# GUIDELINES FOR LIVE SCAN CLEARANCE

Under Public Resources Code 5164 of the State of California, certain offenses are prohibited and will exclude a person from being hired for employment or as a volunteer to perform services.

The reverse side of this page contains a list of offenses in Part A that prohibit clearance from a Live Scan if the offense was ever committed. Part B references specific convictions that prohibit clearance within ten (10) years of the date of the employer's request or if the person has been incarcerated within ten (10) years of the date of the request. In addition, three or more specific misdemeanor and felony convictions, as listed, for which incarceration was within the preceding ten (10) years may result in non-clearance.

In addition, drug crime violations within the California Uniform Controlled Substances Act contained in Division 10 of the Health and Safety Code of any one (1) felony or three (3) or more misdemeanor convictions within ten (10) years of the date of application may result in non-clearance.

Convictions which occur outside of the State of California, which would be a crime as defined in the statues referred to if committed in California may also result in non-clearance.

## PROHIBITED OFFENSES UNDER CALIFORNIA PENAL CODE

**Attachment B**

# 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