

AMENDED IN SENATE JULY 3, 1995
AMENDED IN ASSEMBLY MAY 16, 1995
AMENDED IN ASSEMBLY MAY 1, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 1571

Introduced by Assembly Member Caldera

February 24, 1995

An act to amend Section 607f of the Civil Code, *and to amend Section 11105 of the Penal Code*, relating to humane officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1571, as amended, Caldera. Humane societies.

Existing law provides for, and regulates, humane societies incorporated for the prevention of cruelty to animals. These provisions provide for the appointment of members of those societies as humane officers and authorizes those persons to have specified powers, including the power to arrest and the power to carry weapons.

This bill would provide that, on and after July 1, 1996, ~~only a person who meets specified requirements may be appointed as, or perform the duties of, a humane officer, and that no~~ entity, other than a humane society or society for the prevention of cruelty to animals, shall be eligible to apply for or receive an appointment of any individual as a level 1 or level 2 humane officer, the duty of which shall be the

enforcement of the laws for the prevention of cruelty to animals. ~~The~~

This bill would prescribe qualifications for both the appointing society and the appointed individual in order to lawfully appoint a humane officer. The bill would provide for a level 1 humane officer and a level 2 humane officer who may exercise the powers of a peace officer at all places within the state in order to prevent the perpetration of any act of cruelty upon any animal, and who may use necessary force, make arrests, and serve search warrants, as specified. A level 1 humane officer would be authorized, upon satisfactory completion of specified training, including the basic or reserve level I training by the Commission on Peace Officer Standards and Training, to carry firearms, as specified, and a level 2 humane officer would not be authorized to carry firearms.

Additionally, this bill would make it a misdemeanor for any humane society, society for the prevention of cruelty to animals, or person to knowingly provide a court with false or forged documentation for the appointment of a humane officer. The bill would impose a state-mandated local program by creating a new crime.

This bill would provide that persons appointed as a humane officer are not peace officers but may exercise the powers of arrest of a peace officer during the course and within the scope of their employment, if they successfully complete a course in the exercise of those powers.

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: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

1 SECTION 1. Section 607f of the Civil Code is
2 amended to read:



1 607f. (a) (1) ~~On and after July 1, 1996, only a person~~
2 ~~who is employed by a humane society or society for the~~
3 ~~prevention of cruelty to animals and who meets the~~
4 ~~qualifications imposed by this section may be appointed~~
5 ~~as, or perform the duties of, a humane officer.~~

6 ~~(2)~~-(A) On and after July 1, 1996, no entity, other than
7 a humane society or society for the prevention of cruelty
8 to animals, shall be eligible to apply for or receive an
9 appointment of any individual as a level 1 or level 2
10 humane officer, the duty of which shall be the
11 enforcement of the laws for the prevention of cruelty to
12 animals.

13 (B) Each humane society or society for the prevention
14 of cruelty to animals that makes application to the court
15 for the appointment of an individual to act as a level 1 or
16 level 2 humane officer for the humane society or society
17 for the prevention of cruelty to animals shall provide with
18 the application documentation that demonstrates that
19 the person has satisfactorily completed the training
20 requirements set forth in subdivision (i).

21 (C) Each humane society or society for the prevention
22 of cruelty to animals for which an individual is acting as
23 a level 1 or level 2 humane officer shall maintain complete
24 and accurate records documenting that the individual has
25 successfully completed all requirements established in
26 this section and shall make those records available, upon
27 request, to the superior court, the Attorney General, or
28 any entity duly authorized to review that information,
29 including the State Humane Association of California ~~or~~
30 ~~a comparable entity.~~

31 ~~(3)~~-(A).

32 (2) Any corporation incorporated for the purpose of
33 the prevention of cruelty to animals *that possesses*
34 *insurance of at least one million dollars (\$1,000,000) for*
35 *liability for bodily injury or property damage* may, ~~one~~
36 ~~year~~ *six months* after the date of its incorporation and by
37 resolution of its board of directors or trustees duly entered
38 on its minutes, appoint any number of ~~its members~~
39 *persons*, who shall be citizens of the State of California, as
40 humane officers, provided that the individuals to be



1 appointed have met the training guidelines set forth in
2 subdivision (i).

3 ~~(B) Before the humane society or society for the~~
4 ~~prevention of cruelty to animals may appoint any~~
5 ~~qualified person to be a humane officer, the humane~~
6 ~~society or society for the prevention of cruelty to animals~~
7 ~~shall meet all of the following conditions:~~

8 ~~(i) Have funds and a budget to support the costs of~~
9 ~~training, equipment, animal care, and workers'~~
10 ~~compensation benefits required by this section.~~

11 ~~(ii) Perform thorough background checks on all~~
12 ~~applicants for humane officer according to the guidelines~~
13 ~~established by the Commission on Peace Officer~~
14 ~~Standards and Training, including, but not limited to,~~
15 ~~medical examinations and psychological evaluations.~~

16 ~~(iii) Possess insurance of at least one million dollars~~
17 ~~(\$1,000,000) for liability for bodily injury or property~~
18 ~~damage.~~

19 ~~(iv) Utilize, or have the ability to utilize, approved~~
20 ~~kennels that meet local city or county regulations.~~

21 ~~(v) Have the ability to properly provide all necessary~~
22 ~~care for animals in its custody, including, but not limited~~
23 ~~to, veterinarian care, food, water, proper housing, and a~~
24 ~~clean environment.~~

25 ~~(vi) Have a facility to keep livestock and equine~~
26 ~~animals or the ability to house and transport those~~
27 ~~animals.~~

28 ~~(vii) Have a facility to keep small animals or the ability~~
29 ~~to house and transport those animals.~~

30 ~~(4)~~

31 (3) Each appointment of a humane officer shall be by
32 separate resolution. The resolution shall state the full
33 name and place of residence, or the full name and
34 employing agency's address, and the business or
35 *occupation name and address of the appointing agency,*
36 *the full name and place of business and residence* of the
37 person so appointed, and the fact that he or she is a citizen
38 of the State of California, and shall also designate the
39 number of the badge to be allotted to the officer.



1 (b) The humane society or society for the prevention
2 of cruelty to animals shall ~~obtain verification from the~~
3 ~~State Humane Association of California, or comparable~~
4 ~~entity, that the appointee and the humane society or~~
5 ~~society for the prevention of cruelty to animals meet the~~
6 ~~qualifications of this section, and shall submit the~~
7 ~~verification~~ *recommend any appointee* to the judge of
8 the superior court in and for the county or city and county
9 in which the appointee resides, and shall deliver to the
10 judge a copy of the resolution appointing the person, duly
11 certified to be correct by the president and secretary of
12 the corporation and attested by its seal, together with the
13 fingerprints of the appointee taken on standard 8- x 8-inch
14 cards, ~~and~~ proof of the society's proper incorporation in
15 compliance with Part 9 (commencing with Section
16 10400) of Division 2 of the Corporations Code, *a copy of*
17 *the society's liability for bodily injury or property damage*
18 *insurance policy in the amount of at least one million*
19 *dollars (\$1,000,000), and documentation establishing that*
20 *the appointee has satisfactorily completed the training*
21 *requirements set forth in this section.*

22 (c) The judge shall send a copy of the resolution,
23 together with the fingerprints of the appointee, to the
24 Department of Justice, which shall thereupon submit to
25 the judge, in writing, a report of the record in its
26 possession, if any, of the appointee. If the Department of
27 Justice has no record of the appointee, it shall so report to
28 the judge in writing.

29 (d) Upon receipt of the report the judge shall review
30 the matter of the appointee's qualifications and fitness to
31 act as a humane officer and, if he or she reaffirms the
32 appointment, shall so state on a court order confirming
33 the appointment. The appointee shall thereupon file a
34 certified copy of the reviewed court order in the office of
35 the county clerk of the county or city and county and
36 shall, at the same time, take and subscribe the oath of
37 office prescribed for constables or other peace officers.

38 (e) The county clerk shall thereupon immediately
39 enter in a book to be kept in his or her office and
40 designated "Record of Humane Officers" the name of the



1 officer; *the name of the agency appointing him or her*, the
 2 number of his or her badge, the name of the judge
 3 appointing him or her; and the date of the filing. At the
 4 time of the filing the county clerk shall collect from the
 5 officer a fee of five dollars (\$5), which shall be in full for
 6 all services to be performed by the county clerk under
 7 this section.

8 (f) All appointments of humane officers shall
 9 automatically expire if the society disbands or legally
 10 dissolves. In addition, all appointments of humane
 11 officers shall automatically expire within three years from
 12 the date on which the certified copy of the court order
 13 was filed with the county clerk. Officers whose
 14 appointments are about to expire may only be
 15 ~~reappointed in the same manner as provided in this~~
 16 ~~section for new appointments.~~ *reappointed after*
 17 *satisfactorily completing the continuing education and*
 18 *training set forth in this section.*

19 (g) (1) The corporation appointing an officer may
 20 revoke an appointment at any time by filing in the office
 21 of the county clerk in which the appointment of the
 22 officer is recorded a copy of the revocation in writing
 23 under the letterhead of the corporation and duly certified
 24 by its executive officer. Upon the filing the county clerk
 25 shall enter the fact of the revocation and the date of the
 26 filing thereof opposite the name of the officer in the
 27 record of humane officers.

28 (2) Notwithstanding paragraph (1), a revocation
 29 hearing may be initiated by petition from any duly
 30 authorized ~~law enforcement agency~~ *sheriff or local police*
 31 *agency or the State Humane Association of California.*
 32 The petition shall show cause why an appointment should
 33 be revoked and shall be made to the superior court in the
 34 jurisdiction of the appointment.

35 (h) The corporation or local humane society
 36 appointing the humane officer shall pay the training
 37 expenses of the humane officer attending the training
 38 required pursuant to this section.

39 (i) (1) (A) A level 1 humane officer is not a peace
 40 officer, but may exercise the powers of a peace officer at



1 all places within the state in order to prevent the
2 perpetration of any act of cruelty upon any animal and to
3 that end may summon to his or her aid any bystander. A
4 level 1 humane officer may use reasonable force
5 necessary to prevent the perpetration of any act of
6 cruelty upon any animal.

7 (B) A level 1 humane officer may make arrests for the
8 violation of any penal law of this state relating to or
9 affecting animals in the same manner as any peace officer
10 and may also serve search warrants.

11 (C) A level 1 humane officer is authorized to carry
12 firearms while exercising the duties of a humane officer,
13 upon satisfactory completion of the training specified in
14 subparagraph (D) and the basic or reserve level I training
15 by the Commission on Peace Officer Standards and
16 Training pursuant to Section 13510.1 of the Penal Code.

17 (D) A level 1 humane officer shall, ~~within one year of~~
18 *prior to* appointment, provide evidence satisfactory to
19 the ~~society~~ *appointing agency* that he or she has
20 successfully completed courses of training in the
21 following subjects:

22 (i) At least 20 hours of a course of training in animal
23 care sponsored or provided by an accredited
24 postsecondary institution, *law enforcement agency, or*
25 *the State Humane Association of California*, the focus of
26 which shall be the identification of disease, injury, and
27 neglect in domestic animals and livestock.

28 (ii) At least 40 hours of a course of training in the state
29 humane laws *relating to the powers and duties of a*
30 *humane officer* sponsored or provided by an accredited
31 postsecondary institution, *law enforcement agency, or*
32 *the State Humane Association of California*.

33 (E) *No person shall be appointed as a level 1 humane*
34 *officer until they have satisfied the requirements in*
35 *Sections 1029, 1030, and 1031 of the Government Code. A*
36 *humane society or society for the prevention of cruelty to*
37 *animals shall complete a background investigation, using*
38 *standards defined by the Commission on Peace Officer*
39 *Standards and Training as guidelines for all level 1*
40 *humane officer appointments.*



1 (F) In order to be eligible for reappointment, a level
2 1 humane officer shall complete ongoing weapons
3 training and range qualifications ~~throughout the year at~~
4 *least every six months pursuant to subdivision (s) of*
5 *Section 830.3 of the Penal Code* and shall, every three
6 years, complete 40 hours of continuing education and
7 training relating to the powers and duties of a humane
8 officer, which education and training shall be provided by
9 an accredited law enforcement academy, an accredited
10 postsecondary institution, or another institution
11 approved by a law enforcement agency or by the State
12 Humane Association of California ~~or a comparable entity.~~

13 ~~(F).~~

14 (G) (i) Notwithstanding any other provision of this
15 section, a level 1 humane officer may carry firearms only
16 if authorized by, and only under the terms and conditions
17 specified by, his or her ~~employing~~ *appointing* agency.

18 (ii) Notwithstanding any other provision of this
19 section, a level 1 humane officer shall not be authorized
20 to carry firearms unless and until his or her ~~employing~~
21 *appointing* agency has adopted a policy on the use of
22 deadly force by its officers and the officer has been
23 instructed in that policy.

24 (2) (A) A level 2 humane officer is not a peace officer,
25 but may exercise the powers of a peace officer at all places
26 within the state in order to prevent the perpetration of
27 any act of cruelty upon any animal and to that end may
28 summon to his or her aid any bystander. A level 2 humane
29 officer may use reasonable force necessary to prevent the
30 perpetration of any act of cruelty upon any animal.

31 (B) A level 2 humane officer may make arrests for the
32 violation of any penal law of this state relating to or
33 affecting animals in the same manner as any peace officer
34 and may serve search warrants during the course and
35 within the scope of employment, upon the successful
36 completion of a course relating to the exercise of the
37 police powers specified in Section 832 of the Penal Code,
38 except the power to carry and use firearms.

39 (C) A level 2 humane officer is not authorized to carry
40 firearms.



1 (D) A level 2 humane officer shall, ~~within one year of~~
2 *prior to* appointment, provide evidence satisfactory to
3 the ~~society~~ *appointing agency* that he or she has
4 successfully completed courses of training in the
5 following subjects:

6 (i) At least 20 hours of a course of training in animal
7 care sponsored or provided by an accredited
8 postsecondary institution, *law enforcement agency, or*
9 *the State Humane Association of California*, the focus of
10 which is the identification of disease, injury, and neglect
11 in domestic animals and livestock.

12 (ii) At least 40 hours of a course of training in the state
13 humane laws sponsored or provided by an accredited
14 postsecondary institution, *law enforcement agency, or*
15 *the State Humane Association of California*.

16 (E) In order to be eligible for reappointment, a level
17 2 humane officer shall, every three years, complete 40
18 hours of continuing education and training relating to the
19 powers and duties of a humane officer, which education
20 and training shall be provided by an accredited law
21 enforcement academy, an accredited postsecondary
22 institution, ~~or another institution approved by a law~~
23 enforcement agency, or by the State Humane Association
24 of California ~~or a comparable entity~~.

25 (j) Every humane officer shall, when making an arrest,
26 exhibit and expose a suitable badge to be adopted by the
27 corporation under this title of which he or she is a
28 member which shall bear its name and a number.
29 *Uniforms worn by humane officers shall include the name*
30 *of the appointing agency on a shoulder patch, and that*
31 *shoulder patch shall not include the words "state" or*
32 *"California," unless part of the appointing agency's*
33 *incorporated name.*

34 (k) Any person resisting a humane officer in the
35 performance of his or her duty as provided in this section,
36 is guilty of a misdemeanor. Any person who has not been
37 appointed and qualified as a humane officer as provided
38 in this section, or whose appointment has been revoked
39 as provided in this section, or whose appointment, having
40 expired, has not been renewed as provided in this section,



1 who shall represent himself or herself to be or shall
2 attempt to act as an officer shall be guilty of a
3 misdemeanor.

4 (l) No humane officer shall serve a search warrant
5 without providing prior notice to local law enforcement
6 agencies operating within that jurisdiction. ~~No humane
7 officer shall serve a search warrant if instructed by the
8 local law enforcement agency not to serve that warrant.~~

9 (m) Any humane society, society for the prevention of
10 cruelty to animals, or person, who knowingly provides a
11 court with false or forged documentation for the
12 appointment of a humane officer is guilty of a
13 misdemeanor and shall be punished by a fine of up to ten
14 thousand dollars (\$10,000).

15 (n) A humane society or a society for the prevention
16 of cruelty to animals shall notify the sheriff of the county
17 in which the society is incorporated, prior to appointing
18 humane officers, of the society's intent to enforce laws for
19 the prevention of cruelty to animals. Humane societies or
20 societies for the prevention of cruelty to animals
21 incorporated and enforcing animal cruelty laws prior to
22 January 1, 1996, that intend to continue to enforce those
23 laws shall notify the sheriff of the county in which the
24 society is incorporated by March 1, 1996.

25 (o) Except as otherwise provided by this section, a
26 humane officer shall serve only in the county in which he
27 or she is appointed. A humane officer may serve
28 temporarily in a county other than that in which he or she
29 is appointed if the humane officer gives notice requesting
30 consent to the sheriff of the county in which he or she
31 intends to serve, and acquires consent from the sheriff of
32 the county in which he or she intends to serve, or from a
33 person authorized by the sheriff to give that consent. A
34 sheriff shall promptly respond to any request by a
35 humane officer to serve in his or her jurisdiction and any
36 request shall not be unreasonably denied.

37 SEC. 2. Section 11105 of the Penal Code is amended
38 to read:

39 11105. (a) (1) The Department of Justice shall
40 maintain state summary criminal history information.



1 (2) As used in this section:

2 (i) “State summary criminal history information”
3 means the master record of information compiled by the
4 Attorney General pertaining to the identification and
5 criminal history of any person, such as name, date of birth,
6 physical description, fingerprints, photographs, date of
7 arrests, arresting agencies and booking numbers, charges,
8 dispositions, and similar data about the person.

9 (ii) “State summary criminal history information”
10 does not refer to records and data compiled by criminal
11 justice agencies other than the Attorney General, nor
12 does it refer to records of complaints to or investigations
13 conducted by, or records of intelligence information or
14 security procedures of, the office of the Attorney General
15 and the Department of Justice.

16 (b) The Attorney General shall furnish state summary
17 criminal history information to any of the following, if
18 needed in the course of their duties, provided that when
19 information is furnished to assist an agency, officer, or
20 official of state or local government, a public utility, or any
21 entity, in fulfilling employment, certification, or licensing
22 duties, Chapter 1321 of the Statutes of 1974 and of Section
23 432.7 of the Labor Code shall apply:

24 (1) The courts of the state.

25 (2) Peace officers of the state as defined in Section
26 830.1, subdivisions (a), (b), and (f) of Section 830.2,
27 subdivision (a) of Section 830.3, subdivisions (a) and (b)
28 of Section 830.5, and subdivision (a) of Section 830.31.

29 (3) District attorneys of the state.

30 (4) Prosecuting city attorneys of any city within the
31 state.

32 (5) Probation officers of the state.

33 (6) Parole officers of the state.

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

38 (8) A public defender or attorney of record when
39 representing a person in a criminal case and if authorized
40 access by statutory or decisional law.



1 (9) Any agency, officer, or official of the state if the
2 criminal history information is required to implement a
3 statute or regulation that expressly refers to specific
4 criminal conduct applicable to the subject person of the
5 state summary criminal history information, and contains
6 requirements or exclusions, or both, expressly based upon
7 that specified criminal conduct.

8 (10) Any city or county, or city and county, or district,
9 or any officer, or official thereof if access is needed in
10 order to assist that agency, officer, or official in fulfilling
11 employment, certification, or licensing duties, and if the
12 access is specifically authorized by the city council, board
13 of supervisors, or governing board of the city, county, or
14 district if the criminal history information is required to
15 implement a statute, ordinance, or regulation that
16 expressly refers to specific criminal conduct applicable to
17 the subject person of the state summary criminal history
18 information, and contains requirements or exclusions, or
19 both, expressly based upon that specified criminal
20 conduct.

21 (11) The subject of the state summary criminal history
22 information under procedures established under Article
23 5 (commencing with Section 11120), Chapter 1, Title 1 of
24 Part 4.

25 (12) Any person or entity when access is expressly
26 authorized by statute if the criminal history information
27 is required to implement a statute or regulation that
28 expressly refers to specific criminal conduct applicable to
29 the subject person of the state summary criminal history
30 information, and contains requirements or exclusions, or
31 both, expressly based upon that specified criminal
32 conduct.

33 (13) Health officers of a city, county, or city and
34 county, or district, when in the performance of their
35 official duties enforcing Section 3110 of the Health and
36 Safety Code.

37 (14) Any managing or supervising correctional officer
38 of a county jail or other county correctional facility.

39 (15) *Any humane society, or society for the prevention*
40 *of cruelty to animals, for the specific purpose of*



1 *complying with Section 607f of the Civil Code for the*
2 *appointment of level 1 humane officers.*

3 (c) The Attorney General may furnish state summary
4 criminal history information upon a showing of a
5 compelling need to any of the following, provided that
6 when information is furnished to assist an agency, officer,
7 or official of state or local government, a public utility, or
8 any entity, in fulfilling employment, certification, or
9 licensing duties, Chapter 1321 of the Statutes of 1974 and
10 of Section 432.7 of the Labor Code shall apply:

11 (1) Any public utility as defined in Section 216 of the
12 Public Utilities Code that operates a nuclear energy
13 facility when access is needed in order to assist in
14 employing persons to work at the facility, provided that,
15 if the Attorney General supplies the data, he or she shall
16 furnish a copy of the data to the person to whom the data
17 relates.

18 (2) To a peace officer of the state other than those
19 included in subdivision (b).

20 (3) To a peace officer of another country.

21 (4) To public officers (other than peace officers) of the
22 United States, other states, or possessions or territories of
23 the United States, provided that access to records similar
24 to state summary criminal history information is expressly
25 authorized by a statute of the United States, other states,
26 or possessions or territories of the United States if the
27 information is needed for the performance of their
28 official duties.

29 (5) To any person when disclosure is requested by a
30 probation, parole, or peace officer with the consent of the
31 subject of the state summary criminal history information
32 and for purposes of furthering the rehabilitation of the
33 subject.

34 (6) The courts of the United States, other states or
35 territories or possessions of the United States.

36 (7) Peace officers of the United States, other states, or
37 territories or possessions of the United States.

38 (8) To any individual who is the subject of the record
39 requested if needed in conjunction with an application to
40 enter the United States or any foreign nation.



1 (9) Any public utility as defined in Section 216 of the
2 Public Utilities Code, if access is needed in order to assist
3 in employing current or prospective employees who in
4 the course of their employment may be seeking entrance
5 to private residences. The information provided shall be
6 limited to the record of convictions and any arrest for
7 which the person is released on bail or on his or her own
8 recognizance pending trial.

9 If the Attorney General supplies the data pursuant to
10 this paragraph, the Attorney General shall furnish a copy
11 of the data to the current or prospective employee to
12 whom the data relates.

13 Any information obtained from the state summary
14 criminal history is confidential and the receiving public
15 utility shall not disclose its contents, other than for the
16 purpose for which it was acquired. The state summary
17 criminal history information in the possession of the
18 public utility and all copies made from it shall be
19 destroyed not more than 30 days after employment or
20 promotion or transfer is denied or granted, except for
21 those cases where a current or prospective employee is
22 out on bail or on his or her own recognizance pending
23 trial, in which case the state summary criminal history
24 information and all copies shall be destroyed not more
25 than 30 days after the case is resolved.

26 A violation of this paragraph is a misdemeanor, and
27 shall give the current or prospective employee who is
28 injured by the violation a cause of action against the
29 public utility to recover damages proximately caused by
30 the violations. Any public utility's request for state
31 summary criminal history information for purposes of
32 employing current or prospective employees who may be
33 seeking entrance to private residences in the course of
34 their employment shall be deemed a "compelling need"
35 as required to be shown in this subdivision.

36 Nothing in this section shall be construed as imposing
37 any duty upon public utilities to request state summary
38 criminal history information on any current or
39 prospective employees.



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

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

25 (e) Whenever state summary criminal history
26 information is furnished as the result of an application and
27 is to be used for employment, licensing, or certification
28 purposes, the Department of Justice may charge the
29 person or entity making the request a fee that it
30 determines to be sufficient to reimburse the department
31 for the cost of furnishing the information. In addition, the
32 Department of Justice may add a surcharge to the fee to
33 fund maintenance and improvements to the systems
34 from which the information is obtained. Notwithstanding
35 any other law, any person or entity required to pay a fee
36 to the department for information received under this
37 section may charge the applicant a fee sufficient to
38 reimburse the person or entity for this expense. All
39 moneys received by the department pursuant to this
40 section, Sections 11105.3 and 12054 of the Penal Code, and



1 Section 13588 of the Education Code shall be deposited in
 2 a special account in the General Fund to be available for
 3 expenditure by the department to offset costs incurred
 4 pursuant to those sections and for maintenance and
 5 improvements to the systems from which the information
 6 is obtained upon appropriation by the Legislature.

7 (f) Whenever there is a conflict, the processing of
 8 criminal fingerprints and fingerprints of applicants for
 9 security guard or alarm agent registrations or firearms
 10 qualification permits submitted pursuant to Section 7514
 11 of the Business and Professions Code shall take priority
 12 over the processing of applicant fingerprints.

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

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

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

28 *SEC. 3. No reimbursement is required by this act*
 29 *pursuant to Section 6 of Article XIII B of the California*
 30 *Constitution because the only costs that may be incurred*
 31 *by a local agency or school district will be incurred*
 32 *because this act creates a new crime or infraction,*
 33 *eliminates a crime or infraction, or changes the penalty*
 34 *for a crime or infraction, within the meaning of Section*
 35 *17556 of the Government Code, or changes the definition*
 36 *of a crime within the meaning of Section 6 of Article*
 37 *XIII B of the California Constitution.*

38 *Notwithstanding Section 17580 of the Government*
 39 *Code, unless otherwise specified, the provisions of this act*



1 *shall become operative on the same date that the act*
2 *takes effect pursuant to the California Constitution.*

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