

ATTACHMENT A

PROHIBITED OFFENSES UNDER CALIFORNIA PENAL CODE

Part A-1

A recreation and park district shall not hire anyone for employment in a position with supervisory or disciplinary responsibility over minors (either for pay or as a volunteer) if the person has been convicted of any offense contained in Penal Code section 11105.3 (g) (i). The offenses outlined in this subsection are:

- 220 Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object
- 261 Rape
- 261.5 Unlawful sexual intercourse with a female under age 18
- 262 Rape of spouse
- 266 Inveiglement or enticement of unmarried female under 18 for purposes of prostitution; aiding and abetting; procuring a female for illegal intercourse by false pretenses
- 266j Procurement of child under age 16 for lewd or lascivious acts
- 267 Abduction of person under 18 for purposes of prostitution
- 272 Causing, encouraging or contributing to the delinquency of persons under 18 years
- 273a Willful cruelty or unjustifiable punishment of child; endangering life or health
- 273d Corporal punishment or injury of a child
- 273.5 Corporal injury of spouse or cohabitant of opposite sex
- 285 Incest
- 286 Sodomy
- 286.5 Sexually assaulting an animal
- 287 Sodomy
- 288 Lewd or lascivious acts with child under 14
- 288a Unlawful oral copulation
- 289 Genital or anal penetration with a foreign object
- 311.2 Sending, receiving, printing, exhibiting, distributing materials depicting sexual conduct by a minor
- 311.3 Depicting by film, photograph, videotape, etc. sexual conduct by a person under 14
- 311.4 Employment of a minor to perform prohibited acts
- 311.10 Advertising for sale or distribution materials depicting a person under age 18 engaging in or simulating sexual conduct
- 311.11 Possession or control of material depicting a person under 14 engaging in or simulating sexual conduct
- 314 Lewd or obscene conduct, indecent exposure, obscene exhibition

- 647a Engaging in or lewd or dissolute conduct in a public place or in any place open to the public
 - 647d Loitering in or about a public toilet for the purpose of engaging in or soliciting a lewd or lascivious or unlawful act
 - 647.6 Annoying or molesting a child under 18
- Anyone committed as a mentally disordered sex offender under the Welfare and Institutions Code

Part A-2

A recreation and park district shall not hire anyone for employment in a position with supervisory or disciplinary responsibility over minors (either for pay or as a volunteer) if the person has been convicted within the previous ten years of a felony or three total misdemeanors of any offense contained in Penal Code section 11105.3 (g) (iii).

- 207 - 210 (+ 12022) Kidnapping
- 211 (+12022) Robbery
- 215 (+12022) Car jacking

Section 207-210, 211 and 215 apply only if accompanied by a concurrent finding under section 12022 that a deadly or dangerous weapon was used in the commission of the crime.

- 217.1 Assault on public official
- 236 False imprisonment
- 237 False imprisonment
- 240 Assault
- 241.1 Assault upon custodial officer
- 241.2 Assault on school property
- 241.3 Assault against transportation personnel or passenger
- 241.4 Assault on peace officer of school district
- 241.7 Assault against jurors
- 242 Battery
- 243.1 Battery against custodial officer in performance of duties
- 243.2 Battery on school property
- 243.3 Battery against transportation personnel or passenger
- 243.4 Sexual battery
- 243.5 Assault or battery on school property
- 243.6 Assault or battery on process server
- 243.7 Battery against jurors
- 244 Assault with caustic chemicals
- 244.5 Assault with stun gun or taser

- 245 Assault with deadly weapon or force likely to produce great bodily injury
- 244.2 Assault with deadly weapon or force likely to produce great bodily injury on transportation personnel or passenger
- 245.3 Assault with deadly weapon or force likely to produce great bodily injury on custodial officer
- 246 Shooting at inhabited dwelling house, occupied building or vehicle, or inhabited house, car or camper
- 247 Shooting at unoccupied aircraft or motor vehicle
- 247.7 Discharge of laser at aircraft
- 667.5 Sentencing enhancements for various crimes of violence

QUESTIONNAIRE

EMPLOYEE OR VOLUNTEER BEING CONSIDERED FOR A POSITION HAVING SUPERVISORY AUTHORITY OVER MINORS

Section 5164 of the Public Resources Code of the State of California prohibits Rancho Simi Recreation and Park District from hiring a person for employment at, or hiring a volunteer to perform services at, any of its parks, playgrounds or recreational centers used for recreational purposes in a position having supervisory or disciplinary authority over any minor, if the person has been convicted of certain crimes under the California Penal Code. Section 5164 also authorizes Rancho Simi Recreation and Park District to screen any such prospective employee or volunteer for his or her criminal background. In light of your interest in being hired by Rancho Simi Recreation and Park District for employment at, or being hired as a volunteer to perform services at, any of its parks, playgrounds or recreational centers used for recreational purposes, in a position having supervisory or disciplinary authority over any minor, and in order to give effect to Section 5164 of the Public Resources Code of the State of California, please answer the following supplemental questions:

- 1. Have you ever been convicted of violation or attempted violation of any of the statutes specified in Section 11105.3 of the Penal Code (copy attached), including conviction for violation or attempted violation of an offense committed outside the State of California, if the offense would have been a crime as defined in the statutes referred to if committed in California? This question does not refer to a misdemeanor conviction under Paragraph (3) of Subdivision (h) of Section 11105.3 unless you have a total of three or more misdemeanor or felony convictions specified in Section 11105.3 within the immediately preceding ten (10) year period.**

Yes ____ No ____

If your answer is Yes, please describe the crime(s) of which you were convicted, the date upon which you were convicted and the jurisdiction in which you were convicted:

- 2. Without in any way limiting the foregoing, have you ever been convicted of any crime involving an assault with intent to commit a felony, any crime against a person involving sexual assault, any crime against public decency and good morals, disorderly conduct, annoying or molesting a child under age 18, kidnapping, robbery or carjacking?**

Yes ____ No ____

If your answer is Yes, please describe the crime(s) of which you were convicted, the date upon which you were convicted and the jurisdiction in which you were convicted:

3. Are you currently released on bail or on your own recognizance for any crime?

Yes _____ No _____

If your answer is yes, please describe the crime(s) with which you have been charged, the date upon which you were charged and the jurisdiction in which you were charged:

4. Are you willing to be fingerprinted in order that Rancho Simi Recreation and Park District may screen you for criminal background?

Yes _____ No _____

DECLARATION

I, (Print Name) _____, in seeking to be hired by Rancho Simi Recreation and Park District for employment at, or hired by Rancho Simi Recreation and Park District as a volunteer to perform services at, any park, playground or recreational center used by Rancho Simi Recreation and Park District for recreational purposes, in a position having supervisory or disciplinary authority over any minor, hereby declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed at:

(City) _____, California on

(Date) _____ (Year) _____

I acknowledge and agree that should any of my answers to the foregoing questions be subsequently determined to be false and not true, Rancho Simi Recreation and Park District can immediately terminate my employment by it or cease allowing me to perform voluntary services, without notice.

I hereby agree to indemnify and hold harmless Rancho Simi Recreation and Park District, its directors, agents and employees, from any and all claims, causes of action, suits, actions, damages, losses or liability arising out of termination of my employment and/or termination of my volunteer services rendered to Rancho Simi Recreation and Park District which may occur should any of my answers to the foregoing questions be subsequently determined to be false and not true and/or untrue.

Employee/Volunteer Signature

Date

Supervisor Signature

Date

ATTACHMENT C

Public Resource Code 5164

5164. (a) A county or city or city and county or special district shall not hire a person for employment, or hire a volunteer to perform services, at a county or city or city and county or special district operated park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over any minor, if that person has been convicted of any offense specified in paragraph (1) of subdivision (h) of Section 11105.3 of the Penal Code, or any offense specified in paragraph (3) of subdivision (h) of Section 11105.3 of the Penal Code. However, this section shall not apply to a misdemeanor conviction under paragraph (3) of subdivision (h) of Section 11105.3 of the Penal Code unless that person has a total of three or more misdemeanor or felony convictions specified in Section 11105.3 of the Penal Code within the immediately preceding 10-year period.

(b) (1) To give effect to this section, a county or city or city and county or special district shall require each such prospective employee or volunteer to complete an application that inquires as to whether or not that individual has been convicted of any offense specified in subdivision (a). The county or city or city and county or special district shall screen, pursuant to Section 11105.3 of the Penal Code, any such prospective employee or volunteer, having supervisory or disciplinary authority over any minor, for that person's criminal background.

(2) Any local agency requests for Department of Justice records pursuant to this subdivision shall include the prospective employee's or volunteer's fingerprints, which may be taken by the local agency, and any other data specified by the Department of Justice. The request shall be made on a form approved by the Department of Justice. No fee shall be charged to the local agency for requesting the records of a prospective volunteer pursuant to this subdivision.

California Penal Code 11105.3

11105.3.

(a) Notwithstanding any other law, a human resource agency or an employer may request from the Department of Justice records of all convictions or any arrest pending adjudication involving the offenses specified in subdivision (h) of a person who applies for a license, employment, or volunteer position, in which he or she would have supervisory or disciplinary power over a minor or any person under his or her care. The department shall furnish the information to the requesting employer and shall also send a copy of the information to the applicant.

(b) Any request for records under subdivision (a) shall include the applicant's fingerprints, which may be taken by the requester, and any other data specified by the department. The request shall be on a form approved by the department, and the department may charge a fee to be paid by the employer, human resource agency, or applicant for the actual cost of processing the request. However, no fee shall be charged a nonprofit organization. The department shall destroy an application within six months after the requested information is sent to the employer and applicant.

(c) (1) Where a request pursuant to this section reveals that a prospective employee or volunteer has been convicted of an offense specified in paragraph (1) of subdivision (h), and where the agency or employer hires the prospective employee or volunteer, the agency or employer shall notify the parents or guardians of any minor who will be supervised or disciplined by the employee or volunteer. The notice shall be given to the parents or guardians with whom the child resides, and shall be given at least 10 days prior to the day that the employee or volunteer begins his or her duties or tasks. Notwithstanding any other provision of law, any person who conveys or receives information in good faith conformity with this section is exempt from prosecution under Section 11142 or 11143 for that conveying or receiving of information. Notwithstanding subdivision (d), the notification requirements of this subdivision shall apply as an additional requirement of any other provision of law requiring criminal record access or dissemination of criminal history information. (2) The notification requirement pursuant to paragraph (1) shall not apply to a misdemeanor conviction for violating Section 261.5 or to a conviction for violating Section 262 or 273.5. Nothing in this paragraph shall preclude an employer from requesting records of convictions for violating Section 261.5, 262, or 273.5 from the Department of Justice pursuant to this section.

(d) Nothing in this section supersedes any law requiring criminal record access or dissemination of criminal history information. In any conflict with another statute, dissemination of criminal history information shall be pursuant to the mandatory statute. This subdivision applies to, but is not limited to, requirements pursuant to Article I (commencing with Section 1500) of Chapter 3 of, and Chapter 3.2 (commencing with Section 1569) and Chapter 3.4 (commencing with Section 1596.70) of, Division 2 of, and Section 1522 of, the Health and Safety Code, and Sections 8712, 8811 and 8908 of the Family Code.

(e) The department may adopt regulations to implement the provisions of this section as necessary.

(f) As used in this section, "employer" means any nonprofit corporation or other organization specified by the Attorney General which employs or uses the services of volunteers in positions in which the volunteer or employee has supervisory or disciplinary power over a child or children.

(g) As used in this section, "human resource agency" means a public or private entity, excluding any agency responsible for licensing of facilities pursuant to the California Community Care Facilities Act (Chapter 3 [commencing with Section 1500]), the California Residential Care Facilities for the Elderly Act (Chapter 3.2 [commencing with Section 1569]), Chapter 3.01 (commencing with Section 1568.01), and the California Child Day Care Facilities Act (Chapter 3.4 [commencing with Section 1596.70]) of Division 2 of the Health and Safety Code, responsible for determining the character and fitness of a person who is (1) applying for a license, employment, or as a volunteer within the human services field that involves the care and security of children, the elderly, the handicapped or the mentally impaired, or (2) applying to adopt a child or to be a foster parent.

(h) Records of the following offenses shall be furnished as provided in subdivision (a):

(1) Violations or attempted violations of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, except for the offense specified in subdivision (d) of Section 243.4.

(2) Any crime described in the California Uniform Controlled Substances Act (Division 10 [commencing with Section 11000] of the Health and Safety Code), provided that, except as otherwise provided in subdivision (c), no record of a misdemeanor conviction shall be transmitted to the requester unless the subject of the request has a total of three or more misdemeanor or felony convictions defined in this section within the immediately preceding 10-year period or has been incarcerated as a result of any of those convictions within the preceding 10 years.

(3) Any felony or misdemeanor conviction within 10 years of the date of the employer's request under subdivision (a) or any felony conviction that is over 10 years old if the subject of the request was incarcerated within 10 years of the employer's request, for a violation or attempted violation of Chapter 3 (commencing with Section 207), Section 211 or 215, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that offense. Section 217.1, Chapter 8 (commencing with Section 236), Chapter 9 (commencing with Section 240), and for a violation of any of the offenses specified in subdivision (c) of Section 667.5, provided that no record of a misdemeanor conviction shall be transmitted to the requester unless the subject of the request has a total of three or more misdemeanor or felony convictions defined in this section within the immediately preceding 10-year period or has been incarcerated for any of those convictions within the preceding 10 years.

(4) A conviction for a violation or attempted violation of an offense committed outside the State of California shall be furnished if the offense would have been a crime as defined in this section if committed in California.

(i) Except as provided in subdivision (c), any criminal history information obtained pursuant to this section is confidential and no recipient shall disclose its contents other than for the purpose for which it was acquired.