



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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**CCL INFORMATION RELEASE NO. 2009-04**

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CDSS

TO: ALL CHILDREN'S RESIDENTIAL PROGRAM REGIONAL OFFICES  
ALL CHILD CARE PROGRAM REGIONAL OFFICES  
ALL ADULT & SENIOR CARE PROGRAM REGIONAL OFFICES  
ALL INVESTIGATIONS BRANCH OFFICES

SUBJECT: MARIJUANA REFORM ACT OF 1977

The Marijuana Reform Act of 1977 provides that criminal records related to minor marijuana convictions/arrests over two years old shall be destroyed by the Department of Justice and shall not be considered to be relevant for any purpose by any agency or person. Despite the mandatory destruction of these records, some of these convictions/arrests may still surface during an investigation or background check.

The Department of Social Services including, but not limited to, the Caregiver Background Check Bureau (CBCB), must disregard all convictions and conduct associated with the marijuana convictions listed below.

Misdemeanor convictions not to be considered if the conviction occurred over two years ago:

- Health & Safety (HS) Code section 11357(b) possession of 28.5 grams or less
- HS Code section 11357(c) possession of over 28.5 grams
- HS Code section 11357(d) possession of 28.5 grams or less on K-12 school grounds
- HS Code section 11357(e) juvenile in possession of 28.5 grams or less
- HS Code section 11360(b) transportation of 28.5 grams or less

Felony and misdemeanor convictions not to be considered if the conviction occurred prior to 1976:

- HS Code section 11357 possession
- HS Code section 11364 drug paraphernalia
- HS Code section 11365 presence where marijuana is being unlawfully used
- HS Code section 11550 under the influence of marijuana

The Evaluator Manual will be updated to incorporate this issue. All Criminal Record Statement (LIC 508) forms have been revised and are available on-line. Please ensure that licensees are aware of the form change and are using the most current form revised October 2009. CBCB will also revise all letters requesting disclosure of previous offenses.

Questions may be directed to Mariahelena Jimenez-Romo, Manager, Caregiver Background Check Bureau at (916) 274-0474.

Sincerely,

JEFFREY HIRATSUKA  
Deputy Director  
Community Care Licensing Division