

RESOLUTION NUMBER R- 307854

DATE OF FINAL PASSAGE NOV 27 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE REQUEST TO THE
CALIFORNIA DEPARTMENT OF JUSTICE TO ADD THE
NATIONAL CRIMINAL HISTORY CHECK TO THE SAN
DIEGO POLICE DEPARTMENT'S LIVESCAN ACCOUNT.

WHEREAS, California Penal Code sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts, and joint powers authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and

WHEREAS, California Penal Code section 11105(b)(11) authorizes cities, counties, districts, and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, California Penal Code sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, California Penal Code sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes; and

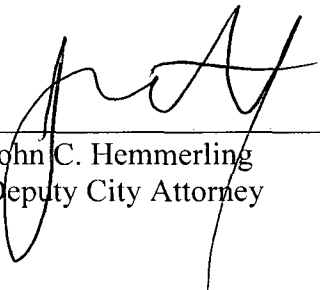
WHEREAS, San Diego Municipal Code section 33.0101 requires the San Diego Police Department to oversee, regulate and license certain industries; and

WHEREAS, this resolution modifies and supersedes previous resolution R-2012-435, to include language now required; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the City of San Diego is hereby authorized to access state and federal level summary criminal history information for licensing of Police Regulated activities, specifically, nude entertainment establishments, adult entertainers, arcade establishments, auto dismantlers, card room establishments, card room employees, going out of business sale, curb painters, pawn shops, second hand dealers, firearms dealers, firearm employees, solicitors, holistic health practitioners, holistic health practitioner establishments, massage establishments, massage therapist, off-premise massage therapist, off-premise massage business, money exchanges, outcall nude entertainers, outcall nude entertainer business, peep show establishments, pool room establishments, bowling alleys, promoters, swap meets, tobacco retailers, and entertainment establishments; and may not disseminate the information to a private entity.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

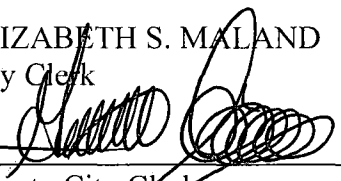


John C. Hemmerling
Deputy City Attorney

JCH:amt
November 2, 2012
Or.Dept:Police
Doc. No. 467160

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/27/12.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11-27-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor