than those with sleep disorders or to provide diagnostic testing for patients other than those with suspected sleep disorders.

**SEC. 15.** Section 4982.01 is added to the Business and Professions Code, to read:

**4982.01.** (a) The Board of Behavioral Sciences shall require an applicant for marriage and family therapist licensure or registration as an associate marriage and family therapist, as defined in Sections 4980, 4980.02, and 4980.03, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 16.** Section 4989.55 is added to the Business and Professions Code, to read:

**4989.55.** (a) The Board of Behavioral Sciences shall require an applicant for licensure as an educational psychologist, as defined in Sections 4989.14 and 4989.20, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 17.** Section 4992.31 is added to the Business and Professions Code, to read:

**4992.31.** (a) The Board of Behavioral Sciences shall require an applicant for clinical social work licensure or registration as an associate clinical social worker, as defined in Sections 4996, 4996.9, and 4996.18, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 18.** Section 4999.92 is added to the Business and Professions Code, to read:

**4999.92.** (a) The Board of Behavioral Sciences shall require an applicant for professional clinical counselor licensure or registration as an associate professional clinical counselor, as defined in Sections 4999.12, 4999.20, and 4999.30, to undergo a fingerprint-based state and national criminal history background check, pursuant to Section 144.

(b) The board shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 19.** Section 7503.05 is added to the Business and Professions Code, immediately following Section 7503, to read:

**7503.05.** (a) The bureau shall require each applicant as a repossession agency licensee, qualified certificate holder, or registrant, as defined in Sections 7500.1 and 7500.2, to undergo a fingerprint-based state and national criminal history background check.

(b) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the bureau shall submit to the Department of Justice fingerprint images and related information for each individual applicant, if the applicant is an individual, each partner described in Section 7503.3, if the applicant is a partnership, each officer and owner described in Section 7503.4, if the applicant is a corporation or limited liability company, and each qualified certificate holder described in Section 7500.1.

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

**SEC. 20.** Section 7525.3 is added to the Business and Professions Code, to read:

**7525.3.** (a) The bureau shall require each applicant for a private investigator license and qualified manager, as defined in Sections 7512.6, 7512.7, and 7521, to undergo a fingerprint-based state and national criminal history background check.

(b) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the bureau shall submit to the Department of Justice fingerprint images and related information for each individual applicant, if the applicant is an individual, each partner, if the applicant is a partnership, each officer, if the applicant is a corporation, each member and manager, if the applicant is a limited liability company, and each qualified manager, as defined in Sections 7512.7, 7512.14, 7512.15, and 7525.1.

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

**SEC. 21.** Section 19239 of the Business and Professions Code is amended to read:

**19239.** (a) Before a permit is issued, the bureau shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The bureau shall require the applicant to establish their knowledge and ability to engage in business as a household mover by examination. The examination may be written or oral, or in the form of a demonstration of skill, or any combination of these, and any investigation of character, experience, and any tests of technical knowledge and manual skill that the bureau determines to be appropriate may be employed. In any examination, the qualification of the applicant shall be determined by an appraisal made by a member of the bureau's staff. The criteria used by the bureau staff in making the required appraisal to determine whether the applicant has met the qualifications shall be established by the bureau by rule or regulation, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. An applicant who has been determined to be unqualified may establish their qualifications through a subsequent examination, but no subsequent examination shall be taken prior to 30 days from the date when the applicant was found to be unqualified. If the staff member determines that the applicant is not qualified and denies the application, the bureau shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written request with the bureau for a hearing on the denial. Upon receipt of a timely filed request, the bureau shall request that the matter be set for a hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein. If the staff member determines that the applicant is qualified, the bureau may issue a permit without a hearing.

(b) An applicant may qualify in one of the following ways:



(1) If an individual, they may qualify by personal examination or by examination of their responsible managing employee.

(2) If a partnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer, an employee who works at least 32 hours per week, or a partner of the applicant firm.

(c) If the individual qualified by examination ceases to be connected with the permitholder, the permitholder shall notify the bureau in writing within 30 days after the cessation. If notice is given, the permit shall remain in force a reasonable length of time in order that another representative of the applicant may be qualified before the bureau. If the permitholder fails to notify the bureau of the cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

(d) The bureau shall require each applicant for a permit as a household mover, as defined in Section 19225.5, to undergo a fingerprint-based state and national criminal history background check.

(1) The bureau shall submit to the Department of Justice fingerprint images and related information for each individual owner of an applicant, if the applicant is an individual or sole proprietorship, each partner, if the applicant is a partnership, each officer and director, if the applicant is a corporation, or each member and manager, if the applicant is a limited liability company, pursuant to subdivision (u) of Section 11105 of the Penal Code. The fingerprint images and related information shall be submitted for the purpose of obtaining information as to the existence and content of a record of state and federal convictions and arrests, and information as to the existence and content of a record of state and federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance, pending trial or appeal.

(2) The Department of Justice shall provide a response to the bureau pursuant to subdivision (p) of Section 11105 of the Penal Code.

(3) The bureau shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(4) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this subdivision.

(e) The bureau may require, as a precondition to the issuance of a permit, the procurement of a performance bond sufficient to facilitate the collection of fines, penalties, and restitution related to enforcement actions that can be taken against the applicant.

(f) The bureau may refuse to issue a permit if it is shown that an applicant or an officer, director, partner, or associate of an applicant has committed any act constituting dishonesty or fraud; committed any act that, if committed by a permitholder, would be grounds for a suspension or revocation of the permit; misrepresented any material fact on the application; or, was convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession, except that if the bureau determines that the applicant is otherwise suitable to be issued a permit, and granting the permit would not compromise public safety, the bureau shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant to be issued a permit based on the evidence found through the review.

(g) A permit shall not be issued unless it has been shown that the applicant meets one of the following residence requirements:

(1) For an individual, the applicant shall have resided in the State of California for not less than 90 days next preceding the filing of the application.

(2) For a partnership, the partner having the largest percentage interest in the partnership shall have resided in the State of California continuously for not less than 90 days next preceding the filing of the application.

(3) For a limited liability company or a corporation, the applicant shall be a domestic limited liability company or a domestic corporation or shall be qualified to transact business in the State of California as a foreign limited liability company or a foreign corporation at the time of filing the application.

(h) The bureau shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

(i) If the bureau denies an application, the bureau shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written request with the bureau for a hearing on the denial. Upon receipt of a timely filed request, the bureau shall request that the matter be set for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

**SEC. 22.** Section 33113.5 is added to the Education Code, to read:

**33113.5.** (a) The department may require employees, prospective employees, volunteers, contractors, and subcontractors to undergo a fingerprint-based state and national criminal history background check.

(b) The department shall electronically submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 23.** Section 59009 is added to the Education Code, immediately following Section 59008, to read:

**59009.** (a) The department may require employees, prospective employees, volunteers, contractors, and subcontractors for the California School for the Deaf, as defined in Section 59000, to undergo a fingerprint-based state and national criminal history background check.

(b) The department shall electronically submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 24.** Section 59105 is added to the Education Code, immediately following Section 59104, to read:

**59105.** (a) The department may require employees, prospective employees, volunteers, contractors, and subcontractors for the California School for the Blind, as defined in Section 59100, to undergo a fingerprint-based state and national criminal history background check.

(b) The department shall electronically submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 25.** Section 59206 is added to the Education Code, immediately following Section 59205, to read:

**59206.** (a) The department may require employees, prospective employees, volunteers, contractors, and subcontractors for the diagnostic centers, as defined in Section 59200, to undergo a fingerprint-based state and national criminal history background check.

(b) The department shall electronically submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 26.** Section 66611 is added to the Education Code, immediately following Section 66610, to read:

**66611.** (a) The California State University may require employees, prospective employees, volunteers, contractors, and subcontractors, to undergo a fingerprint-based state and national criminal history background check.

(b) The California State University shall electronically submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 27.** Section 92612.3 is added to the Education Code, immediately following Section 92612.2, to read:

**92612.3.** (a) The University of California may require background checks, to be completed by the Department of Justice pursuant to subdivision (b), during the final stages of the recruitment process for a prospective staff employee, contractor, or volunteer.

(b) (1) The University of California shall submit to the Department of Justice fingerprint images of a prospective staff employee, contractor, or volunteer, that the University of California obtains pursuant to subdivision (a), and related information required by the Department of Justice, for purposes of a state- and federal-level criminal history background check in accordance with subdivision (u) of Section 11105 of the Penal Code.

(2) The Department of Justice shall provide a state or federal response, or both if applicable, to the University of California pursuant to subdivision (p) of Section 11105 of the Penal Code.

(c) This section does not authorize hiring practices that are inconsistent with the requirements of Section 12952 of the Government Code.

**SEC. 28.** Section 1030 of the Government Code is repealed.

**SEC. 29.** Section 1030 is added to the Government Code, to read:

**1030.** (a) A law enforcement agency shall require a peace officer or a prospective peace officer, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, to undergo a fingerprint-based state and national criminal history background check.

(b) A law enforcement agency shall submit to the Department of Justice fingerprint images and related information for an individual specified in subdivision (a) who is subject to a state and national criminal history background check, 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 (k) of Section 11105 of the Penal Code.

(c) As used in this section, "law enforcement agency" means a police or sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any peace officer, as designated as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

**SEC. 30.** Section 733.5 is added to the Harbors and Navigation Code, to read:

**733.5.** (a) The division shall require an applicant for a yacht and ship broker or salesperson license, as those terms are defined in Section 701, to undergo a fingerprint-based state and national criminal history background check.

(b) The division shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

**SEC. 31.** Section 53.5 is added to the Military and Veterans Code, to read:

**53.5.** (a) The Military Department may require service members, employees, volunteers, contractors, and subcontractors to undergo a fingerprint-based state and national criminal history background check.

(b) The Military Department shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, 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) As used in this section, "service member" means a member of the active militia as defined in Section 120 of the Military and Veterans Code.

**SEC. 32.** Section 90.1 is added to the Military and Veterans Code, to read:

**90.1.** (a) The Department of Veterans Affairs may require employees, prospective employees, volunteers, contractors, and subcontractors to undergo a fingerprint-based state and national criminal history background check.

(b) The Department of Veterans Affairs shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, 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. 33.** Section 11105 of the Penal Code is amended to read:

**11105.** (a) (1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to the following, if needed in the course of their duties, 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, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.

(3) District attorneys of the state.

(4) Prosecuting city attorneys or city prosecutors of a city within the state.

(5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a, drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code or Section 11571 of the Health and Safety Code, or a city attorney or county counsel pursuing gun violence restraining orders pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6.

(6) Probation officers of the state.

(7) Parole officers of the state.

(8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.

(9) A public defender or attorney of record when representing a person in a criminal case or a juvenile delinquency proceeding, including all appeals and postconviction motions, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h) of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, if the information is requested in the course of representation.

(10) An agency, officer, or official of the state if the state summary 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. The agency, officer, or official of the state authorized by this paragraph to receive state summary criminal history information may perform state and federal criminal history information checks as provided for in subdivision (u). The Department of Justice shall provide a state or federal response to the agency, officer, or official pursuant to subdivision (p).

(11) A city, county, city and county, or district, if access is needed in order to assist that agency 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 state summary 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. The city, county, city and county, or district authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) A 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.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) A managing or supervising correctional officer of a county jail or other county correctional facility.

(16) A humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing state summary criminal history information, the agency shall delete or purge from the file and destroy documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for a purpose other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving state summary criminal history information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing the officer's duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(26) (A) A state entity, or its designee, that receives federal tax information. A state entity or its designee that is authorized by this paragraph to receive state summary criminal history information also may transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation for the purpose of the state entity or its designee obtaining federal-level criminal offender record information from the Department of Justice. This information shall be used only for the purposes set forth in Section 1044 of the Government Code.

(B) For purposes of this paragraph, "federal tax information," "state entity" and "designee" are as defined in paragraphs (1), (2), and (3), respectively, of subdivision (f) of Section 1044 of the Government Code.

(27) The director of the State Department of State Hospitals, or their designee, for use related to research and evaluation studies described in Section 4046 of the Welfare and Institutions Code, and subject to the limitations described in that section.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal-level criminal history information upon a showing of a compelling need to any of the following, 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, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) A public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data, the Attorney General shall furnish a copy of the data to the person to whom the data relates.

(2) A peace officer of the state other than those included in subdivision (b).

(3) An illegal dumping enforcement officer as defined in subdivision (i) of Section 830.7.

(4) A peace officer of another country.

(5) Public officers, other than peace officers, of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States if the information is needed for the performance of their official duties.

(6) A person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) An individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or a foreign nation.

(10) (A) (i) A public utility, as defined in Section 216 of the Public Utilities Code, or a cable corporation as defined in subparagraph (B), if receipt of criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and arrests for which the person is released on bail or on their own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) State summary criminal history information is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on their own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. A public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a "compelling need" as required to be shown in this subdivision.

(v) This section shall not be construed as imposing a duty upon public utilities or cable corporations to request state summary criminal history information on current or prospective employees.

(B) For purposes of this paragraph, "cable corporation" means a corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal-level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal-level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(11) A campus of the California State University or the University of California, or a four-year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to a special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon's fingerprints and any other information specified by the department.

(12) A foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, a person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or a state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting state summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice in accordance with federal law and as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state or federal summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(G) Sentencing information, if present in the department's records at the time of the response.

(l) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice in accordance with federal law and as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state or federal summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or that did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention, or the subject was granted relief pursuant to Section 851.91.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(F) Sentencing information, if present in the department's records at the time of the response.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice in accordance with federal law and as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or a statute that incorporates the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state or federal summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the State Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in the successful completion of a diversion program, exoneration, or a grant of relief pursuant to Section 851.91.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice in accordance with federal law and as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) A statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.



(2) Notwithstanding any other law, whenever state or federal summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice in accordance with federal law and as the result of an application by an authorized agency or organization pursuant to Section 379 or 1300 of the Financial Code or a statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state or federal summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of an offense specified in Section 1300 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 1300 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sentencing information, if present in the department's records at the time of the response.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice in accordance with federal law and as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or a statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state or federal summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, 1203.44, or 1203.49. The Commission on Teacher Credentialing, school districts, county offices of education, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with a school district, county office of education, charter school, private school, or state special school for the blind and deaf, shall receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49.

(B) Notwithstanding subparagraph (A) or any other law, information for a conviction for a controlled substance offense listed in Section 11350 or 11377, or former Section 11500 or 11500.5, of the Health and Safety Code that is more than five years old, for which relief is granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49, shall not be disseminated.

(C) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that

mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

(u) (1) If a fingerprint-based criminal history information check is required pursuant to any statute, that check shall be requested from the Department of Justice and shall be applicable to the person identified in the referencing statute. The agency or entity identified in the statute shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of the types of applicants identified in the referencing statute, for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of the state or federal arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance pending trial or appeal.

(2) If requested, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history information check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation, and compile and disseminate a response to the agency or entity identified in the referencing statute, pursuant to the identified subdivision. The Department of Justice shall not disseminate federal criminal history information to a private entity that is unauthorized to receive it under federal law.

(3) The Department of Justice shall provide a state response to the agency or entity identified in the referencing statute, pursuant to the identified subdivision.

(4) The agency or entity identified in the referencing statute shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2, for persons described in the referencing statute.

(5) The Department of Justice shall charge a fee sufficient to cover the reasonable cost of processing the request described in this subdivision.

**SEC. 34.** Section 11105.001 is added to the Penal Code, to read:

**11105.001.** (a) A government entity specified in subdivision (c) may require employees, prospective employees, volunteers, contractors, and subcontractors to undergo a fingerprint-based state and national criminal history background check.

(b) A government entity specified in subdivision (c) shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (p) of Section 11105.

(c) The following government entities are authorized pursuant to this section:

(1) The University of California, as defined in Section 9 of Article IX of the Constitution.

(2) The California State Summer School for the Arts, as defined in Section 8950 of the Education Code.

(3) The State Department of Education, for the following entities:

(A) The State Department of Education, as defined in Section 33300 of the Education Code.

(B) The California School for the Deaf, as defined in Section 59000 of the Education Code.

(C) The California School for the Blind, as defined in Section 59100 of the Education Code.

(D) Diagnostic centers, as defined in Section 59200 of the Education Code.

(4) Commission on Teacher Credentialing, as defined in Section 44210 of the Education Code.

- (5) The California State University, as defined in Chapter 1 (commencing with Section 89000) of Part 55 of Division 8 of Title 3 of the Education Code.
- (6) The Department of Fish and Wildlife, as defined in Section 700 of the Fish and Game Code.
- (7) California Exposition and State Fair, as defined in Section 3301 of the Food and Agriculture Code.
- (8) Exposition Park, as defined in Section 4101 of the Food and Agriculture Code.
- (9) The Office of Emergency Services, as defined in Section 8585 of the Government Code.
- (10) The Department of FISCal, as defined in Section 11890 of the Government Code.
- (11) The Secretary of State's Office, as defined in Section 12172.5 of the Government Code.
- (12) The State Treasurer's Office, as defined in Chapter 4 (commencing with Section 12302) of Part 2 of Division 3 of Title 2 of the Government Code.
- (13) The State Controller's Office, as defined in Section 12402 of the Government Code.
- (14) The California Health and Human Services Agency, as defined in Section 12800 of the Government Code.
- (15) The California Department of Tax and Fee Administration, as defined in Chapter 1 (commencing with Section 15570) of Part 8.7 of Division 3 of Title 2 of the Government Code.
- (16) Emergency Medical Services Authority, as defined in Section 1797.100 of the Health and Safety Code.
- (17) The State Department of Health Care Services, as defined in Section 100100 of the Health and Safety Code.
- (18) The State Department of Public Health, as defined in Section 131050 of the Health and Safety Code.
- (19) The Military Department, as defined in Section 50 of the Military and Veterans Code. The Military Department may require service members to undergo a fingerprint-based state and national criminal history background check, pursuant to subdivision (a). For purposes of this section, "service member" means a member of the active militia as defined in Section 120 of the Military and Veterans Code.
- (20) The Department of Veterans Affairs, as defined in Section 63 of the Military and Veterans Code.
- (21) The Department of Parks and Recreation, as defined in Section 501 of the Public Resources Code.
- (22) The Employment Development Department, as defined in Section 301 of the Unemployment Insurance Code.
- (23) The California Department of Aging, as defined in Section 9100 of the Welfare and Institutions Code.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid pursuant to state or federal law, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 35.** Section 11105.002 is added to the Penal Code, to read:

**11105.002.** (a) A government entity specified in subdivision (c) shall require specified applicants to undergo a fingerprint-based state and national criminal history background check.

(b) The government entities specified in this section shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105.

(c) The following government entities are authorized pursuant to this section:

(1) (A) Law enforcement agencies for peace officers and prospective peace officers, as designated in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (k) of Section 11105.

(B) As used in this subdivision, "law enforcement agencies" means a police or sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any peace officer, as designated in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Criminal justice agencies, as defined in Section 13101, for employees, prospective employees, volunteers, contractors, and subcontractors. The Department of Justice shall provide a state- and federal-level response pursuant to subdivision (l) of Section 11105.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid pursuant to state or federal law, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 36.** Section 11105.05 is added to the Penal Code, to read:

**11105.05.** (a) Criminal justice agencies, as defined in Section 13101, shall require employees, prospective employees, volunteers, contractors, and subcontractors, to undergo a fingerprint-based state and national criminal history background check.

(b) Criminal justice agencies shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (l) of Section 11105.

**SEC. 37.** Section 11105.2 is added to the Penal Code, to read:

**11105.2.** (a) (1) The Department of Justice may provide to any entity authorized by state or federal law to receive state or federal summary criminal history information, subsequent state or federal arrest or disposition notification to assist in fulfilling employment, licensing, or certification duties, or the duties of approving relative caregivers, nonrelative extended family members, and resource families upon the arrest or disposition of any person whose fingerprints are maintained on file at the Department of Justice or the Federal Bureau of Investigation as the result of an application for licensing, employment, certification, or approval. The Department of Justice is authorized to submit fingerprints to the Federal Bureau of Investigation where the fingerprints will be retained for the purpose of being searched by future submissions to the Federal Bureau of Investigation, including latent fingerprint searches. The Department of Justice is authorized to search latent print images against all retained fingerprint submissions. This section does not authorize the notification of a subsequent disposition pertaining to a disposition that does not result in a conviction, unless the department has previously received notification of the arrest and has previously lawfully notified a receiving entity of the pending status of that arrest. If the department supplies subsequent arrest or disposition notification to a receiving entity, the entity shall, at the same time, expeditiously furnish a copy of the information to the person to whom it relates if the information is a basis for an adverse employment, licensing, or certification decision. If the copy is not furnished in person, the copy shall be delivered to the last contact information provided by the applicant.

(2) The Department of Justice is authorized to collect all fees related to subsequent notification services from eligible entities who may participate and remit collected fees to the Federal Bureau of Investigations.

(3) An entity that submits the fingerprints of applicants for licensing, employment, or certification, or approval to the Department of Justice for the purpose of establishing a record of the applicant to receive notification of subsequent state or federal arrests or dispositions pursuant to paragraph (1) shall comply with subdivision (d).

(4) The Department of Justice shall provide to the State Department of Social Services, the Medical Board of California, and the Osteopathic Medical Board of California, pursuant to state or federal law authorizing those departments to receive state or federal summary criminal history information subsequent state or federal arrest or disposition notification to assist in fulfilling employment, licensing, or certification duties, or the duties of approving relative caregivers, nonrelative extended family members, and resource families upon the arrest or disposition of any person whose fingerprints are maintained on file at the Department of Justice or the Federal Bureau of Investigation as the result of an application for licensing, employment, certification, or approval.

(b) For purposes of this section, "approval" means those duties described in subdivision (d) of Section 309 of the Welfare and Institutions Code for approving the home of a relative caregiver or of a nonrelative extended family member for placement of a child supervised by the juvenile court, and those duties in Section 16519.5 of the Welfare and Institutions Code for resource families.

(c) An entity shall enter into a contract with the Department of Justice in order to receive notification of subsequent state or federal arrests or dispositions for licensing, employment, or certification purposes.

(d) An entity that submits the fingerprints of applicants for licensing, employment, certification, or approval to the Department of Justice for the purpose of establishing a record of the applicant to receive notification of subsequent state or federal arrests or dispositions shall immediately notify the department when the employment of the applicant is terminated, when the applicant's license or certificate is revoked, when the applicant may no longer renew or reinstate the license or certificate, or when a relative caregiver's or nonrelative extended family member's approval is terminated. For each volunteer for whom an entity requests

notification of subsequent state or federal arrests or dispositions, the entity shall, not less than every six months, verify that each individual for whom the service has not been terminated is still a volunteer with the entity. The Department of Justice shall terminate state or federal subsequent notification on any applicant upon the request of the licensing, employment, certifying, or approving authority.

(e) An entity that receives a notification of a state or federal subsequent arrest or disposition for a person unknown to the entity, or for a person no longer employed by the entity, or no longer eligible to renew the certificate or license for which subsequent notification service was established shall immediately inform the department that the entity is no longer interested in the applicant. The entity shall not record or otherwise retain any information received as a result of the subsequent notice.

(f) An entity that submits the fingerprints of an applicant for employment, licensing, certification, or approval to the Department of Justice for the purpose of establishing a record at the department or the Federal Bureau of Investigation to receive notification of subsequent arrest or disposition shall immediately notify the department if the applicant is not subsequently employed, or if the applicant is denied licensing certification, or approval.

(g) An entity that fails to provide the Department of Justice with notification as set forth in subdivisions (c), (d), and (e) may be denied further subsequent notification service.

(h) Notwithstanding subdivisions (c), (d), and (f), subsequent notification by the Department of Justice and retention by the employing agency shall continue as to retired peace officers listed in subdivision (c) of Section 830.5.

(i) For purposes of this section, "employment" shall include contract employment and volunteer service.

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

**SEC. 38.** Section 11107.6 is added to the Penal Code, to read:

**11107.6.** The Department of Justice shall inform the Joint Legislative Budget Committee, the Senate Standing Committee on Public Safety, and the Assembly Committee on Public Safety within 30 days of determining that a legislative enactment is likely to be needed for an entity that is authorized to receive criminal history information pursuant to state or federal law to reestablish or retain proper authorization for an applicant population.

**SEC. 39.** Section 26330 is added to the Penal Code, to read:

**26330.** (a) A law enforcement agency may require a retiring or a retired peace officer seeking an endorsement on the officer's identification certificate stating that the issuing agency approves the officer's carrying of a concealed firearm, as described in Chapter 2 (commencing with Section 25400) and Chapter 5 (commencing with Section 26300) of Division 4 of Title 4, to undergo a fingerprint-based state and national criminal history background check.

(b) A law enforcement agency shall submit to the Department of Justice fingerprint images and related information for an individual specified in subdivision (a) who is subject to a state and national criminal history background check, pursuant to subdivision (u) of Section 11105. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (k) of Section 11105.

(c) (1) The Department of Justice shall notify a law enforcement agency as to whether an individual specified in subdivision (a) is prohibited from possessing, receiving, owning, or purchasing a firearm pursuant to state or federal law. If the prohibition is temporary, the notice shall indicate the date that the prohibition expires. However, the notice shall not provide any other information with respect to the basis for the prohibition. The Department of Justice may charge the applicant a fee sufficient to reimburse its costs for furnishing this information.

(2) If the department is unable to ascertain the final disposition of an arrest or criminal charge, the outcome of the mental health treatment or evaluation, or the applicant's eligibility to possess, receive, own, or purchase a firearm, the department shall notify the law enforcement agency.

(3) No endorsement shall be issued by any law enforcement agency unless the information described in paragraph (1) confirms the applicant's eligibility to possess, receive, own, or purchase a firearm.

(d) As used in this section, "law enforcement agency" means a police or sheriff's department, any department or agency of the state, or any political subdivision thereof that employs any peace officer, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

**SEC. 40.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the

Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 41.** For the 2025–26 fiscal year, the sum of ten thousand dollars (\$10,000) is hereby appropriated from the General Fund to the Department of Justice for purposes of administering the fingerprint requirements added by this act.

**SEC. 42.** 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.