

Introduced by Senator RunnerFebruary 24, 2012

An act to add Section 1522.3 to the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1502, as introduced, Runner. Community care facilities: foster care facilities: sex offenders.

Existing law, the California Community Care Facilities Act, generally regulates the licensure and operation of various community care facilities, including foster family homes and foster family agencies, which, in turn certify family homes. Violation of the act is a misdemeanor.

Existing law requires the State Department of Social Services, before issuing a license or special permit to any person to operate or manage a day care or community care facility, to secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other specified person has ever been convicted of various crimes. Existing law also requires the department to check the Child Abuse Central Index before granting a license to, or otherwise approving any individual to care for or reside with children.

This bill, notwithstanding any other law, would prohibit a foster family home, foster family agency, or certified family home from knowingly accepting or permitting placement of any foster child if a person for whom registration is required for specified sex offenses resides at the location where the child is to be placed.

Because violation of the California Community Care Facilities Act is a misdemeanor, by expanding the definition of a crime, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1522.3 is added to the Health and Safety
2 Code, to read:

3 1522.3. Notwithstanding any other law, a foster family home,
4 foster family agency, or certified family home shall not knowingly
5 accept or permit placement of any foster child if a person for whom
6 registration is required pursuant to Chapter 5.5 (commencing with
7 Section 290) of Title 9 of Part 1 of the Penal Code resides at the
8 location where the child is to be placed.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.