



State of California

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Milton Marks Commission on California State
Government Organization and Economy

website: www.lhc.ca.gov

March 3, 2022

The Honorable Brian Jones
1021 O Street, Suite 7140
Sacramento, CA 95814

RE: SUPPORT FOR SENATE BILL 1365

Dear Senator Jones,

The Little Hoover Commission supports SB 1365, the measure you authored that would require each board within the Department of Consumer Affairs (DCA) to publicly post on its website a list of criteria used to evaluate applicants with criminal convictions. The bill would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require applicants with convictions to provide certified court documents instead of listing convictions on application documents. Further, it would require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

In its 2016 report, *Jobs for Californians: Strategies to Ease Occupational Licensing Barriers*, the Commission found that Californians with convictions on their record face several challenges when trying to become licensed. Specifically, the Commission learned that applicants sometimes face difficulty when asked to list their convictions, perhaps due to significant time passing or mental health problems. The convictions they list on their application might not match what returns on their background check, potentially resulting in an application disqualification. The Commission also found that former offenders typically must demonstrate that their convictions were not substantially related to the duties of the occupation, or if they were, that they have been rehabilitated. However, the Commission discovered that it is often up to the licensing entity to determine how “substantially related” and “rehabilitated” are applied. Applicants who are denied a license may engage in an appeals process, which can be confusing and expensive.

The Commission offered several recommendations to help mitigate some of the barriers applicants face. First, the Commission urged the state to ask only for official records and not rely on the applicants’ memory. Second, the Commission recommended state licensing authorities post on their website the list of criteria used to evaluate applications with criminal convictions so that applicants can be better informed about the possibilities of gaining licensure before investing time and resources into education, training, and application fees. Finally, the Commission also called on the state to create an informal appeals process between a license denial and administrative law hearing to allow applicants the opportunity to explain problems with their applications.

Pedro Nava, Chair	Cynthia Buiza	Dave Min, Senator
Sean Varner, Vice Chair	Anthony Cannella	Jim Nielsen, Senator
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SB 1365 would advance the Commission's recommendations by helping mitigate some of the challenges that Californians with convictions on their record face when trying to become licensed. For this reason, the Little Hoover Commission supports SB 1365. If I, the Commission, or our staff can provide any further assistance as this proposal moves through the legislative process, please do not hesitate to ask.

Sincerely,

A handwritten signature in black ink, appearing to be 'PN' with a stylized flourish extending to the right.

Pedro Nava