
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 872 **Hearing Date:** June 27, 2017
Author: Chau
Version: February 16, 2017
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *School Employees: Employment: Sex Offenses*

HISTORY

Source: Commission on Teacher Credentialing

Prior Legislation: None

Support: Association of California School Administrators; California State Sheriffs' Association

Opposition: None known

Assembly Floor Vote: 74 - 0

PURPOSE

The purpose of this bill is to update the list of sex offenses that require the Commission on Teacher Credentialing (CTC) to suspend a person's credential by referencing the list of offenses in the California Penal Code that require registration as a sex offender.

Existing law defines which sex offenses require immediate suspension and revocation of a teaching credential or denial of a credential application by the CTC. (Education Code § 44010)

Existing law requires the CTC to immediately suspend a credential when the holder has been charged with certain sex or controlled substance offenses and to revoke the credential upon conviction. (Education Code § 44425)

Existing law requires the CTC to revoke a credential when the holder has been convicted of certain sex offenses or controlled substance offenses and prohibits reinstatement of the credential for certain felony offenses. (Education Code Section 44424)

Existing law establishes the Committee of Credentials for the purpose of reviewing allegations that may be grounds for the denial, suspension, or revocation of a teaching or services credential issued by the CTC.

This bill updates the existing list of sex offenses that require the CTC to suspend a person's credential to be the same as the list that requires a revocation of a credential. (Education Code § 44240)

This bill adds all offenses in Penal Code Section 290(c), which states those offenses for which a person must register. This adds a number offenses that do not currently require suspension of a person's credential: section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 288, 288a, or 289: Murder with intent to commit rape or other sexual acts; Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289: Kidnapping with intent to commit rape or other sexual acts; Section 236.1(b) and (c): Human trafficking for purposes of prostitution or creating child pornography; Section 266c: Unlawful sexual contact with consent procured via false or fraudulent representation intended to create fear; Section 266h(b): Pimping; Section 269: Aggravated sexual assault of a child; Section 288.3: Contacts minor with the intent to commit specified offenses; Section 288.4: Arrangement of meeting with minor for lewd/lascivious behavior; Section 288.7: Sexual acts with child 10 years or younger; Section 653f(c): Solicitation of another to commit forcible rape, sodomy, or oral copulation;

This bill also adds Penal Code Section 288.2, related to sending sexual text messages to minors, to the list of offenses for which a teacher's credential must be suspended.

COMMENTS

1. Need for This Bill

According to the author:

Under current law, not all serious sex offenses result in an automatic suspension of credentials by the Commission. This may lead to situations in which a person charged with a sexual offense serious enough to result in registry as a sex offender if convicted, can remain in the classroom until the disposition of his or her case. Even if an employer takes action to suspend the employee, without additional action to suspend his or her credential, the credential holder may be able to move to another employer and re-enter an educational setting. This bill adds penal code sections to the education code in order to update the existing list of offenses that require a mandatory suspension by the CTC.

2. Additional crimes requiring suspension when charged

When a teacher is charged with specified offenses their license is immediately suspended pending the disposition of the case. If the person is convicted his or her license will be revoked. The list of offense for revocation upon conviction does not match the list of offenses that require suspension when a person is charged. This bill conforms the lists so that both include all registerable sex offenses. Without this change, in theory a teacher charged with a sex offense could remain teaching while waiting to be tried on the case

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