

An act to add Section 53.5 to the Military and Veterans Code, relating to military.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

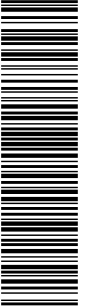
SECTION 1. Section 53.5 is added to the Military and Veterans Code, to read:

53.5. (a) The Military Department may require service members, employees, contractors, and subcontractors to undergo a fingerprint-based state and federal criminal history background check.

(b) The Military Department shall submit to the Department of Justice fingerprint images and related information for individuals specified in subdivision (a) who are subject to a state and federal criminal history background check, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response, pursuant to subdivision (p) of Section 11105 of the Penal Code.

(c) As used in this section, "service member" means a member of the active militia as defined in Section 120.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Military: background checks.

Existing law establishes the Military Department, which includes the office of the Adjutant General, the California National Guard, the State Guard, the California Cadet Corps, and the Naval Militia.

Existing law requires the Department of Justice 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 in the course of their duties. Existing law makes it a crime for a person authorized by law to receive state summary criminal history information to knowingly furnish that information to a person who is not authorized to receive it.

This bill would authorize the Military Department to perform fingerprint-based state and federal criminal history background checks for service members, employees, contractors, and subcontractors, and would require the department to submit that information to the Department of Justice. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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: yes. State-mandated local program: yes.

