

AB 1843 (Stone): Employment Protections

SUMMARY

AB 1843 protects both children and adults by ensuring that juvenile records are protected from unfair and undue inquiry during employer background checks.

Under current law, CA Labor Code Sec. 432.7 protects the records of adults who have had arrests that did not lead to conviction and adults who have had their records ordered or automatically sealed from disclosure by potential employers during the hiring process.

AB 1843 amends CA Labor Code Sec. 432.7 to ensure that both adults *and* juveniles are not subject to inquiry during the hiring process for anything concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law.

Limited exemptions to these protections exist for certain jobs in law enforcement and health facilities. Once amended, this bill would modify the existing exemptions for health facilities to allow inquiry into any felony or misdemeanor-level sex or drug juvenile-adjudication pursuant to Penal Code Sec. 290 and Health & Safety Code Sec. 11590 for up to five years from the time of application for employment.

Access to employment and career opportunities is a known solution for decreasing rates of recidivism among formerly incarcerated people. AB 1843 creates opportunities for people who have paid their debt to society.

BACKGROUND/EXISTING LAW

The Legislature has passed several laws that laid the foundation for AB 1843.

In 2013, SB 530 (Wright) established California Labor Code Sec. 432.7 which prohibits employers from utilizing any information concerning an arrest or detention that did not result in a conviction and any information regarding a referral to, or participation in, any pretrial or post-trial diversion program in considering employment status.

SB 1038 (Leno), passed in 2014, and clean-up legislation AB 666 (Stone), passed in 2015, both make it easier for juvenile records to be sealed under Welfare and Institutions Code Sec. 786.

While juvenile sealing already existed under Welfare and Institutions Code Sec. 781, the process has been costly and previously necessitated an individual to hire a lawyer and then petition for a sealing of their juvenile record.

These new laws provided an alternative and largely “automatic” process, requiring the court to seal records on its own initiative in eligible cases (non 707, and upon satisfactory completion of probation). The legal effect of sealing and dismissal is that the offense is deemed not to have occurred and can be handled as such by job and college applicants in the future.

Combined, these laws seek to reduce recidivism and create a level playing field for those who have paid their debt to society. AB 1843 supports and increases the efficacy of these bills by providing further protection for both juveniles and adults.

SUPPORT

- Juvenile Court Judges of California (Sponsor)
- California Department of Justice
- California Employment Lawyers
- California Teachers Association
- Commonweal
- LIUNA Locals 777 & 792
- National Association of Social Workers
- Legal Services for Prisoners with Children
- Women in Non Traditional Employment Roles
- Hillsides
- California Catholic Conference

OPPOSITION

- California Chamber of Commerce
- California Hospital Association
- California Health Facilities

- American Petroleum and Convenience Store Association
- California Ambulance Association
- California Grocers Association
- California League of Food Processors
- California Restaurant Association
- California Retailers Association
- California State Council for the Society for Human Resources Management

FOR MORE INFORMATION

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