



COUNTY OF PLACER
COUNTY EXECUTIVE OFFICE
Risk Management Division
Maryellen Peters, Director

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Maryellen Peters, Risk Management Director *MEP*
DATE: June 27, 2006
RE: Resolution Authorizing Access Criminal History Information

REQUEST

Approve a Resolution to replace Resolution #2002-153 to comply with a change in the law, specifically an amendment to Penal Code sections 11105(b)(10) and 13300(b)(10). This amendment allows the County to access FBI criminal history information for employment purposes, which was not previously authorized.

BACKGROUND

In June 2002, your board approved a resolution authorizing the following departments authority to access summary criminal history information for employment, licensing or certification purposes: County Clerk/Recorder's Office, Health and Human Services, Facility Services and Child Support Services. This criminal history information is obtained by fingerprinting employees.

Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a Board approved requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record. The attached resolution provides the County of Placer shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

Until the current change in law, criminal history information was only made available for the State of California. FBI (all other states) criminal history information was not authorized for employment purposes and only authorized for the specific job classifications for the departments listed above. Approval of this resolution will expand Placer County's ability to access FBI criminal history for all prospective county employees, in all classifications, in all departments.

FISCAL IMPACT

The cost of obtaining criminal history information is \$32 per request for DOJ and \$24 for FBI. The cost is borne by the hiring department. The total projected cost for all prospective county employees, including extra-help employees would be less than \$19,000 annually.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF PLACER, STATE OF CALIFORNIA**

In the matter of: SUMMARY CRIMINAL HISTORY
INFORMATION AND
REQUIREMENTS FOR
EMPLOYMENT, LICENSING, OR
CERTIFICATION PURPOSES.

Resolution No. _____

The following **Resolution** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held, June 27, 2006 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman of the Board of Supervisors

Attest:
Clerk of the Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY RESOLVE THAT:

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(10) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the Placer County is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the County of Placer shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

