


<p>California Department of Justice <b>CALIFORNIA JUSTICE</b> INFORMATION SERVICES DIVISION Veronica Gilliard, Chief/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> California Volunteer and Employee Criminal History Service (CalVECHS) Program – Sign-Up Deadline January 1, 2027</p>	<p><i>No.</i> 25-04-CJIS</p> <p><i>Date:</i> 03-24-2025</p>	<p><i>Contact for information:</i> Authorization &amp; Certification Program at <a href="mailto:TASS@doj.ca.gov">TASS@doj.ca.gov</a></p>

## TO: ENTITIES PROVIDING CARE AND SERVICES TO CHILDREN, THE ELDERLY, OR INDIVIDUALS WITH DISABILITIES

The purpose of this Information Bulletin (IB) is to advise all entities in California that provide care to children, the elderly, or individuals with disabilities about the newly established California Volunteer and Employee Criminal History Service (CalVECHS) Program. All entities currently conducting federal background checks under Penal Code section 11105.3 must sign up for the CalVECHS Program **before January 1, 2027** to continue receiving federal responses and to expand their access to federal level criminal offender record information (CORI). Private non-governmental agencies (NGAs) that enroll in the CalVECHS Program will also be able to receive federal CORI responses.

### Background

Federal law generally prevents the California Department of Justice (DOJ) from disseminating federal criminal offender record information (CORI) to NGAs.<sup>1</sup> However, the federal National Child Protection Act, as amended by the federal Volunteers for Children Act (NCPA/VCA), allows states to enact legislation authorizing NGAs that serve children, the elderly, or individuals with disabilities to conduct federal background checks of their employees and volunteers and receive the federal CORI responses.

In 2023, the California legislature amended California Penal Code section 11105.3 (Senate Bill 135) to enable DOJ to establish the CalVECHS Program under the authority of the NCPA/VCA.

### The CalVECHS Program

The CalVECHS Program enables qualified entities, including NGAs that provide services to children, the elderly, or individuals with disabilities, to conduct federal background checks and receive state and federal CORI responses about their current and prospective employees and volunteers.

Qualifying entities, including NGAs, can now apply to enroll in the CalVECHS Program. **Beginning January 1, 2027**, the Federal Bureau of Investigation (FBI) will no longer allow qualified entities to conduct federal background checks under Penal Code section 11105.3 if they do not enroll in the CalVECHS Program. Therefore, qualifying entities must enroll in the CalVECHS Program **before January 1, 2027** to conduct federal fingerprint-based background checks for individuals included under the following applicant types:

- Employee 11105.3 PC

<sup>1</sup> Public Law 92-544, codified at 34 U.S.C. Section 41101.

- Volunteer/VCA
- Volunteer/11105.3PC

Additionally, enrollment in the CalVECHS Program will allow an NGA to receive the federal CORI responses about their current and prospective employees and volunteers, in the same way they can receive the results of a state background check. Qualified entities, including NGAs, participating in the CalVECHS Program will receive the state and federal CORI responses pursuant to subdivision (n) of California Penal Code section 11105.

### **Requirements to Participate in the CalVECHS Program**

#### ***Qualified Entity***

Qualified entities, including NGAs, providing services to children, the elderly, or individuals with disabilities may qualify to participate in the CalVECHS Program, whether the organization is public, private, for-profit, not-for-profit, or voluntary.<sup>2</sup>

Agencies authorized by statutes other than Penal Code section 11105.3 to conduct criminal history background checks on their employees or volunteers do not currently qualify for the CalVECHS Program. This would include organizations such as daycare centers, public and private schools, and skilled nursing facilities, which must adhere to the legal requirements specified in their separate statutory authority.

#### ***CalVECHS Waiver Agreement***

The qualified entity must annually collect a signed CalVECHS Waiver Agreement (BCIA 9018) from every current or prospective employee and volunteer subject to a criminal history background check.<sup>3</sup> The qualified entity must retain every CalVECHS Waiver Agreement for at least three years, to be available upon request to DOJ and the FBI for auditing purposes.

The CalVECHS Waiver Agreement requests and contains the following information:

- The applicant's name, address, and date of birth as they appear on a valid proof of identification document;<sup>4</sup>
- Whether the person has been convicted of a crime and, if so, a description of the crime and the details of the conviction;
- A notification that the qualified entity may request a criminal history background check and view criminal history information disseminated on the person;
- A notification to the applicant of their rights to obtain or challenge the accuracy of the criminal history information;<sup>5</sup>
- A notification that, prior to the completion of the background check, the qualified entity may choose to deny unsupervised access to a person under the care of the qualified entity.<sup>6</sup>

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<sup>2</sup> See 34 U.S.C § 40104(10).

<sup>3</sup> See Pen. Code, § 11105.3, subd. (b)(2)(C)

<sup>4</sup> As defined in 18 U.S.C. § 1028(d)(3)

<sup>5</sup> See Pen. Code, § 11105, subd. (t); 28 C.F.R. § 50.12(b); 28 C.F.R. § 16.34

<sup>6</sup> See 34 U.S.C. § 40102(b)(1)

### **Application Process**

Enrollment into the CalVECHS Program must be initiated through a Service Request in the [Applicant Agency Justice Connection \(AAJC\) Portal](#). Upon submission of the forms referenced below, DOJ will determine whether the entity is qualified to participate in the program.

To apply, an agency must:

1. Submit a signed CalVECHS Program User Agreement (BCIA 9017). This agreement is a contract between the agency and DOJ. By signing this agreement, the qualified entity agrees to comply with state and federal law and the terms and conditions under which criminal history background checks shall be performed and disseminated while participating in the program.
2. Submit a copy of non-profit status or a business license.

### **Fees**

To encourage qualified entities to conduct fingerprint-based background checks, there is no additional cost for agencies to enroll in the CalVECHS Program beyond existing fingerprint processing fees. As a reminder, non-profit charitable organizations tax-exempt under Internal Revenue Code section 501 subdivision (c)(3)<sup>7</sup> are exempt from state-level CORI fees. To receive the fee exemption, a copy of the IRS Letter of Determination indicating your agency's 501 subdivision (c)(3) status must be submitted during the enrollment process into the CalVECHS Program.<sup>8</sup>

For a current copy of the Applicant Fingerprint Processing Fees, please visit [the Office of the Attorney General's website](#).

### **Training Materials**

Please visit the Applicant Agency Forms/Documents and Video Resource Library under the Resources Tab on the [AAJC Portal](#) home page for additional training and reference materials.

### **Noncriminal Justice Agency Audits**

DOJ conducts audits of all applicant agencies with access to CORI for noncriminal justice purposes. Audits of agencies enrolled in the CalVECHS Program will include a review of the program requirements listed in this IB to ensure compliance.

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<sup>7</sup> See Penal Code § 11105.3(b)

<sup>8</sup> See 34 U.S.C. § 40102(e)(3)

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If you have questions about the information provided in this IB, please contact the Authorization & Certification Program at [TASS@doj.ca.gov](mailto:TASS@doj.ca.gov).

Sincerely,

*Veronica Gilliard*

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For ROB BONTA  
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