



July 14, 2022

The Honorable Chris R. Holden
 Chair, Assembly Appropriations Committee
 Sacramento, CA 95814

Re: Support for [S.B. 1262](#), concerning access to court records for access to work and apartments

Dear Chair Holden,

We are nearly 50 businesses and associations that strongly support S.B. 1262, a bill which allows consumers to start work and be placed in rental housing as quickly as possible. The bill does not create new law, but, rather, it restores the status quo for access to court records.

Senate Bill 1262 restores the long-standing accessibility of driver's license numbers (DLN) and dates of birth (DOB) in California court electronic indexes. Due to the prevalence of common names, this

critical information is necessary to establish whether a court record belongs to a specific job or rental housing applicant. Without a return to the status quo, an applicant’s name could produce hundreds or thousands of records unrelated to that individual.

The more than 20-year practice of using that information to filter through records was dismantled in May 2021. Last year, a California Court of Appeals decision incorrectly interpreted California Rule of Court [Rule 2.507](#) as prohibiting any electronic access in indexes of DOBs or DLNs, including the ability to use this information as search filters.¹ This decision drastically limits the results returned to users of electronic indexes. This decision caused the background check process to slow to a crawl or grind to a halt.

If organizations, including those who are legally mandated to perform background checks on applicants, can no longer use search filters such as date of birth and driver's license number in conducting routine court records checks, they will be left with nothing but names, and little or no way to associate a court record with a specific individual. This is especially problematic with the prevalence of common names. Hundreds—indeed, thousands—of potential false positives will result, rendering record search results meaningless.

Many businesses and nonprofits are required to perform background checks before they can put people to work. Even if not required, some organizations or apartment owners will conduct checks to ensure that they are maintaining a safe environment. The *Hamrick* decision has made those record checks impossible to complete, resulting in significant delays or denials of job or housing applications.

When a person wants a job or apartment, they often need that opportunity right away. It is vital that we restore the ability to timely review applicant’s records. Without S.B. 1262, those applicants are at risk of being denied access to work and housing. The bill allows us to process background checks more efficiently and accurately.

We thank you in advance for your support for S.B. 1262, and we look forward to its passage.

Signed,

American Financial Services Association
American Staffing Association
Apartment Association of Greater Los Angeles
Asian American Hotel Owners Association
Brea Chamber of Commerce
Carlsbad Chamber of Commerce
California Apartment Association
California Bankers Association
California Building Industry Association

California Cable & Telecommunications Association
California Chamber of Commerce
California Credit Union League
California Financial Services Association
California Hospital Association
California Hotel & Lodging Association
California Restaurant Association
California Retailers Association
California Staffing Association

¹ [All of Us or None of Us - Riverside Chapter v. Hamrick](#), (2021) 64 Cal.App.5th 751 [279 Cal.Rptr.3d 422] (“*Hamrick*”).

Coalition for Sensible Public Record Access
Consumer Data Industry Association
Corona Chamber of Commerce
Danville Area Chamber
Family Business Association of California
Fountain Valley Chamber of Commerce
Freemont Chamber of Commerce
Fresno Chamber of Commerce
Gilroy Chamber of Commerce
Greater Conejo Valley Chamber of Commerce
Greater High Desert Chamber of Commerce
Imperial Valley Regional Chamber of Commerce
La Cañada Flintridge Chamber of Commerce and
Community Association
Laguna Niguel Chamber of Commerce
Long Beach Area Chamber of Commerce

Los Angeles Area Chamber of Commerce
Mission Viejo Chamber of Commerce
National Credit Reporting Association
Newport Beach Chamber of Commerce
NFIB
Official Police Garages of Los Angeles
Professional Background Screening Association
Rancho Cordova Chamber of Commerce
San Jose Chamber of Commerce
Santa Maria Valley Chamber of Commerce
Simi Valley Chamber of Commerce
Southern California Rental Housing Association
Sue Weaver CAUSE
Tulare Chamber of Commerce
West Ventura County Business Alliance
Valley Industry & Commerce Association