
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
Personnel and Employee Compensation

FINGERPRINTS

CRIMINAL CONVICTIONS THAT EXCLUDE SCHOOL EMPLOYMENT

Individuals who have been convicted of certain sex and controlled substance offenses are excluded from school employment per Education Code sections 44010 and 44011. The following are the Penal Codes and Health and Safety Code violations that exclude employment in education.

Sex Offense Violations, Education Code 44010

Penal Codes Definitions

261.5	Unlawful Sexual Intercourse Defined
264.1	Punishment when defendant acted in concert with another person to commit rape.
266	Procuring, assignation and seduction.
267	Abduction for prostitution.
285	Incest.
286	Sodomy.
288	Lewd act on child.
288(a)	Lewd act on child.
289	Anal or genital penetration by foreign object for sexual purpose.
311.3	Development and duplication of obscene matter.
311.4	Using minor to assist in distribution of obscene matter; posing or modeling involving sexual conduct.
313.1	Distribution to minors; local ordinance restricting display, sale, or rental of video recordings; transmission of telephone messages.
647.6	Child molesters.
647(a)	Disorderly conduct defined - lewd or dissolute conduct.
243.4(a,b,c)	Sexual battery.
261(1,2,3,4)	Rape.
311.2(b)	Bringing obscene matter into or distributing within State.
647(a,d)	Disorderly conduct defined: (a) lewd or dissolute conduct; (b) prostitution.
647(5)	Replaced by Chapter 560, 1961 (for offenses committed before 9/15/61).
311(2)	Bringing obscene matter into or distributing within State (for offenses committed before 9/15/61).
314	Indecent exposure (for offenses committed on or after 9/15/61).
311(1)	Obscene matter - definitions (for offenses committed between 9/7/61 and 9/15/61).
272	Contributing to delinquency of minor.

386/288(a) Sodomy or lewd act on child (for offenses prior to 1975-76 legislation).
Welfare and Institution Code 702 (for offenses prior to 9/15/61).

Education Code 44010 also includes the following:

1. Any attempt to commit any of the above mentioned offenses.
2. Any comparable offense in another State.
3. Any conviction for an offense resulting in the requirement to register as a sex offender.
4. A sexual psychopath as defined by Welfare and Institution Code, Article 1 (comparing with Section 6300), Chapter 2, Part 2, Division 6.

Controlled Substances Violations
Education Code 44011

Health &

Safety Code Definition

11350	Unlawful possession - punishment, fine.
11351	Possession or purchase for sale.
11351.5	Possession or purchase of cocaine (other than cocaine hydrochloride for sale).
11352	Transportation, sale, distribution; transportation to noncontiguous County.
11352.5	Possession for sale of heroin - fine plus imprisonment.
11353	Adult's employment of minor for unlawful transactions.
11353.1	Employment of minor for unlawful transactions; additional penalty when adult is at least four years older than minor.
11353.5	Selling or giving controlled substance to minor.
11353.6	Sale of controlled substance to minor on or within 1,000 yards of school property; additional punishment.
11353.7	Preparation for sale or sale of substance to minor in public place.
11354	Minor's employment of fellow minor for unlawful transactions.
11355	Delivery of falsely represented items.
11361	Employment of minors for unlawful transactions.
11366	Maintenance of location for unlawful activities.
11368	Generation and use of forged or altered prescriptions.
11377	Possession of certain controlled substances.
11378	Possession for sale.
11378.5	Possession for sale of phencyclidine (PCP).
11379	Transport, import, sale, etc. of certain controlled substances.
11379.2	Possession for sale: Ketamine.
11379.5	Importation, sale, distribution of Phencyclidine (PCP); transportation to non-contiguous County.
11379.6	Manufacture of controlled substances - penalties.
11380	Employment of minors for unlawful transactions.
11382	Substitute of fraudulently represented items.
11550	Use prohibited.

Health and Safety Code former Sections:

11500 to 11503 inclusive; 11557; 11715; 11721

Criminal Convictions

In 1997, California enacted two laws that impose significant obligations on school districts to review the criminal history of applicants and current employees. This law eliminated the exception for substitute and temporary personnel from fingerprint requirements and prohibits the employment of any person until DOJ completes its check. This statute does not apply to secondary students who are employed in temporary or part-time positions in the school that they attend. The legislation requires criminal background checks of employees of school contractors who will have any contact with students. School district MAY request DOJ to provide criminal offense information on volunteers, but it is not required. Any person who has been convicted of a violent or serious felony cannot be employed in accordance with Education Code 44332, 44332.5, and 44332.6.

Violent Felonies – Penal Code Section 667.5

Murder.
Voluntary Manslaughter.
Mayhem.
Rape.
Sodomy or Oral Copulation by Force.
Lewd Acts on a Child Under 14.
Any felony punishable by death or life in prison.
Any felony involving the infliction of great bodily injury on another.
Robbery of an inhabited dwelling.
Arson.
Attempted Murder.
Kidnaping.
Continuous Sexual Abuse of a Child.
Car jacking.

Serious Felonies – Penal Code Section 1192.7

Murder.
Voluntary Manslaughter.
Mayhem.
Rape.
Sodomy or Oral Copulation by Force.
Lewd or lascivious acts on a child under 14.
Any felony punishable by death or life in prison.
Any felony involving the infliction of great bodily injury on another.
Attempted Murder.
Assault with the intent to commit rape or robbery.
Assault with a deadly weapon on a peace officer.
Arson.
Exploding a destructive device with intent to murder.
Burglary of an inhabited dwelling.
Robbery or bank robbery.
Kidnaping.
Selling or giving heroin, cocaine, PCP or methamphetamine-related drugs.
Grand theft involving a firearm.
Car jacking.