



BACKGROUND QUESTIONNAIRE



Cities have many programs and operations where they become responsible for the safety and welfare of children. California State law enacted through Public Resources Code Section 5164 (PRC 5164) states in part: Cities shall not hire a person for employment or hire a volunteer to perform services at a 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 certain crimes. As recreation and park personnel, individuals could find themselves in a position where they may have to supervise or discipline minors. In order to comply with PRC 5164, cities have been authorized to conduct fingerprint background checks through the California Department of Justice. Conducting background checks on all employees and volunteers is a necessary safeguard. In light of your interest in being hired by City of San Marino Recreation Department or Parks and Public Works Department; 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 order to give effect to Section 5164 of the Public Resources Code of the State of California, please answer the following supplemental questions by initialing each question, next to Yes or No, and if applicable, provide the required details.

1. Yes _____ No _____ **Have you ever been convicted of violation or attempted violation of any of the statutes specified in Public Resources Code Section 5164 (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 as defined in Part B of Attachment B (copy attached), unless you have three or more misdemeanor convictions, a felony conviction, or were incarcerated for any of those crimes listed within the preceding ten (10) year period.**

If you answered 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. Yes _____ No _____ **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?**

If you answered Yes, please describe the crime for which you were convicted, the date upon which you were convicted and the jurisdiction in which you were convicted: _____

3. Yes _____ No _____ **Are you currently released on bail or on your own recognizance for any crime?**

If you answered 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. Yes _____ No _____ **Are you willing to be fingerprinted in order that City of San Marino may screen you for criminal background?**

DECLARATION:

I, _____, in seeking to be hired by City of San Marino Recreation Department or Parks and Public Works Department; for employment at or as a volunteer to perform services at, any park, playground or recreational center used by City of San Marino for recreational purposes. I hereby declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed at:

SAN MARINO, CALIFORNIA on (Date) _____

I acknowledge and agree that should any of my answers to the foregoing questions be subsequently determined to be false and not true, City of San Marino 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 City of San Marino, 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 City of San Marino 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 _____

(a) (1) 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 (2).

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

(B) Any felony or misdemeanor conviction specified in subparagraph (C) within 10 years of the date of the employer's request.

(C) 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 any of the offenses specified in Chapter 3 (commencing with Section 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 of the Penal Code, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022 of the Penal Code, in the commission of that offense, Section 217.1 of the Penal Code, Section 236 of the Penal Code, any of the offenses specified in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code, or any of the offenses specified in subdivision (c) of Section 667.5 of the Penal Code, 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 convictions, or a combined total of three or more misdemeanor and felony convictions, for violations listed in this section within the 10-year period immediately preceding the employer's request or has been incarcerated for any of those convictions within the preceding 10 years.

(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.

PART A

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 violation or attempted violations of Section 220, 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or any sex offense listed in Section 290 of the Penal Code, except for the offense specified in subdivision (d) of Section 243.4 of the Penal Code. 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 (except assault to commit mayhem)
- 261** Rape
- 261.5** Unlawful sexual intercourse with a female under age 18
- 262** Rape of spouse
- 264.1** Rape or penetration of genital or anal openings by foreign object, etc.; acting in concert by force or use of force
- 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
- 266c** Unlawful sexual intercourse, sexual penetration, oral copulation, or sodomy; consent procured by false or fraudulent representations with intent to create fear
- 266h(b)** Pimping a minor
- 266i** Pandering a minor
- 266j** Procurement of child under age 16 for lewd or lascivious acts
- 267** Abduction of person under 18 for purposes of prostitution
- 269** Aggravated sexual assault of a child
- 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
- 288.5** Continuous sexual abuse of a child
- 288** Lewd or lascivious acts with child under 14
- 288a** Unlawful oral copulation
- 288.2** Harmful matter sent with intent of seduction of minor (FELONY ONLY)
- 289** Genital or anal penetration with a foreign object
- 311.1** Sent or brought into state for sale or distribution; possessing, preparing, publishing, producing, developing, duplicating, or printing within state; matter depicting sexual conduct by minor
- 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

This section also includes anyone committed as a mentally disordered sex offender under the Welfare and Institutions Code.

PART B

A recreation and park district shall not hire (either for pay or as a volunteer) anyone for employment in a position with supervisory or disciplinary responsibility over minors if the person has been convicted of any felony or misdemeanor specified in Chapter 3 (commencing with Section 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 (if a deadly or dangerous weapon was used, as provided in subsection (b) of Section 12022), Section 217.1 or Section 236 of the Penal Code, any offense specified in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code, or any offense specified in subdivision (c) of Section 667.5 of the Penal Code within ten years of the date of the employer's request. If the conviction for any specified felony is over ten (10) years old, then a recreation and park district shall not hire (either for pay or as a volunteer) anyone for employment in a position with supervisory or disciplinary responsibility over minors if the person has been incarcerated for the offense within ten (10) years of the date of the request. No record of a misdemeanor conviction will be transmitted, unless the person has a total of three (3) or more misdemeanor convictions, or a combined total of three (3) or misdemeanor and felony convictions, or has been incarcerated for any violation in this section within the preceding ten (10) years.

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