
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

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Author: Committee on Public Safety
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Consultant: SJ

Subject: *Criminal history information: background checks*

HISTORY

Source: Author

Prior Legislation: SB 160 (Com. on Budget), Ch. 13, Stats. of 2025

Support: California Association of Private School Organizations; Peace Officers Research Association of California

Opposition: None known

Assembly Floor Vote: 70 - 0

PURPOSE

The purpose of this bill is to make various changes to existing laws authorizing federal-level background checks to be conducted in relation to employment, volunteering, and licensing.

Existing law requires the Department of Justice (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. (Pen. Code, § 11105, subds. (a), (b).)

Existing law defines “state summary criminal history information” to mean 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. (Pen. Code, § 11105, subd. (a)(2)(A).)

Existing law authorizes DOJ to 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 specified entities including peace officers of the United States, other states, or territories or possessions of the United States. (Pen. Code, § 11105, subd. (c).)

Existing law specifies that a fingerprint-based criminal history information check that is required pursuant to any statute is to be requested from the DOJ. Requires DOJ, when a government agency or other entity requests such a criminal history check for purposes of employment, licensing, or certification, to disseminate specified information in response to the request,

including information regarding convictions and arrests for which the applicant is presently awaiting trial. (Pen. Code, § 11105, subd. (u).)

Existing law requires all volunteers, contractors, and subcontractors of a criminal justice agency to undergo a state and federal criminal background check. (Pen. Code, §§ 11105.002, 11105.5.)

Existing law authorizes, notwithstanding any other law, a human resource agency or an employer to request from DOJ records of all convictions or any arrest pending adjudication involving specified offenses of a person who applies for a license, employment, or volunteer position, in which they would have supervisory or disciplinary power over a minor or any person under their care. Requires DOJ to furnish the information to the requesting employer and to send a copy of the information to the applicant. (Pen. Code, § 11105.3, subd. (a).)

Existing law requires that a request for records pursuant to the above provision include the applicant's fingerprints and any other data specified by DOJ. (Pen. Code, § 11105.3, subd. (b).)

Existing law requires that the determination of whether the criminal history record shows that the applicant, employee, or volunteer has been convicted of, or is under the pending indictment for, any crime that bears upon the fitness of the individual to have responsibility for the safety and well-being of children, the elderly, the handicapped, or the mentally impaired, is solely made by the human resource agency or employer. Provides that DOJ is not required to make such a determination on behalf of any human resource agency or employer. (Pen. Code, § 11105.3, subd. (b)(2)(E).)

Existing law requires an application used to determine the eligibility to own a firearm to include two copies of the applicant's fingerprints. (Pen. Code, § 23520.)

Existing law requires employees of entities that have contracts with a private school or heritage school and provide services, including schoolsite administrative or grounds, landscape maintenance and instruction, to provide their fingerprints to DOJ, as specified. (Ed. Code, § 33192.)

Existing law requires employees of an entity that contracts with a local educational agency to, if the employee interacts with pupils without the immediate supervision of, among others, a school employee, complete a criminal background check, as specified. (Ed. Code, § 45125.1.)

Existing law requires that a county, city, city and county, or special district has specified prospective employees or volunteers complete a background check that inquires as to whether the applicant has been convicted of certain offenses. (Pub. Res. Code, § 5164.)

Existing law requires that resource family home environment assessment standards include, but not be limited to, a criminal record clearance search of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as specified, utilizing a check of the Child Abuse Central Index, and receipt of a fingerprint-based state and federal criminal offender record information search response. Requires the criminal history information to include subsequent notification. (Welf. & Inst. Code, § 16519.5, subd. (d)(2)(A)(i).)

Existing law requires the State Department of Health Care Services (DHCS) to screen all providers and designate each provider as "limited," "moderate," or "high" categorical risk. Requires DHCS, for all providers designated as a "high" categorical risk, to conduct a criminal

background check and require specified individuals to submit a set of fingerprints within 30 days of the DHCS's request in a manner specified by the department. (Welf. & Inst. Code, § 14043.38.)

Existing law requires DHCS to require that specified applicants, providers, and individuals submit fingerprint images and related information for purposes of a state and federal criminal background check and prescribes a procedure for DHCS and DOJ to follow for these purposes. (Health & Saf. Code, § 1522.)

Existing law requires the State Department of Social Services (CDSS) to license and regulate community care facilities, residential care facilities for persons with chronic, life-threatening illness, residential care facilities for the elderly, and childcare centers. Requires the department to obtain a criminal record for all applicants for licenses for these facilities and services and specified other employees and officers of these facilities, including, among others, adults responsible for the administration or direct supervision of staff, a staff person, volunteer, or employee who has contact with clients, and, if the applicant is a firm, partnership, association, or corporation, the chief executive officer or other person serving in a like capacity. (Health & Saf. Code, §§ 1568.09, 1569.17, 1596.871.)

Existing law requires the submission of fingerprints to the department for certifying a massage professional, licensing a professional fiduciary, registering a tax preparer, confirming the appointment of a humane officer, working for a bank or its affiliates, and licensing an escrow agent, as specified. (Bus. & Prof. Code, §§ 4604, 6533.5, 22253.5; Corp. Code, § 14502; Fin. Code, §§ 1300, 17331.)

Existing law prohibits a person from, among other things, acting as a broker or salesperson for the purchase or sale of a yacht without a license. Authorizes the issuance of a temporary license to a salesperson under specified conditions. Requires an applicant for a broker or salesperson license to undergo a fingerprint-based state and national criminal history background check. (Harbors & Nav. Code, § 725.)

This bill specifies that the requirement that all volunteers, contractors, and subcontractors of a criminal justice agency undergo a state and federal criminal background check only applies to a volunteer, contractor, or subcontractor who provides specified services or has direct or remote access to the agency's systems or unescorted access to the agency's facilities.

This bill provides that notwithstanding any other law, any statutory requirement for an entity subject to any statutory requirement for an entity to conduct a federal criminal history information check for licensing, certification, or employment purposes does not apply if the Federal Bureau of Investigation (FBI) has not authorized the entity to conduct a federal criminal history information check under the applicable federal laws and regulations.

This bill authorizes an entity to make licensing, certification, or employment decisions based on the results of a state criminal history information check until the FBI has authorized them to conduct a federal criminal history information check.

This bill states that if the FBI authorizes an entity to conduct the federal criminal history information check, the entity must require an applicant, licensee, certified individual, and employee who did not previously undergo the federal criminal history information check to resubmit their fingerprints for that purpose.

This bill requires DOJ, for purposes of implementing the provisions of the National Child Protection Act of 1993, as amended by the Volunteers for Children Act, to develop the California Volunteer and Employee Criminal History Service Program.

This bill specifies, notwithstanding any other law, a qualified entity may require a covered individual to undergo a fingerprint-based state and national criminal history background check pursuant to the above provision.

This bill provides the following definitions for purposes of the California Volunteer and Employee Criminal History Service Program:

- “Care” means the provision of services, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or an individual with a disability.
- “Child” means a person under 18 years of age.
- “Covered individual” means a person who has or may have access to a person served by a qualified entity, and meets one of the following criteria:
 - Is a current or prospective employee or volunteer of a qualified entity, or,
 - Is a current or prospective owner or operator of a qualified entity.
- “Elderly” means a person 60 years of age or older.
- “Employee” means every person in the service of a qualified entity under any appointment or contract of hire or apprenticeship, express or implied, oral or written.
- “Individual with a disability” means a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of a physical or mental impairment, or a person who is perceived by others as having a physical or mental impairment.
- “Qualified entity” means a business or organization, whether public, private, for profit, not for profit, or voluntary, that provides care or licenses, certifies, or places others to provide care.
- “Volunteer” means an individual who performs work without promise, expectation, or receipt of any compensation for any work performed.

This bill deletes DOJ fitness determination provisions from various statutes.

This bill requires an applicant for a certificate of eligibility and a dangerous weapons license or permit issued by DOJ, including, among other weapons, an assault weapon or short-barreled shotgun, to submit to DOJ fingerprint images and related information for purposes of conducting a state and national criminal history background check, as specified, and for the purpose of determining if the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. Requires DOJ to retain the fingerprint impressions for subsequent arrest notification, as specified.

This bill revises the process to conduct a fingerprint background check for individuals seeking employment with any entity that contracts with a local education agency to provide services.

This bill revises the process to conduct a fingerprint background check for individuals seeking certification as a massage professional, licensing as a professional fiduciary, registering as a tax preparer, confirming the appointment of a humane officer, working for a bank or its affiliates, and licensing as an escrow agent, as specified.

This bill authorizes DOJ to share criminal history information with peace officers of tribes in other states.

This bill includes within the list of persons for whom CDSS is required to obtain criminal background checks for purposes of licensing and regulation of a community care facility, child care facility, residential facilities, an administrator, supervisor, manager, or director of the facility, or an individual acting in those roles, an adult responsible for the operation of the facility, and a person with a 10% or greater financial interest in the applicant.

This bill includes limited liability companies within applicant types for which the above applies.

This bill revises the authority that exists for DHCS to require a Medi-Cal provider or applicant to undergo criminal background checks to additionally authorize the Department of Public Health to require these background checks as an alternative.

This bill defines the following terms for purposes of the provision authorizing background checks for specified Medi-Cal providers and applicants:

- “Applicant” means an individual, including an ordering, referring, or prescribing individual, entity, or person with ownership or control interest in the applicant entity, managing employee, or agent that applies for enrollment as a provider in the Medi-Cal program that is subject to federal screening level requirements under Sections 424.518 and 455.450 of Title 42 of the Code of Federal Regulations.
- “Person with ownership or control interest,” “managing employee,” and “agent” have the same meanings as defined in Section 455.101 of Title 42 of the Code of Federal Regulations.
- “Provider” means an individual, entity, person with ownership or control interest in the entity, managing employee, or agent that is enrolled in the Medi-Cal program that furnishes, directly or indirectly, including all ordering, referring, and prescribing, any service, good, supply, or merchandise to a Medi-Cal beneficiary whose enrollment is subject to federal screening level requirements under Sections 424.518 and 455.450 of Title 42 of the Code of Federal Regulations.

This bill authorizes the Housing Development and Finance Committee (HDFC) to require an employee, prospective employee, volunteer, contractor, or subcontractor to undergo a fingerprint-based state and national criminal history background check. Requires HDFC or the Department of Housing and Community Development to submit fingerprint images and related information to DOJ for a person subject to a state and national criminal history background check.

This bill authorizes the Deputy Director of Boating and Waterways to extend the term of a temporary license or issue a new temporary license to provide an applicant for a broker or salesperson license time to comply with the criminal history background requirement, as specified.

This bill states that the Board of Registered Nursing (BRN) must require an applicant for a registered nurse license, as defined, to undergo a fingerprint-based state and national criminal history background check. Requires the BRN to submit to DOJ fingerprint images and related

information for individuals who are subject to a state and national criminal history background check, pursuant to existing provisions of law. Requires DOJ to provide a state and federal level response pursuant to existing provisions of law.

This bill contains an urgency clause in order for the bill to go into effect immediately.

This bill contains a savings clause so that any other bill enacted by the Legislature during the 2026 calendar year that amends the same section amended by this bill will prevail over this bill, whether it is chaptered before or after this bill. Specifies that this language does not apply to the provisions of this bill that amend Section 45125.1 of the Education Code.

This bill makes other technical and conforming changes.

COMMENTS

1. Need For This Bill

According to the author:

This is the committee bill to make technical or minorly substantive amendments to existing statutes that authorize federal-level background checks. These changes are needed because the Federal Bureau of Investigations (FBI) has flagged certain statutes to be out of compliance with PL 92-544 which generally prohibits access to federal criminal history information by a private entity. These amendments would bring these statutes back into compliance with federal law.

2. California Volunteer and Employee Criminal History Service

Existing law allows the DOJ to administer the California Volunteer and Employee Criminal History Service (CalVECHS) Program to perform and facilitate fingerprint-based state and national criminal history background checks for employees and volunteers of entities that serve children, the elderly, and individuals with disabilities. Existing state law restricts the types of entities that can participate in CalVECHS, excluding entities that could qualify under federal law, and the types of applicants that entities may submit for backgrounding, preventing entities that serve vulnerable populations from effectively screening all of their employees and volunteers. (34 U.S.C. § 40102; Pen. Code, § 11105.3.)

Existing federal law generally prevents the DOJ from disseminating federal-level criminal offender record information (CORI) to private, non-governmental agencies. (Pub. L. No. 92-544.)

Existing federal law, the National Child Protection Act of 1993, as amended by the Volunteers for Children Act (commonly referred to as the NCPA/VCA), allows states to establish, through state statute or regulation, the state's authority to perform and authorize fingerprint-based state and national criminal history background checks of employees and volunteers of entities that serve children, the elderly, or individuals with disabilities, regardless of the entity's organizational structure or tax status. (34 U.S.C. § 40102.)

Existing state law establishes DOJ's authority to perform and authorize fingerprint-based criminal history background checks for select entities and applicant populations included under the NCPA/VCA, but not all employees and volunteers of all eligible organizations that serve children, the elderly, or individuals with disabilities that are included under 34 U.S.C. § 40102. (Pen. Code, § 11105.3.)

DOJ has established the CalVECHS Program to administer the fingerprint-based state and national criminal history background checks that are authorized by existing state law, specifically for (1) employees and volunteers of certain entities that serve vulnerable populations ("human resource" agencies and "employers," as they are uniquely defined in Penal Code section 11105.3) who have supervisory or disciplinary power over individuals receiving services; (2) coaches of community youth athletic programs; and (3) administrators, employees, and regular volunteers of youth service organizations. (Bus. & Prof. Code, § 18975; Pen. Code, § 11105.3.)

Existing federal law allows private entities that provide contract services to public and private schools to require employees to undergo fingerprint-based state and federal background checks and to receive federal CORI through participation in a program authorized under the NCPA/VCA. (34 U.S.C. § 40102.) Current state law requires DOJ to facilitate such state and federal background checks of school contracting entities, but to provide a sanitized federal response to those private entities that confirms the Federal Bureau of Investigation (FBI) has performed an applicant's federal background check without directly sharing out-of-state criminal history records, if any exist. (Ed. Code, §§ 33192, 33195.2, 45125.1.)

Further, existing state law unnecessarily restricts certain entities under CalVECHS from backgrounding individuals that do not have "supervisory or disciplinary power" over individuals receiving services, rather than empowering entities that serve vulnerable populations to screen any employee or volunteer who may interact with individuals receiving the entity's services, which is not a limitation imposed by federal law. (34 U.S.C. § 40102; Pen. Code, § 11105.3.)

Lack of clarity in the statute authorizing DOJ to conduct and authorize these background checks has resulted in confusion among DOJ client agencies, some of which could be utilizing this authority, others that would need Penal Code section 11105.3 amended to include individuals covered under the NCPA/VCA, but not currently authorized by state law, and still others that would need both Penal Code section 11105.3 and their governing code (e.g., the Education Code) amended to allow use of this authority.

This bill requires DOJ to develop and administer the CalVECHS program for the entities and individuals identified in the NCPA/VCA. Additionally, the bill authorizes these qualified entities to request of DOJ, and authorizes DOJ to conduct, a fingerprint-based state and national criminal history record check of the entity's current and prospective employees and volunteers who have or may have access to children, the elderly, or individuals with disabilities. The bill requires qualified entities to subscribe to subsequent arrest and disposition notification. This bill replaces the current authorization statute for local government agencies to fingerprint employees and volunteers working with children in public parks and recreation centers (Pub. Resources Code, § 5164), which erroneously cites Penal Code section 11105.3, with a standalone authorizing statute that conforms to the requirements of Pub. L. No. 92-544 and ensures that criminal history records are disseminated to those local government agencies pursuant to subdivision (p) of 11105 of the Penal Code and not the more restrictive subdivision (n), as specified in Penal Code section 11105.3. Additionally, this bill amends the fingerprinting authorization statutes for employees of school contracting entities (Ed. Code, §§ 33192, 33195.2, 45125.1.) to cross-

reference Penal Code section 11105.3 and strikes language requiring DOJ to disseminate a sanitized federal response, allowing those entities to participate in CalVECHS and to directly receive federal.

3. Criminal Justice Agency Volunteers, Contractors, and Subcontractors

Existing law requires all volunteers, contractors, and subcontractors of a criminal justice agency to undergo a state and federal criminal background check. (Pen. Code, §§ 11105.002, 11105.5.)

A strict interpretation of the statutes requires criminal justice agencies to background check all volunteers, contractors, or subcontractors, even if they do not perform criminal justice work, have no access to criminal justice information, or have no access to the criminal justice agency's systems or facilities. For example, this language could inadvertently lead to a requirement that internet service providers need to be background checked because they are a contractor of the criminal justice agencies. This bill amends existing law to specify that the requirement that all volunteers, contractors, and subcontractors of a criminal justice agency undergo a state and federal criminal background check only applies to a volunteer, contractor, or subcontractor who provides specified services or has direct or remote access to the agency's systems or unescorted access to the agency's facilities.

4. DOJ Fitness Determination

The FBI recently determined that the statute allowing the California Massage Therapy Council to conduct federal background checks (i.e., Business and Professions Code section 4606) improperly authorizes access to federal criminal history information by a private entity in violation of PL 92-544, thereby revoking its prior approval.

Business and Professions Code section 4606 is one of 12 statutes requiring a private entity to submit an applicant's fingerprints for a federal criminal history background check, and that DOJ will then perform a fitness determination based on federal criminal history information. However, the revocation of approval for Business and Professions Code section 4606 suggests that the FBI might now revoke approval for the other eleven statutes allowing private entities to request a federal criminal history background check, with a fitness determination to be provided by DOJ.

In addition, the FBI has taken up to eighteen months to review and approve statutes. While FBI approval is pending, agencies are unable to comply with statutory requirements to obtain federal background check results before they can hire, license or certify an individual. For example, the FBI's immediate revocation of approval for Business and Professions Code section 4606 places the California Massage Therapy Council in the difficult position of either pausing the issuance of new massage certifications, or issuing certifications solely on the basis of the California background check, in violation of state law.

The bill removes the requirement that DOJ provide a fitness determination for the impacted applicant populations and either (a) authorize the impacted entity to conduct and receive only a state-level background check and response or (b) create or reference an alternative pathway to federal authorization. These alternative pathways are the NCPA/VCA, discussed above, or the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act)¹ which authorizes the

¹ Codified at 34 U.S.C. § 20962.

U.S. Attorney General to conduct fingerprint-based background checks of national crime information databases at the request of child welfare agencies for prospective foster or adoptive parents, and at the request of private² schools for prospective or current position holders who work around children.

This bill creates a new statute enabling entities to use state-only background checks pending FBI review of federal authority. This bill strikes the unnecessary fitness determination in various statutes, including Business and Professions Code section 4604 (massage therapist certification), Business and Professions Code section 6533.5 (professional fiduciaries), Business and Professions Code section 22253.5 (tax preparers), and Corporate Code section 14502 (human officers). This bill amends several Education Code, Family Code, and Welfare and Institutions Code sections to remove the unnecessary fitness determination as well as add language to reference the Adam Walsh Act as the alternative pathway to accessing federal background check information.

Other changes include Financial Code section 1300 related to bank employees to clarify that only state check and response is authorized. Changes to Financial Code section 17331 related to escrow agents would maintain federal service for Department of Financial Protection and Innovation (DFPI), which is a public entity, and authorize state-only response for Escrow Agents' Fidelity Corporation (EAFC), which is a private entity.

5. Repealed Firearms Authority Replacement

In order to be eligible to receive either a one-time federal response or to participate in Federal Rap Back and receive ongoing notifications, an agency must have, for each applicant type, a current state statute authorizing fingerprint-based background checks that is approved by the FBI's Pub. L. 92-544 review unit.

To be approved for a federal response by the FBI's Pub. L. 92-544 review unit, a fingerprint-based criminal history background check authority must (1) exist as a result of a legislative enactment, (2) require the fingerprinting of applicants who are to be subjected to a national criminal history background check, (3) authorize the use of FBI records for the screening of applicants, (4) identify the specific category(ies) of applicants falling within its purview, (5) not be against public policy; and (6) not authorize receipt of CORI by a private entity (Pub. L. 92-544).

Existing law authorizes DOJ to conduct fingerprint-based background checks on applicants for (1) the firearms Certificate of Eligibility (COE), a certification required for all firearms dealers and their employees statewide and (2) various dangerous weapons permits, required of individuals who are involved in the sale, manufacture, or use of assault weapons and explosives, among other dangerous weapons; however the law does not meet the requirements of Pub. L. 92-544. (Pen. Code, § 23520.)

The fingerprinting authorization statute(s) for the COE and dangerous weapons permits are currently not approved by the FBI for a federal response. Specifically, Penal Code section 12001, subdivision (m) was repealed under the Deadly Weapons Recodification Act of 2010 and renumbered to Penal Code section 23520, and DOJ is currently leveraging the repealed statute to

² The Adam Walsh Act also allows public schools to conduct background checks, but California already has enacted the statutory authority for these purposes, and they are approved by the FBI under PL 92-544.

submit fingerprints to the FBI for these applicant populations. DOJ must submit the renumbered statute, Penal Code section 23520, to the FBI for review, but that fingerprinting authorization statute in its current state would be rejected by the FBI's Pub. L. 92-544 review unit for overbreadth.

In the years since the original authorizing statute was approved by the FBI for a federal response, the requirement that a fingerprinting authorization statute "identify the specific category(ies) of applicants falling within its purview" has been interpreted by the FBI's Pub. L. 92-544 review unit more strictly. Because Penal Code section 23520 ostensibly authorizes fingerprinting for "the issuance of any license, permit, or certificate pursuant to [Part 6 of the Penal Code]," the statute does not conform to the requirement for applicant population specificity.

DOJ risks losing access to federal CORI for the applicant populations in question if it does not address the deficiencies in their associated fingerprinting authorization statutes. Without the amendment, the statutes authorizing fingerprint-based state and national background checks for the Certificate of Eligibility and dangerous weapons permits will be rejected for non-compliance with Pub. L. 92-544 and will not qualify for either a one-time federal response or for Federal Rap Back.

This bill conforms Penal Code section 23520 to meet the FBI's guidelines by specifying that applies to applicants for a COE or for a dangerous weapons license or permit and for the purposes of determining firearm eligibility, and providing a definition of a "dangerous weapons license or permit."

6. Out-of-State Tribal Law Enforcement Officers

Existing law authorizes DOJ to share criminal history information with non-California law enforcement officers. However, DOJ is not authorized to share with non-California tribal law enforcement officers, even though federal law provides this authority.

This bill adds tribal law enforcement officers in other states to existing Penal Code section 11105, subdivision (c), which gives DOJ authority to share criminal history information with law enforcement officers of the United States, other states, or territories in the possession of the United States.

7. Community Care Licensing

The California Department of Social Services (CDSS) receives state and federal-level criminal history responses as part of a background check for applicants seeking licensure, employment, or presence in a CDSS-licensed care facility. The FBI informed the California DOJ that specified language in California's statutory authority, used to process fingerprint-based background checks, no longer qualified for access to federal criminal history information pursuant to Public Law 92-544. In February 2024, an FBI audit found that CDSS's authorizing statutes do not meet the FBI's new standards because the current law does not identify the category of individual to be fingerprinted. CDSS confirmed with the CA DOJ that amendments to regulations would not be sufficient in meeting new FBI standards and that amendments must be made to the department's authorizing statutes to continue receiving federal criminal histories.

Ambiguous language in the CDSS's background check statutes that does not currently meet FBI standards for specificity, such as "any person similar to those described," would be removed and

replaced with clear, specific references to the categories of individuals subject to the federal-level background checks. Revisions would align, to the extent possible, the statutes across programs to ensure consistent application and eliminate interpretive gaps that can lead to noncompliance.

If amendments are not made immediately, CDSS may lose its ability to receive FBI federal-level criminal history for individuals who are not identified in statutes to the specificity required by the FBI. Failure to receive federal-level criminal history would significantly weaken existing background check standards and safeguards intended to protect vulnerable populations who reside or receive care in care facilities licensed by the CDSS, including but not limited to adult and senior care facilities, child day care facilities, and foster care facilities.

Without this clarification, CDSS risks ongoing noncompliance, which could result in future audit findings, potential federal penalties, and weakened safeguards for individuals receiving care in licensed facilities. The lack of specificity also creates legal ambiguity that hampers effective enforcement and oversight.

The proposed statutory changes will make targeted revisions to specific HSC sections to explicitly identify the individuals and circumstances requiring background checks. Prompt action is needed to respond to the federal audit and CA DOJ findings and bring CDSS into compliance, avoiding both immediate and long-term risks to public safety.

8. Medi-Cal Providers and Applicants

Federal Medicaid program integrity regulations require states to conduct national fingerprint-based criminal background checks for all Medicaid providers that are designated as high risk. The existing California statute that authorizes fingerprint-based background checks, was enacted prior to the reorganization of the former Department of Health Services into the Department of Health Care Services (DHCS) and the California Department of Public Health (CDPH) in 2007. Because the statute was enacted before this reorganization, the statute continues to assign fingerprinting authority only to the former Department of Health Services, or its designee. Consequently, the statute grants explicit authority solely to DHCS, as the legal successor to that department, and does not provide explicit authority for CDPH to conduct national fingerprint-based background checks for the provider types that CDPH enrolls, which does not meet federal requirements for fingerprinting authorization. This proposal would explicitly authorize CDPH to conduct background checks when performing Medi-Cal provider screening or certification functions for the high risk providers which they enroll in the Medi-Cal program, and would clearly align DHCS and CDPH processes with federal law governing FBI criminal history record checks.

9. Brokers and Salespersons of Yachts and Ships

This bill extends the term of a temporary license for brokers and salespersons of yachts and ships. SB 160 (Committee on Budget), Chapter 13, Statutes of 2025, provided the Department of Parks and Recreation with authority to conduct national background checks under Penal Code section 11105.001. This statute, however, remains under federal review. Until the federal government approves this statute, the Department of Parks and Recreation is relying upon the temporary license authority in Harbors and Navigation Code. This proposal provides a stop-gap measure in the absence of federal review of Penal Code section 11105.001.

10. Board of Registered Nurses

This bill codifies the Board of Registered Nursing's (BRN) current access to fingerprint data and authorizes access to the Federal Bureau of Investigation (FBI) Record of Arrest and Prosecution (RAP) Back program, which will strengthen the Board's enforcement process and promote greater patient safety. Specifically, participation in the FBI's Rap Back program provides the BRN with real-time, continuous monitoring by alerting the BRN immediately when an enrolled individual has a new criminal activity.

According to the 2022 Survey of Registered Nurses, nearly 17 percent of RNs with active California licenses lived in other states. As of May 1, 2026, there are 564,315 RNs with an active California license, 17 percent of which is over 95,000 licensees. For those licensees, if they commit a crime after obtaining their initial California license and the state where it occurs does not impose discipline or the disciplinary process takes a significant amount of time, the BRN is either never informed of the offense or not informed in a timely manner. This impedes the Board's ability to fulfill its charge of public protection.

To participate in the federal fingerprinting system, state statutes authorizing fingerprint collection must satisfy several federal requirements. The statute must be enacted by the Legislature; require fingerprinting of applicants who will undergo a national criminal history background check; expressly or implicitly authorize submission of fingerprints to the FBI; clearly identify the specific categories of individuals subject to the requirement; align with public policy; and prohibit the release of criminal history information to any private entity.

Consequently, the BRN needs explicit statutory authority that fully complies with the provisions above.

11. Housing Development and Finance Committee

In 2025, the Governor's Reorganization Plan (GRP-1) became law, replacing the Business and Consumer Services and Housing Agency with the California Housing and Homelessness Agency (CHHA) and the Business and Consumer Services Agency (BCSA). It also created the Housing Development and Finance Committee (HDFC) within the CHHA. The original GRP-1 included statutory language granting HDFC federal background check authority. However, in the last year, this language no longer aligns with the most recent FBI guidance for establishing proper statutory authority. Additionally, as a small entity, HDFC has contracted out human resources functions to the Department of Housing and Community Development (HCD). For HCD to process background checks for HDFC, the statute needs to clearly allow this delegation.

This bill authorizes the Housing Development and Finance Committee (HDFC) to require an employee, prospective employee, volunteer, contractor, or subcontractor to undergo a fingerprint-based state and national criminal history background check. This bill also requires HDFC or the HCD to submit fingerprint images and related information to DOJ for a person subject to a state and national criminal history background check.

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