

California May Relax Background Check Process

California Employment Update Blog on **March 15, 2022**

Many employers undertake routine background checks as part of their hiring process. To be effective, of course, the process has to be completed in a timely manner. Yet, a recent court decision, [All of Us or None v. Hamrick, 64 Cal. App. 5th 751 \(2021\)](#), made that process appreciably more difficult by prohibiting searches of criminal court records with the use of a person's birth date or driver's license number.

Hamrick involved a challenge to Riverside County Superior Court's Public Access system, which allowed users to filter and search criminal records based on dates of birth and/or driver's license numbers. The plaintiffs challenged the system on the grounds that it violated Rule 2.507 of the California Rules of Court, which provides that electronic indexes of criminal case records must exclude, among other things, social security numbers, birth dates, drivers' license numbers, financial information, and ethnicity, age, and gender designations.

In the wake of *Hamrick*, once routine and speedy background checks became increasingly difficult, especially in the case of applicants or employees with common first and/or last names—imagine trying to find the right John Smith without the use of a birth date or driver's license number. [According to the California Chamber of Commerce](#), some employers were reporting delays of multiple weeks in hiring as a result of the changes in the background check process. But now, help may be on the way.

Last month, California State Senator Steven Bradford (Dem. – Los Angeles) introduced a bill that would reinstate more streamlined searches of court records. If passed, [Senate Bill 1262](#) would require that publicly accessible electronic indexes of court records in criminal cases be searchable by driver's license, date of birth, or both.

As of March 2, 2022, the new bill has been referred to the Committee on Public Safety.

[View Original](#)

- **Anthony J. Oncidi**

Partner

- **Philippe A. Lebel**

Partner