

ASSEMBLY THIRD READING

AB 1616 (Low)

As Amended January 6, 2020

Majority vote

SUMMARY:

Requires professional licensing boards under the Department of Consumer Affairs that post information on their internet website about a revoked license due to a criminal conviction to update or remove information about the revoked license should the board receive an expungement order related to the conviction, as specified.

Major Provisions

- 1) Requires a board to update information on its internet website for individuals who had their license revoked if the board receives a copy of an expungement order granted to the ex-licensee. Specifically, boards who post disciplinary information on their web sites would be required to do either of the following:
 - a) Post notification of the expungement order and the date it was granted, if the ex-licensee reapplies for licensure or has been granted a new license; or
 - b) Remove the original posted information on the license revocation, if the ex-licensee does not currently have a license and does not apply for licensure.
- 2) Requires a board to update or remove information on the revocation within six months of receiving the expungement order related to the conviction.
- 3) Requires a person seeking to have their license revocation history updated or removed to pay a fee to the board, at an amount determined by the Department of Consumer Affairs.
- 4) Clarifies that the Medical Board of California's internet web site posting requirements take precedence over the bill's provisions, should a conflict occur.

COMMENTS:

To allow for consumer transparency, certain boards under the Department of Consumer Affairs are required to post on their internet website disciplinary information on a licensee. Members of the public can access information online and check the validity of a license, its issuance and expiration date, and if it has faced disciplinary action from the board.

While the public can access general, basic license information across all boards through the Department of Consumer Affairs' online portal, the disciplinary information required to be disclosed online can vary from board to board.

Of note, the Medical Board of California is already required, within six months of receiving a certified copy of an expungement order, to post notification of the expungement order and its date online; effectively complying with one of AB 1616's proposed provisions.

According to the Author:

This bill is author sponsored. According to the author, "[This bill] is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose conviction has been dismissed, or expunged, through the judicial process. Under current law, individuals who have successfully rehabilitated may continue to face stigma and barriers to find employment. Although they are intent on positively contributing to society by finding employment and self-sufficiency, state records may not reflect an expungement that was granted by the courts. [This bill] allows individuals who were formerly licensed through the state of California to appropriately reflect the record of their rehabilitation as granted by the judicial branch, and improve their opportunity to seek meaningful employment."

Arguments in Support:

None on File

Arguments in Opposition:

None on File

FISCAL COMMENTS:

According to the Assembly Appropriations Committee, unknown costs, but likely in the range of the low tens of thousands of dollars to the low hundreds of thousands of dollars (General Fund (GF)), to DCA boards and bureaus to post notifications of expungement orders on their boards' internet websites. DCA indicates these costs are difficult to estimate because they will vary significantly depending on the need to validate expungement orders.

Estimated total costs in the low tens of thousands of dollars (GF) to the Office of Information Services (OIS) to update multiple IT platforms to meet the requirements of this bill. These costs will be absorbed by redirecting existing maintenance resources.

VOTES:**ASM RULES: 12-0-0**

YES: Cooley, Cunningham, Carrillo, Flora, Grayson, Kamlager, Maienschein, Mathis, Quirk-Silva, Ramos, Robert Rivas, Wicks

ASM BUSINESS AND PROFESSIONS: 18-0-1

YES: Low, Brough, Arambula, Bloom, Chen, Chiu, Cunningham, Eggman, Fong, Gipson, Gloria, Grayson, Holden, Irwin, McCarty, Mullin, Obernolte, Ting

ABS, ABST OR NV: Medina

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bloom, Bonta, Brough, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Maienschein, Petrie-Norris, Quirk, Robert Rivas

UPDATED:

VERSION: January 6, 2020

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