

**ASSEMBLY BILL**

**No. 1050**

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**Introduced by Assembly Member Dickinson**

February 22, 2013

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An act to amend Section 11105 of the Penal Code, relating to criminal history information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1050, as introduced, Dickinson. Criminal history information.

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law requires the department to furnish this information in response to a request from certain authorized agencies, organizations, or individuals that need the information to fulfill employment, certification, or licensing duties, including the employment of peace officers or the licensing of community care facilities.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11105 of the Penal Code is amended to  
2 read:

1 11105. (a) (1) The Department of Justice shall maintain state  
2 summary criminal history information.

3 (2) As used in this section:

4 (A) "State summary criminal history information" means the  
5 master record of information compiled by the Attorney General  
6 pertaining to the identification and criminal history of ~~any~~ a person,  
7 such as name, date of birth, physical description, fingerprints,  
8 photographs, dates of arrests, arresting agencies and booking  
9 numbers, charges, dispositions, and similar data about the person.

10 (B) "State summary criminal history information" does not refer  
11 to records and data compiled by criminal justice agencies other  
12 than the Attorney General, nor does it refer to records of complaints  
13 to or investigations conducted by, or records of intelligence  
14 information or security procedures of, the office of the Attorney  
15 General and the Department of Justice.

16 (b) The Attorney General shall furnish state summary criminal  
17 history information to ~~any~~ of the following, if needed in the course  
18 of their duties, provided that when information is furnished to  
19 assist an agency, officer, or official of state or local government,  
20 a public utility, or ~~any other~~ another entity, in fulfilling  
21 employment, certification, or licensing duties, Chapter 1321 of  
22 the Statutes of 1974 and Section 432.7 of the Labor Code shall  
23 apply:

24 (1) The courts of the state.

25 (2) Peace officers of the state, as defined in Section 830.1,  
26 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section  
27 830.3, subdivisions (a) and (b) of Section 830.5, and subdivision  
28 (a) of Section 830.31.

29 (3) District attorneys of the state.

30 (4) Prosecuting city attorneys of ~~any~~ a city within the state.

31 (5) City attorneys pursuing civil gang injunctions pursuant to  
32 Section 186.22a, or drug abatement actions pursuant to Section  
33 3479 or 3480 of the Civil Code, or Section 11571 of the Health  
34 and Safety Code.

35 (6) Probation officers of the state.

36 (7) Parole officers of the state.

37 (8) A public defender or attorney of record when representing  
38 a person in proceedings upon a petition for a certificate of  
39 rehabilitation and pardon pursuant to Section 4852.08.

1 (9) A public defender or attorney of record when representing  
2 a person in a criminal case, or a parole, mandatory supervision  
3 pursuant to paragraph (5) of subdivision (h) of Section 1170, or  
4 postrelease community supervision revocation or revocation  
5 extension proceeding, and if authorized access by statutory or  
6 decisional law.

7 (10) ~~Any~~*An* agency, officer, or official of the state if the  
8 criminal history information is required to implement a statute or  
9 regulation that expressly refers to specific criminal conduct  
10 applicable to the subject person of the state summary criminal  
11 history information, and contains requirements or exclusions, or  
12 both, expressly based upon that specified criminal conduct. The  
13 agency, officer, or official of the state authorized by this paragraph  
14 to receive state summary criminal history information may also  
15 transmit fingerprint images and related information to the  
16 Department of Justice to be transmitted to the Federal Bureau of  
17 Investigation.

18 (11) ~~Any~~*A* city or county, city and county, district, or ~~any~~*an*  
19 officer or official thereof if access is needed in order to assist that  
20 agency, officer, or official in fulfilling employment, certification,  
21 or licensing duties, and if the access is specifically authorized by  
22 the city council, board of supervisors, or governing board of the  
23 city, county, or district if the criminal history information is  
24 required to implement a statute, ordinance, or regulation that  
25 expressly refers to specific criminal conduct applicable to the  
26 subject person of the state summary criminal history information,  
27 and contains requirements or exclusions, or both, expressly based  
28 upon that specified criminal conduct. The city or county, city and  
29 county, district, or the officer or official thereof authorized by this  
30 paragraph may also transmit fingerprint images and related  
31 information to the Department of Justice to be transmitted to the  
32 Federal Bureau of Investigation.

33 (12) The subject of the state summary criminal history  
34 information under procedures established under Article 5  
35 (commencing with Section 11120).

36 (13) ~~Any~~*A* person or entity when access is expressly authorized  
37 by statute if the criminal history information is required to  
38 implement a statute or regulation that expressly refers to specific  
39 criminal conduct applicable to the subject person of the state  
40 summary criminal history information, and contains requirements

1 or exclusions, or both, expressly based upon that specified criminal  
2 conduct.

3 (14) Health officers of a city, county, city and county, or district  
4 when in the performance of their official duties enforcing Section  
5 120175 of the Health and Safety Code.

6 (15) ~~Any~~ A managing or supervising correctional officer of a  
7 county jail or other county correctional facility.

8 (16) ~~Any~~ A humane society, or society for the prevention of  
9 cruelty to animals, for the specific purpose of complying with  
10 Section 14502 of the Corporations Code for the appointment of  
11 humane officers.

12 (17) Local child support agencies established by Section 17304  
13 of the Family Code. When a local child support agency closes a  
14 support enforcement case containing summary criminal history  
15 information, the agency shall delete or purge from the file and  
16 destroy any documents or information concerning or arising from  
17 offenses for or of which the parent has been arrested, charged, or  
18 convicted, other than for offenses related to the parent's having  
19 failed to provide support for minor children, consistent with the  
20 requirements of Section 17531 of the Family Code.

21 (18) County child welfare agency personnel who have been  
22 delegated the authority of county probation officers to access state  
23 summary criminal history information pursuant to Section 272 of  
24 the Welfare and Institutions Code for the purposes specified in  
25 Section 16504.5 of the Welfare and Institutions Code. Information  
26 from criminal history records provided pursuant to this subdivision  
27 shall not be used for any purposes other than those specified in  
28 this section and Section 16504.5 of the Welfare and Institutions  
29 Code. When an agency obtains records obtained both on the basis  
30 of name checks and fingerprint checks, final placement decisions  
31 shall be based only on the records obtained pursuant to the  
32 fingerprint check.

33 (19) The court of a tribe, or court of a consortium of tribes, that  
34 has entered into an agreement with the state pursuant to Section  
35 10553.1 of the Welfare and Institutions Code. This information  
36 may be used only for the purposes specified in Section 16504.5  
37 of the Welfare and Institutions Code and for tribal approval or  
38 tribal licensing of foster care or adoptive homes. Article 6  
39 (commencing with Section 11140) shall apply to officers, members,

1 and employees of a tribal court receiving criminal record offender  
2 information pursuant to this section.

3 (20) Child welfare agency personnel of a tribe or consortium  
4 of tribes that has entered into an agreement with the state pursuant  
5 to Section 10553.1 of the Welfare and Institutions Code and to  
6 whom the state has delegated duties under paragraph (2) of  
7 subdivision (a) of Section 272 of the Welfare and Institutions Code.  
8 The purposes for use of the information shall be for the purposes  
9 specified in Section 16504.5 of the Welfare and Institutions Code  
10 and for tribal approval or tribal licensing of foster care or adoptive  
11 homes. When an agency obtains records on the basis of name  
12 checks and fingerprint checks, final placement decisions shall be  
13 based only on the records obtained pursuant to the fingerprint  
14 check. Article 6 (commencing with Section 11140) shall apply to  
15 child welfare agency personnel receiving criminal record offender  
16 information pursuant to this section.

17 (21) An officer providing conservatorship investigations  
18 pursuant to Sections 5351, 5354, and 5356 of the Welfare and  
19 Institutions Code.

20 (22) A court investigator providing investigations or reviews  
21 in conservatorships pursuant to Section 1826, 1850, 1851, or  
22 2250.6 of the Probate Code.

23 (23) A person authorized to conduct a guardianship investigation  
24 pursuant to Section 1513 of the Probate Code.

25 (24) A humane officer pursuant to Section 14502 of the  
26 Corporations Code for the purposes of performing his or her duties.

27 (c) The Attorney General may furnish state summary criminal  
28 history information and, when specifically authorized by this  
29 subdivision, federal level criminal history information upon a  
30 showing of a compelling need to any of the following, provided  
31 that when information is furnished to assist an agency, officer, or  
32 official of state or local government, a public utility, or any other  
33 entity in fulfilling employment, certification, or licensing duties,  
34 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the  
35 Labor Code shall apply:

36 (1) ~~Any~~ To a public utility, as defined in Section 216 of the  
37 Public Utilities Code, that operates a nuclear energy facility when  
38 access is needed in order to assist in employing persons to work  
39 at the facility, provided that, if the Attorney General supplies the

1 data, he or she shall furnish a copy of the data to the person to  
2 whom the data relates.

3 (2) To a peace officer of the state other than those included in  
4 subdivision (b).

5 (3) To an illegal dumping enforcement officer as defined in  
6 subdivision (j) of Section 830.7.

7 (4) To a peace officer of another country.

8 (5) To public officers, other than peace officers, of the United  
9 States, other states, or possessions or territories of the United  
10 States, provided that access to records similar to state summary  
11 criminal history information is expressly authorized by a statute  
12 of the United States, other states, or possessions or territories of  
13 the United States if the information is needed for the performance  
14 of their official duties.

15 (6) To ~~any~~ a person when disclosure is requested by a probation,  
16 parole, or peace officer with the consent of the subject of the state  
17 summary criminal history information and for purposes of  
18 furthering the rehabilitation of the subject.

19 (7) ~~The~~ To the courts of the United States, other states, or  
20 territories or possessions of the United States.

21 (8) ~~Peace~~ To peace officers of the United States, other states,  
22 or territories or possessions of the United States.

23 (9) To ~~any~~ an individual who is the subject of the record  
24 requested if needed in conjunction with an application to enter the  
25 United States or any foreign nation.

26 (10) (A) (i) ~~Any~~ To a public utility, as defined in Section 216  
27 of the Public Utilities Code, or ~~any~~ a cable corporation as defined  
28 in subparagraph (B), if receipt of criminal history information is  
29 needed in order to assist in employing current or prospective  
30 employees, contract employees, or subcontract employees who,  
31 in the course of their employment may be seeking entrance to  
32 private residences or adjacent grounds. The information provided  
33 shall be limited to the record of convictions and any arrest for  
34 which the person is released on bail or on his or her own  
35 recognizance pending trial.

36 (ii) If the Attorney General supplies the data pursuant to this  
37 paragraph, the Attorney General shall furnish a copy of the data  
38 to the current or prospective employee to whom the data relates.

39 (iii) Any information obtained from the state summary criminal  
40 history is confidential and the receiving public utility or cable

1 corporation shall not disclose its contents, other than for the  
2 purpose for which it was acquired. The state summary criminal  
3 history information in the possession of the public utility or cable  
4 corporation and all copies made from it shall be destroyed not  
5 more than 30 days after employment or promotion or transfer is  
6 denied or granted, except for those cases where a current or  
7 prospective employee is out on bail or on his or her own  
8 recognizance pending trial, in which case the state summary  
9 criminal history information and all copies shall be destroyed not  
10 more than 30 days after the case is resolved.

11 (iv) A violation of this paragraph is a misdemeanor, and shall  
12 give the current or prospective employee who is injured by the  
13 violation a cause of action against the public utility or cable  
14 corporation to recover damages proximately caused by the  
15 violations. ~~Any~~ A public utility's or cable corporation's request  
16 for state summary criminal history information for purposes of  
17 employing current or prospective employees who may be seeking  
18 entrance to private residences or adjacent grounds in the course  
19 of their employment shall be deemed a "compelling need" as  
20 required to be shown in this subdivision.

21 (v) Nothing in this section shall be construed as imposing ~~any~~  
22 a duty upon public utilities or cable corporations to request state  
23 summary criminal history information on ~~any~~ a current or  
24 prospective employees.

25 (B) For purposes of this paragraph, "cable corporation" means  
26 ~~any~~ a corporation or firm that transmits or provides television,  
27 computer, or telephone services by cable, digital, fiber optic,  
28 satellite, or comparable technology to subscribers for a fee.

29 (C) Requests for federal level criminal history information  
30 received by the Department of Justice from entities authorized  
31 pursuant to subparagraph (A) shall be forwarded to the Federal  
32 Bureau of Investigation by the Department of Justice. Federal level  
33 criminal history information received or compiled by the  
34 Department of Justice may then be disseminated to the entities  
35 referenced in subparagraph (A), as authorized by law.

36 (D) (i) Authority for a cable corporation to request state or  
37 federal level criminal history information under this paragraph  
38 shall commence July 1, 2005.

1 (ii) Authority for a public utility to request federal level criminal  
2 history information under this paragraph shall commence July 1,  
3 2005.

4 (11) To ~~any~~ a campus of the California State University or the  
5 University of California, or ~~any~~ a four year college or university  
6 accredited by a regional accreditation organization approved by  
7 the United States Department of Education, if needed in  
8 conjunction with an application for admission by a convicted felon  
9 to ~~any~~ a special education program for convicted felons, including,  
10 but not limited to, university alternatives and halfway houses. Only  
11 conviction information shall be furnished. The college or university  
12 may require the convicted felon to be fingerprinted, and ~~any~~ an  
13 inquiry to the department under this section shall include the  
14 convicted felon's fingerprints and any other information specified  
15 by the department.

16 (12) To ~~any~~ a foreign government, if requested by the individual  
17 who is the subject of the record requested, if needed in conjunction  
18 with the individual's application to adopt a minor child who is a  
19 citizen of that foreign nation. Requests for information pursuant  
20 to this paragraph shall be in accordance with the process described  
21 in Sections 11122 to 11124, inclusive. The response shall be  
22 provided to the foreign government or its designee and to the  
23 individual who requested the information.

24 (d) Whenever an authorized request for state summary criminal  
25 history information pertains to a person whose fingerprints are on  
26 file with the Department of Justice and the department has no  
27 criminal history of that person, and the information is to be used  
28 for employment, licensing, or certification purposes, the fingerprint  
29 card accompanying the request for information, if any, may be  
30 stamped "no criminal record" and returned to the person or entity  
31 making the request.

32 (e) Whenever state summary criminal history information is  
33 furnished as the result of an application and is to be used for  
34 employment, licensing, or certification purposes, the Department  
35 of Justice may charge the person or entity making the request a  
36 fee that it determines to be sufficient to reimburse the department  
37 for the cost of furnishing the information. In addition, the  
38 Department of Justice may add a surcharge to the fee to fund  
39 maintenance and improvements to the systems from which the  
40 information is obtained. Notwithstanding any other law, ~~any~~ a



1 person or entity required to pay a fee to the department for  
2 information received under this section may charge the applicant  
3 a fee sufficient to reimburse the person or entity for this expense.  
4 All moneys received by the department pursuant to this section,  
5 Sections 11105.3 and 26190, and former Section 13588 of the  
6 Education Code shall be deposited in a special account in the  
7 General Fund to be available for expenditure by the department  
8 to offset costs incurred pursuant to those sections and for  
9 maintenance and improvements to the systems from which the  
10 information is obtained upon appropriation by the Legislature.

11 (f) Whenever there is a conflict, the processing of criminal  
12 fingerprints and fingerprints of applicants for security guard or  
13 alarm agent registrations or firearms qualification permits  
14 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4  
15 of the Business and Professions Code shall take priority over the  
16 processing of other applicant fingerprints.

17 (g) It is not a violation of this section to disseminate statistical  
18 or research information obtained from a record, provided that the  
19 identity of the subject of the record is not disclosed.

20 (h) It is not a violation of this section to include information  
21 obtained from a record in (1) a transcript or record of a judicial or  
22 administrative proceeding or (2) any other public record if the  
23 inclusion of the information in the public record is authorized by  
24 a court, statute, or decisional law.

25 (i) Notwithstanding any other law, the Department of Justice  
26 or any a state or local law enforcement agency may require the  
27 submission of fingerprints for the purpose of conducting summary  
28 criminal history information checks that are authorized by law.

29 (j) The state summary criminal history information shall include  
30 any finding of mental incompetence pursuant to Chapter 6  
31 (commencing with Section 1367) of Title 10 of Part 2 arising out  
32 of a complaint charging a felony offense specified in Section 290.

33 (k) (1) This subdivision shall apply whenever state or federal  
34 summary criminal history information is furnished by the  
35 Department of Justice as the result of an application by an  
36 authorized agency or organization and the information is to be  
37 used for peace officer employment or certification purposes. As  
38 used in this subdivision, a peace officer is defined in Chapter 4.5  
39 (commencing with Section 830) of Title 3 of Part 2.

1 (2) Notwithstanding any other provision of law, whenever state  
2 summary criminal history information is initially furnished  
3 pursuant to paragraph (1), the Department of Justice shall  
4 disseminate the following information:

5 (A) Every conviction rendered against the applicant.  
6 (B) Every arrest for an offense for which the applicant is  
7 presently awaiting trial, whether the applicant is incarcerated or  
8 has been released on bail or on his or her own recognizance  
9 pending trial.

10 (C) Every arrest or detention, except for an arrest or detention  
11 resulting in an exoneration, provided however that where the  
12 records of the Department of Justice do not contain a disposition  
13 for the arrest, the Department of Justice first makes a genuine effort  
14 to determine the disposition of the arrest.

15 (D) Every successful diversion.  
16 (E) Every date and agency name associated with all retained  
17 peace officer or nonsworn law enforcement agency employee  
18 preemployment criminal offender record information search  
19 requests.

20 (l) (1) This subdivision shall apply whenever state or federal  
21 summary criminal history information is furnished by the  
22 Department of Justice as the result of an application by a criminal  
23 justice agency or organization as defined in Section 13101, and  
24 the information is to be used for criminal justice employment,  
25 licensing, or certification purposes.

26 (2) Notwithstanding any other provision of law, whenever state  
27 summary criminal history information is initially furnished  
28 pursuant to paragraph (1), the Department of Justice shall  
29 disseminate the following information:

30 (A) Every conviction rendered against the applicant.  
31 (B) Every arrest for an offense for which the applicant is  
32 presently awaiting trial, whether the applicant is incarcerated or  
33 has been released on bail or on his or her own recognizance  
34 pending trial.

35 (C) Every arrest for an offense for which the records of the  
36 Department of Justice do not contain a disposition or did not result  
37 in a conviction, provided that the Department of Justice first makes  
38 a genuine effort to determine the disposition of the arrest. However,  
39 information concerning an arrest shall not be disclosed if the  
40 records of the Department of Justice indicate or if the genuine

1 effort reveals that the subject was exonerated, successfully  
2 completed a diversion or deferred entry of judgment program, or  
3 the arrest was deemed a detention.

4 (D) Every date and agency name associated with all retained  
5 peace officer or nonsworn law enforcement agency employee  
6 preemployment criminal offender record information search  
7 requests.

8 (m) (1) This subdivision shall apply whenever state or federal  
9 summary criminal history information is furnished by the  
10 Department of Justice as the result of an application by an  
11 authorized agency or organization pursuant to Section 1522,  
12 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
13 ~~any~~ a statute that incorporates the criteria of any of those sections  
14 or this subdivision by reference, and the information is to be used  
15 for employment, licensing, or certification purposes.

16 (2) Notwithstanding any other provision of law, whenever state  
17 summary criminal history information is initially furnished  
18 pursuant to paragraph (1), the Department of Justice shall  
19 disseminate the following information:

20 (A) Every conviction of an offense rendered against the  
21 applicant.

22 (B) Every arrest for an offense for which the applicant is  
23 presently awaiting trial, whether the applicant is incarcerated or  
24 has been released on bail or on his or her own recognizance  
25 pending trial.

26 (C) Every arrest for an offense for which the Department of  
27 Social Services is required by paragraph (1) of subdivision (a) of  
28 Section 1522 of the Health and Safety Code to determine if an  
29 applicant has been arrested. However, if the records of the  
30 Department of Justice do not contain a disposition for an arrest,  
31 the Department of Justice shall first make a genuine effort to  
32 determine the disposition of the arrest.

33 (3) Notwithstanding the requirements of the sections referenced  
34 in paragraph (1) of this subdivision, the Department of Justice  
35 shall not disseminate information about an arrest subsequently  
36 deemed a detention or an arrest that resulted in either the successful  
37 completion of a diversion program or exoneration.

38 (n) (1) This subdivision shall apply whenever state or federal  
39 summary criminal history information, to be used for employment,  
40 licensing, or certification purposes, is furnished by the Department

1 of Justice as the result of an application by an authorized agency,  
2 organization, or individual pursuant to any of the following:

3 (A) Paragraph ~~(9)~~ (10) of subdivision (c), when the information  
4 is to be used by a cable corporation.

5 (B) Section 11105.3 or 11105.4.

6 (C) Section 15660 of the Welfare and Institutions Code.

7 (D) ~~Any~~ A statute that incorporates the criteria of any of the  
8 statutory provisions listed in subparagraph (A), (B), or (C), or of  
9 this subdivision, by reference.

10 (2) With the exception of applications submitted by  
11 transportation companies authorized pursuant to Section 11105.3,  
12 and notwithstanding any other provision of law, whenever state  
13 summary criminal history information is initially furnished  
14 pursuant to paragraph (1), the Department of Justice shall  
15 disseminate the following information:

16 (A) Every conviction rendered against the applicant for a  
17 violation or attempted violation of ~~any~~ an offense specified in  
18 subdivision (a) of Section 15660 of the Welfare and Institutions  
19 Code. However, with the exception of those offenses for which  
20 registration is required pursuant to Section 290, the Department  
21 of Justice shall not disseminate information pursuant to this  
22 subdivision unless the conviction occurred within 10 years of the  
23 date of the agency's request for information or the conviction is  
24 over 10 years old but the subject of the request was incarcerated  
25 within 10 years of the agency's request for information.

26 (B) Every arrest for a violation or attempted violation of an  
27 offense specified in subdivision (a) of Section 15660 of the Welfare  
28 and Institutions Code for which the applicant is presently awaiting  
29 trial, whether the applicant is incarcerated or has been released on  
30 bail or on his or her own recognizance pending trial.

31 (o) (1) This subdivision shall apply whenever state or federal  
32 summary criminal history information is furnished by the  
33 Department of Justice as the result of an application by an  
34 authorized agency or organization pursuant to Section 379 or 550  
35 of the Financial Code, or ~~any~~ a statute that incorporates the criteria  
36 of either of those sections or this subdivision by reference, and the  
37 information is to be used for employment, licensing, or certification  
38 purposes.

39 (2) Notwithstanding any other provision of law, whenever state  
40 summary criminal history information is initially furnished

1 pursuant to paragraph (1), the Department of Justice shall  
2 disseminate the following information:

3 (A) Every conviction rendered against the applicant for a  
4 violation or attempted violation of ~~any~~ *an* offense specified in  
5 Section 550 of the Financial Code.

6 (B) Every arrest for a violation or attempted violation of an  
7 offense specified in Section 550 of the Financial Code for which  
8 the applicant is presently awaiting trial, whether the applicant is  
9 incarcerated or has been released on bail or on his or her own  
10 recognizance pending trial.

11 (p) (1) This subdivision shall apply whenever state or federal  
12 criminal history information is furnished by the Department of  
13 Justice as the result of an application by an agency, organization,  
14 or individual not defined in subdivision (k), (l), (m), (n), or (o), or  
15 by a transportation company authorized pursuant to Section  
16 11105.3, or ~~any~~ *a* statute that incorporates the criteria of that  
17 section or this subdivision by reference, and the information is to  
18 be used for employment, licensing, or certification purposes.

19 (2) Notwithstanding any other provisions of law, whenever state  
20 summary criminal history information is initially furnished  
21 pursuant to paragraph (1), the Department of Justice shall  
22 disseminate the following information:

23 (A) Every conviction rendered against the applicant.

24 (B) Every arrest for an offense for which the applicant is  
25 presently awaiting trial, whether the applicant is incarcerated or  
26 has been released on bail or on his or her own recognizance  
27 pending trial.

28 (q) All agencies, organizations, or individuals defined in  
29 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the  
30 Department of Justice for subsequent notification pursuant to  
31 Section 11105.2. This subdivision shall not supersede sections that  
32 mandate an agency, organization, or individual to contract with  
33 the Department of Justice for subsequent notification pursuant to  
34 Section 11105.2.

35 (r) Nothing in this section shall be construed to mean that the  
36 Department of Justice shall cease compliance with any other  
37 statutory notification requirements.

38 (s) The provisions of Section 50.12 of Title 28 of the Code of  
39 Federal Regulations are to be followed in processing federal  
40 criminal history information.

1 (t) Whenever state or federal summary criminal history  
2 information is furnished by the Department of Justice as the result  
3 of an application by an authorized agency, organization, or  
4 individual defined in subdivisions (k) to (p), inclusive, and the  
5 information is to be used for employment, licensing, or certification  
6 purposes, the authorized agency, organization, or individual shall  
7 expeditiously furnish a copy of the information to the person to  
8 whom the information relates if the information is a basis for an  
9 adverse employment, licensing, or certification decision. When  
10 furnished other than in person, the copy shall be delivered to the  
11 last contact information provided by the applicant.

O