THIRD READING

Bill No: AB 2796
Author: Committee on Public Safety
Amended: 8/18/26 in Senate
Vote: 27 - Urgency

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 8/11/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 70-0, 7/2/26 (Consent) - See last page for vote

SUBJECT: Criminal history information: background checks

SOURCE: Author

DIGEST: This bill makes various changes to existing laws authorizing federal-level background checks to be conducted in relation to employment, volunteering, and licensing, in order to bring state law into compliance with federal law to ensure state entities have access to federal criminal history information.

Senate Floor Amendments of 8/18/26 include language to avoid chaptering issues with SB 1083.

ANALYSIS:

Existing law:

1) 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. (Penal (Pen.) Code, § 11105, subds. (a), (b).)

2) 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).)

3) 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).)

4) 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).)

5) 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.)

6) 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).)

7) 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).)

8) 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).)

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

10) 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. (Education (Ed.) Code, § 33192.)

11) 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.)

12) 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. (Public (Pub.) Resources (Res.) Code, § 5164.)

13) 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. (Welfare (Welf.) & Institutions (Inst.) Code, §16519.5, subd. (d)(2)(A)(i).)

14) 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.)

15) 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 & Safety (Saf.) Code, § 1522.)

16) 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.)

17) 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; Corporations (Corp.) Code, § 14502; Finance (Fin.) Code, §§ 1300, 17331.)

18) 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 & Navigation Code, § 725.)

This bill:

1) 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.

2) 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.

3) 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.

4) 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.

5) 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.

6) 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.

7) Provides the following definitions for purposes of the California Volunteer and Employee Criminal History Service Program:

   a) “Care” means the provision of services, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or an individual with a disability.
   b) “Child” means a person under 18 years of age.
   c) “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:
   d) Is a current or prospective employee or volunteer of a qualified entity, or,
   e) Is a current or prospective owner or operator of a qualified entity.
   f) “Elderly” means a person 60 years of age or older.
   g) “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.
   h) “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.

i) "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.

j) "Volunteer" means an individual who performs work without promise, expectation, or receipt of any compensation for any work performed.

8) Deletes DOJ fitness determination provisions from various statutes.

9) 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.

10) 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.

11) 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.

12) Authorizes DOJ to share criminal history information with peace officers of tribes in other states.

13) 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.

14) Includes limited liability companies within applicant types for which the above applies.

15) 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.

16) Defines the following terms for purposes of the provision authorizing background checks for specified Medi-Cal providers and applicants:

    a) "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.
    b) "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.
    c) "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.

17) 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.

18) 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.

19) 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

20) 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.

21) Contains an urgency clause in order for the bill to go into effect immediately.

22) 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.

23) Makes other technical and conforming changes.

Background

This is a committee bill to make technical or minorly substantive amendments to existing statutes that authorize federal-level background checks. These changes are needed because the 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. The provisions of this bill would bring these statutes back into compliance with federal law.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

SUPPORT: (Verified 8/18/26)

California Association of Private School Organizations
Peace Officers Research Association of California

OPPOSITION: (Verified 8/18/26)

None received

ASSEMBLY FLOOR: 70-0, 7/2/26
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Bains, Bryan, Calderon, Chen, Elhawary, Ellis, Papan, Ransom, Sanchez

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8/24/26 13:37:37

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