

Assembly Appropriations Committee [hearing](#) on S.B. 1262
Unofficial transcript
1:27:48 - 1:41:41

- Sen. Bradford: Thank you. Uh, here presenting the SB1262. 1262, thank you Mr Cheer, uh, 1262 which will return public court records access to 20 years of presidents by a law on their ability to search and filter results, uh, individuals using their date of birth and driver license. After recent, uh, court ruling in the California fourth district [inaudible 00:00:39], many courts have since removed the ability to search and filter records based on date of birth and drivers license numbers. This is resulted in individuals who need tend, to undergo background checks, uh, process to secure work or housing and, uh, have provided that, uh, their identifying for this process I should say, are being stalled and stopped completely, uh, during this background check process. This delay has disproportionately impacted individuals with common names and prevents these individuals from being able to secure work and housing on a timely basis.
- Sen. Bradford: Uh, if organizations including those who are required to perform background checks on applicants, can no longer use these identifiers when conducting, um, record checks, they will be left with nothing, um. But to name a little more to determine if they have the right individual. Um, it will also add, uh, additional financial burdens to our state and our courts, since these background check, uh, will be required and assistance from the court, I should say, uh, [inaudible 00:01:45] to be completed.
- Sen. Bradford: The courts decision did not prohibit the use of background checks entirely. Nor did it prohibit being able to search, uh, the court [inaudible 00:01:54], companies non-profits and apartment owners will continue to do background checks, whether this bill is passed or not. By prohibiting the use of these identifiers when searching, we're allowing the delay in, in person's background check from being completed. For their application, uh, to be accepted or even, uh, for an applicant to be provided identifiers will need, who are willing, I should say, who are providing this information, for a background check. Uh, this bill will result in minor absorbable costs for our superior courts to implement. And here to testify today is Kenneth... Ken Oliver, the executor director of checker.org, and Jennifer Ye, our general counselor for checker.org [inaudible 00:02:40].
- Mr. Chairman.: Thank you.
- Speaker 3: Second.
- Mr. Chairman.: Moved in second is, are the main witnesses here and the committee room or on the phone line?
- Speaker 1: On the phone line.

Mr. Chairman.: Online, okay. An operator will call for Kian Oliver, and Jennifer Ye, as main witnesses in support of 1262. Kian Oliver, are you available?

Operator: Do not see, uh, either name listed on our call at this time.

Mr. Chairman.: Okay. Then we'll come back to the committee meeting room, where we'll take those in support of 1262.

Rainy: Mr. Chair, and members of committee, Rainy [inaudible 00:03:27] we have for the consumer data industry association in support.

Ashley Hoffman: Good morning Mr. Chair, members, Ashley Hoffman on behalf of the California chamber of commerce and support.

Speaker 7: Mr Chair, Chris [inaudible 00:03:39] on behalf of the Hollywood chamber of commerce and support.

Speaker 8: Uh, Ryan [inaudible 00:03:44] I do historical research with court records as well as research on...

Mr. Chairman.: Position.

Speaker 8: On known, I am in support of it because...

Mr. Chairman.: Thank you that's...

Speaker 8: Even though I haven't found a common name...

Mr. Chairman.: All we need.

Speaker 8: It's a...

Mr. Chairman.: Thank you. Thank you. Okay, seeing that, that exhausts the support I hear in the committee room, we'll look to the phone lines for those in support of 1262.

Operator: Thank you Mr. Chair, and ladies and gentlemen, if you wish to speak in support of SP1262, you may press one and then zero at this time. Line 149, your line is open, please go ahead. Line 149, your line is open. Moving on to line 143, line 143 your line is open, please go ahead.

Jacqueline: Jacqueline Romero on behalf of the Los Angeles area chamber of commerce and [inaudible 00:04:50] support.

Operator: Line 148, your line is open, please go ahead.

Bernie line 148: Thank you, Mr. Chairman, members, Bernie [inaudible 00:04:59] from the California Cable and telecommunications association, I'd like to thank senator [inaudible 00:05:03] for carrying the bill and strong support. Thank you.

Operator: There are no further lines in cue.

Mr. Chairman.: Okay. Department of finance.

Speaker 11: We don't have an approved position for this bill, but we do note that the traditional council indicates any impacts to the trial courts created by this bill would be minor and absorbable.

Mr. Chairman.: Thank you. We'll now move to the main opposition, and I believe, they are also on the phone line. Or are they here in [inaudible 00:05:33]. Yeah, Priscilla, I'm looking for, um, senator of employment opportunities, uh, Henry [inaudible 00:05:43]. All of us, or none of us.

Speaker 12: Yeah, so Henry [inaudible 00:05:47] and all of us are supposed to be here in person, however he is on the phone line.

Mr. Chairman.: He is on the phone line. Then I, I will turn to the phone line now for his, uh, for his testimony. Henry [inaudible 00:05:58] on the phone line as a main witness in opposition. We're only taking main witnesses right at this time.

Operator: Priscilla [inaudible 00:06:10] is here if he is not available, I can go first.

Mr. Chairman.: Please.

Operator: Uh, good morning, honorable chair members, Priscilla [inaudible 00:06:20] here and I'm representing the center for employment opportunities. We have 32 offices, in 12 states, in California alone we have nine. Where we provide immediate and effective [inaudible 00:06:30] employment facilities for anyone with a criminal record, particularly those recently incarcerated who face the most significant barriers returning to the work force. We believe everyone regardless of their past, deserves a chance to, uh, shape a stronger future for themselves, their family and their communities. It is because of this mission and our values that we are spectrally oppose SP1262. The bill's main emphasis is that the employers must receive a higher [inaudible 00:06:54] they can not quickly verify that there is no criminal record. It implies that it's okay to deny employment quickly, if they have a criminal record.

Operator: As an organization that provides job development services for people with a criminal record we have no evidence to support the background check companies claims. In fact, we have been under the impression that abilities in the background checks are largely due to COVID-19. We work with employers to [inaudible 00:07:17] background checks all together, as they are left biased, more effective tools for screening candidates and making higher decisions.

Through 2012 the EEOC has sworn against background checks, giving the underlying [inaudible 00:07:29] bias in the legal system [inaudible 00:07:31] of the biases for using background checks in the hiring process. We also work with employers to make probationary higher, pending the result of a background check and in doing so, they have experienced first hand that criminals with criminal records are safe to hire. We hope that in due time, employers will be encourage too, and be able to forgo background checks all together. SP1262 limits that possibility and we oppose it. It is for this reason that we respectfully encourage you to vote against this measure today. Thank you.

Mr. Chairman.: Thank you. Is Henry [inaudible 00:08:02] on the line? Okay, we are going to move on to, um, those who are in opposition, here in the committee room.

Speaker 12: And if I can note, Mr. Chair, Henry is not in the cue, unfortunately he did not know how to get to the witness, he's on number 144, in the cue.

Mr. Chairman.: All right, I understand...

Speaker 12: Got you.

Mr. Chairman.: I apologize for that, but we'll just take name and organization.

Speaker 12: [inaudible 00:08:32] Morgan, here on behalf legal services for prisoners with children, all of us or none, standing as strong oppositions of SP1262, thank you.

Mr. Chairman.: Thank you, is there anyone else in the hearing room in opposition? Seeing none, returning to the phone lines, phone operator, opposition to 1262.

Operator: Thank you Mr. Chair and ladies and gentlemen, if you wish to speak in opposition of SP1262, you may press one and then zero at this time. Line 149, your line is open, please go ahead.

Henry: Hi this is Henry [inaudible 00:09:06], uh, uh, I'm calling to oppose the deal. Um, I'm sorry I was unable to be there present, I had a doctor's appointment. But, we're strongly opposing because it violates our constitutional rights of privacy, and we want to be free from discrimination when we apply for jobs. We want to be hired based on our, our, our, on our skill set and not on our past convictions. So, uh, moving forward with this kind of behavior will only institute, uh, these models of racism that we're trying to grow out of. So, I, I, I respectfully oppose.

Mr. Chairman.: Thank you, now, Mr. [inaudible 00:09:39] was listed as a witness so we gave him latitude, everyone else who is going to speak in opposition, name, organization, and if any, and position on the bill. Phone operator, opposition to 1262.

Operator: Thank you Mr. Chair and, line 88 your line is open, please go ahead.

Speaker 14: Hi this is [inaudible 00:10:02], from LSPC, legal services for prisoners with children, all of us or none, and we are in strong opposition.

Operator: Line 151, your line is open, please go ahead.

Speaker 15: Hi, this is Gale [inaudible 00:10:16] we respectfully oppose 1262, thank you.

Operator: Line 122, your line is open, please go ahead.

Speaker 16: Hi, yes, I oppose this bill, thank you.

Operator: Line 22, your line is open, please go ahead.

Speaker 17: Catherine [inaudible 00:10:36] Member of three, strongly oppose SP1262, thank you.

Operator: Line 77, your line is open, please go ahead.

Speaker 18: Trisha [inaudible 00:10:49] San Francisco, strongly opposed SP1262.

Operator: Line 83, your line is open, please go ahead.

Speaker 19: [inaudible 00:10:59] County, I strongly oppose this bill.

Operator: There are no further lines in cue.

Mr. Chairman.: Thank you, we'll bring it back to the committee. Dr [inaudible 00:11:08].

Speaker 20: Um, Yes, I oppose this bill on, uh, policy grounds, however, I will be voting for it today because it is minor absorbable costs. And, uh, given that, I think it makes sense to get it out of the appropriation's committee. Thank you.

Mr. Chairman.: Thank you. Any other member, seeing as we had a conversation yesterday senator, I, I actually share Dr. [inaudible 00:11:38] position on it, um, seems like it gets around [inaudible 00:11:41] in the box, which was to create opportunities for those who had records to be able to be preserved and not held against them as they move forward with their life. If someone can simply call date of birth, and see what their, maybe what their background that was not all the way in line with, uh, with what they think is appropriate, they could be discounted, uh, out of hand, and know that, that you're trying to accomplish something else in a very positive way.

Mr. Chairman.: Uh, but I will be supporting the bill obviously today, because I think as Dr. [inaudible 00:12:13] made the comments I was going to make, it has met the threshold for this committee on [inaudible 00:12:17]. Um, but on a policy, uh, I'm having trouble with it. But, um, notwithstanding that, it does enjoy a due pass, and if you'd like to close, the floor is yours.

Sen. Bradford: Thank you, uh, and I won't belabor the issue right now, um, it's, [inaudible 00:12:38] from my intentions to open up, uh a can of worms where folks can, willy-nilly look at someones background and, and dis, disqualify someone for employment or housing, that's the last of the, the last thing that I would want to do. And as one of the first alters of [inaudible 00:12:54] here in the legislator in 2010, I know how important it is to allow those individuals with previous convictions to have opportunities for a fresh start. Uh, this just further assists the process when identifying. Background checks can still be done, whether this bill passes or not. There are still background checks that will be done. Even with [inaudible 00:13:14] in the box, individuals still can access ones, uh, previous criminal record as we know, with the internet and nothing ever goes away.

Sen. Bradford: This just wants to help facilitate those individuals and make sure we have the right Chris Brown, when we're offering a job opportunity and not the Chris Brown that might have beat up Rihanna, and respectfully that's where I vote.

Mr. Chairman.: Okay, this is out on a roll call.

Speaker 1: (laughs) thank you.

Mr. Chairman.: Well, I won't comment on that one. Yeah. Okay. Senator [inaudible 00:13:55].