



YOUTH LEADERSHIP INSTITUTE

Use Your Voice

September 21st, 2022

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814
Leg.Unit@gov.ca.gov

RE: Respectfully Request Veto on SB 1262 (Bradford)

Dear Governor Newsom:

On behalf of Youth Leadership Institute, I write to **urge you to veto SB 1262 (Bradford), which would allow anyone in the general public to do an online search of criminal cases** by filtering results based on an individual's date of birth or driver's license number, or both. The bill makes one's criminal history permanently available to everyone online and was sponsored by commercial background check companies who wish to obtain otherwise-restricted rap sheets at little or no cost with no regard for the interests of formerly incarcerated or convicted people. SB 1262 conflicts with the existing statutes that prohibit unauthorized access to local rap sheets as well as the constitutional right to privacy that the statutes seek to protect.

SB 1262 would undo last year's ruling in *All of Us Or None-Riverside Chapter vs Hamrick*, which protected the privacy of people with criminal records by making it harder and more costly for unauthorized individuals to access those records by personal information and to misuse those records. The ruling makes it more expensive, but not impossible, to compile a commercial criminal history under the existing laws but has no impact on state-authorized background checks at all.

SB 1262 claims that the delay in commercial background checks caused by the Hamrick ruling "disproportionately impacts individuals with common

names and prevents these individuals from being able to secure work or housing on a timely basis.” However, we have yet to see evidence to support this claim. Instead of being denied work or housing, formerly incarcerated people report to us that they are allowed to work or rent on a probationary basis while the background check results are pending.

Additionally, we know that the delay results in reducing the background check companies' profit margins and increasing the cost of a commercial background check. In this era of mass incarceration and collateral consequences, the *Hamrick* Court's ruling rightly asks us how much we are willing to pay for our biases against formerly-incarcerated or convicted people. When a commercial background check costs more and takes longer, we would really have to believe in its utility to buy and use it.

SB 1262 affirms the self-serving argument of commercial background check companies that one's criminal history is always relevant and, therefore, should be made readily available to everyone.

For these reasons, Youth Leadership Institute **opposes SB 1262** and respectfully requests you to veto this harmful bill.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'PB', with a long horizontal flourish extending to the right.

PATRICIA BARAHONA

CHIEF EXECUTIVE OFFICER

Youth Leadership Institute