

## LEGISLATIVE DIGEST

[Administrative Code - Considering Criminal History in Appointments to Boards and Commissions]

**Ordinance amending the Administrative Code to delete the requirement that applicants for membership on boards and commissions disclose all felony convictions; to limit the City from using criminal history information in making decisions about appointment and removal of members of certain boards, commissions, and other bodies; and to require the City to follow certain restrictions when inquiring about or using conviction history information to make decisions about appointment or removal.**

### Existing Law

Any person applying to the Board of Supervisors for appointment to a board, commission, or other body must submit a written statement under penalty of perjury disclosing any felony convictions. The Board may decide to appoint or remove any person from such a body because of the person's criminal history.

### Amendments to Current Law

The proposed ordinance would delete the requirement that applicants for boards, commissions, and other bodies disclose their criminal history. It would restrict the use of criminal history information in decisions by City officers or employees regarding appointment to or removal from boards, commissions, and other City bodies. Specifically, the ordinance would prohibit the Board of Supervisors or any other City employee or officer from requesting information about a person's criminal history until after an interview or hearing. Even after that point, the City could not consider certain criminal history information, including an arrest not leading to a conviction (other than an arrest that is still the subject of a criminal investigation or trial); participation in or completion of a diversion or deferral of judgment program; a conviction that has been expunged or otherwise made inoperative; a conviction or other determination in the juvenile justice system; a conviction that is more than 7 years old (measured from date of sentencing); and criminal offenses other than felonies or misdemeanors, such as infractions. For other convictions and unresolved arrests—those that the City can consider in deciding whether to appoint or remove a person—the City could only base a decision on convictions and unresolved arrests that have a direct and specific negative bearing on the person's ability to perform his or her duties or responsibilities or that are directly related to matters that the person may consider as a member of the board, commission, or other body.

The restrictions in this ordinance would apply to all boards, commissions, and other bodies created by the Board of Supervisors, but would not apply to bodies created by the Charter or created by an initiative ordinance that specifies the qualifications for appointments.

Background Information

In 2014, the Board of Supervisors adopted Ordinance No. 017-14, which restricted the use of criminal history information in decisions regarding employment and housing. This proposed ordinance will bring the City's policies regarding appointment and removal of board and commission members substantially in line with the policies reflected in Ordinance No. 017-14.

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