

RESOLUTION NO. 2009-535

Adopted by the Sacramento City Council

August 18, 2009

AUTHORIZING ACCESS TO SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, CERTIFICATION AND LICENSING PURPOSES.

BACKGROUND

- A. Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, and districts to access state and local summary criminal history information for employment, licensing or certification purposes.
- B. Penal Code Section 11105(b)(11) authorizes cities, counties, and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.
- C. Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record.
- D. Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, or governing body of a city, county, or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento is hereby authorized to access local, state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity.
- Section 2. The authorization in Section 1 above includes, but is not limited to, access necessary to assist the City in fulfilling its duties pertaining to the following licenses and permits:
 - 1) Adult-related establishment permit (Sacramento City Code ("SCC") Ch. 5.04)
 - 2) Massage technician permit (SCC Ch. 5.04)
 - 3) Escort permit (SCC Ch. 5.04)
 - 4) Adult-entertainment business permit (SCC Ch. 5.06)
 - 5) Adult performer permit (SCC Ch. 5.06)

- 6) Figure model permit (SCC Ch. 5.06)
- 7) Alcoholic beverage license (SCC Ch. 5.08)
- 8) Amusement arcade license (SCC Ch. 5.12)
- 9) Astrology and related practices license (SCC Ch. 5.16)
- 10) Billiard and pool parlor license (SCC Ch. 5.20)
- 11) Bingo license (SCC Ch. 5.24)
- 12) Cable television franchise (SCC Ch. 5.28)
- 13) Cable television license (SCC Ch. 5.28)
- 14) Cardroom license (SCC Ch. 5.32)
- 15) Cardroom work permit (SCC Ch. 5.32)
- 16) Journey-level plumbers' certificate of competency (SCC Ch. 5.36)
- 17) Coin operated gaming permit (SCC 5.48)
- 18) Firearm and ammunition sales license (SCC Ch. 5.64)
- 19) Firearm and ammunition sales work permit (SCC Ch. 5.64)
- 20) Food vending vehicle permit (SCC Ch. 5.68)
- 21) Food vending vehicle driver permit (SCC Ch. 5.68)
- 22) Junk dealer, secondhand dealer, pawnbroker and pallet reseller permit (SCC Ch. 5.80)
- 23) Food or flower vendors' permit (SCC Ch. 5.88)
- 24) Pedicab owner permit (SCC Ch. 5.94)
- 25) Pedicab driver permit (SCC Ch. 5.94)
- 26) Pedicab vehicle permit (SCC Ch. 5.94)
- 27) Entertainment permit (SCC Ch. 5.108)
- 28) Solicitor license (SCC Ch. 5.116)
- 29) Canvasser permit (SCC Ch. 5.116)
- 30) Somatic practitioner permit (SCC Ch. 5.124)
- 31) Somatic practitioners' establishment permit (SCC Ch. 5.124)
- 32) Tatooning permit (SCC Ch. 5.132)
- 33) Taxicab fleet association permit (SCC Ch. 5.136)
- 34) Taxicab vehicle permit (SCC Ch. 5.136)
- 35) Taxicab driver permit (SCC Ch. 5.136)
- 36) Tow car vehicular permit (SCC Ch. 5.144)
- 37) Tow car driver permit (SCC Ch. 5.144)
- 38) Funeral escort permit (SCC Ch. 10.28)
- 39) Curb painting permit (SCC Ch. 12.08)

Section 3. The City of Sacramento shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

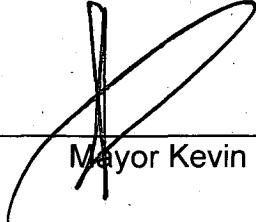
Adopted by the City of Sacramento City Council on August 18, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,
Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk