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July 5, 2012

The Honorable Roger Dickinson
Member, California State Assembly
State Capitol Building, Room 3126
Sacramento, CA 95814
Fax: (916) 319-2109

Re: AB 1831 (Dickinson). Reporting Criminal Histories on Employment Applications.
(As amended 06/11/2012)
Oppose Unless Amended

Dear Assembly Member Dickinson:

The City of Lemoore regrets to inform you that we oppose your Assembly Bill 1831 unless it is amended to give local agencies the discretion to determine which jobs are appropriate for screening criminal histories up front as part of the initial application process. This bill should also be amended to apply to all public agency employers including the state.

AB 1831 prohibits cities and counties from inquiring into or considering criminal history when screening an applicant for employment, or including any inquiry about criminal history on any initial employment application. The bill does allow cities and counties to inquire into criminal history on the initial application if the position requires a criminal background check by state law or the position is within a criminal justice agency.

However, cities often perform background checks for positions that do not have a state statutory requirement to do so. For example, it is in the public interest to avoid hiring those with felony drunk-driving convictions for driving positions.

AB 1831 already authorizes cities and counties to request criminal histories up front if a state statute requires a background check or the position is in a criminal justice agency. By allowing this exception, the bill acknowledges that there are times when asking for this information up front is warranted. Therefore, we believe that public agencies should have the discretion to ask for criminal histories in the initial application process for positions they have determined a criminal record is pertinent to the position.

Furthermore, the bill unfairly applies to cities and counties alone. It seems that if reducing barriers to employment for people with criminal histories is the goal of this legislation, it ought to apply to all employers across the board including the state. Without the League's suggested amendments the bill imposes much more stringent hiring restrictions on cities and counties than even the state itself and for no reasonable public policy purpose.

For these reasons the City of Lemoore must oppose AB 1831 unless it is amended. Please do not hesitate to contact me if you have any questions about our position at (559) 924-6700.

Sincerely,

Willard J. Rodarmel
Mayor

cc: Chair and Members of Senate Governance and Finance
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