



## MEMORANDUM

<b>DATE</b>	October 20, 2014
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Jonathan Burke Administrative Services Coordinator
<b>SUBJECT</b>	<b>AB 2396 (Bonta): Convictions: Expungement: Licenses</b>

### **Background:**

This legislation would provide that a person may not be denied licensure solely based upon a conviction that has been dismissed through specified penal code procedures.

The Board currently cites section 480 of the Business and Professions Code when denying a license to an applicant with an expunged conviction. If the Board is prohibited from denying a license based solely on a conviction that has been dismissed or expunged, the Board would be required to conduct an investigation to substantiate the underlying cause for the conviction. This would have a fiscal impact on the Board through increased utilization of the Division of Investigations, the Attorney General's Office, and staff resources. The alternative would be to license those applicants who have an expunged conviction that we have determined would potentially pose a danger to the public.

The Board took an "Oppose" position at its May Board meeting because this legislation would negatively impact the Board's ability to protect California consumers.

This bill was signed by Governor Brown and chaptered by the Secretary of State on September 28th, 2014 as Chapter No. 737. This bill will become effective on January 1st, 2015. The Board will work with the Department of Consumer Affairs, the Division of Investigations, and the Office of the Attorney General to determine how to accommodate the new law.

**Attachment A** is the law as chaptered by the Secretary of State.

### **Action Requested:**

This item is for informational purposes only.

