

## COMMISSION FOR TEACHER PREPARATION AND LICENSING

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October 28, 1975

TO: County and District Superintendents of Schools, and  
Deans and Heads of Education

FROM: Peter L. LoPresti, Executive Secretary *PLP*

SUBJECT: Information Regarding Application Forms

Your attention is directed to the attached copy of AB 1324 relating to arrest records. As a result of enactment of this legislation, which becomes operative January 1, 1976, there may be some confusion regarding question 9f of Form 41-4, the official application form for certification documents. Question 9f relates to Personal and Professional Fitness and specifically to arrest records. The new law stipulates that no agency may ask for or require the applicant to reveal a record of arrest unless such arrest resulted in a conviction or a plea of nolo contendere. A violation of this section is a misdemeanor after January 1, 1976.

Because of the lead time required to obtain a new order of revised application forms, we are distributing the old forms to be used with the above precautionary note. Please be assured a new printing has been ordered which will conform to the new law and, at the time of distribution, you will be asked to destroy any remaining copies of these and other prior forms.

Attach.

Assembly Bill No. 1324

CHAPTER 883

An act to add Section 461 to the Business and Professions Code, relating to arrest records.

[Approved by Governor September 18, 1975. Filed with Secretary of State September 19, 1975.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1324, Leroy F. Greene. Arrest records: public agency licensees.

Existing law prohibits public or private employers from asking questions regarding arrest records on an initial employment application form. Existing law does not prohibit a public agency from asking such questions on an application for a license, certificate or registration.

This bill would make it a misdemeanor for a public agency to ask for or require an applicant on an initial application form for a license, certificate or registration to reveal an arrest record that did not result in a conviction or plea of nolo contendere.

This bill declares that neither appropriation is made nor obligation created for reimbursement of any local agency for any costs incurred by it pursuant to this act.

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

SECTION 1. Section 461 is added to the Business and Professions Code, to read:

461. No public agency, state or local, shall, on an initial application form for any license, certificate or registration, ask for or require the applicant to reveal a record of arrest that did not result in a conviction or a plea of nolo contendere. A violation of this section is a misdemeanor.

This section shall apply in the case of any license, certificate or registration provided for by any law of this state or local government, including, but not limited to, this code, the Corporations Code, the Education Code, and the Insurance Code.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.