

# JENKINS & HOGIN, LLP

A LAW PARTNERSHIP

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April 29, 2002

## Public Resources Code § 5164 Supplemental Questionnaire

Attached is a supplemental questionnaire designed to bring cities into compliance with Public Resources Code § 5164. This section requires public employers to make specific inquiries into the criminal history of all applicants for positions involving supervisory or disciplinary authority over any minor.

A “yes” answer to any of these questions will disqualify an applicant, with two exceptions. First, if an applicant answers “yes” to any of the questions 11 through 18, the city will need to determine whether or not that conviction was classified as a felony or a misdemeanor. If it was a felony conviction, it is disqualifying. If it was a misdemeanor conviction, then that offense alone is not disqualifying unless the applicant has a total of three or more misdemeanor or felony convictions for any of the offenses listed on the questionnaire in the last 10 years. Second, a “yes” answer to question 10.1 or 10.2 is not disqualifying unless the corresponding subquestion is also answered in the affirmative.

Section 5164 also requires criminal background checks on all applicants for positions involving supervisory or disciplinary authority over any minor.

## SUPPLEMENTAL QUESTIONNAIRE

*Pursuant to California Public Resources Code § 5164, this form must be completed by all applicants for positions involving supervisory or disciplinary authority over any minor. Please complete both sides of the page.*

	YES	NO
1. Have you ever been convicted of sexual assault or assault with intent to commit mayhem?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you ever been convicted of unlawful sexual intercourse with a person under age 18?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you ever been convicted of rape?	<input type="checkbox"/>	<input type="checkbox"/>
4. Have you ever been convicted of the rape of a spouse?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you ever been convicted of willful harm or injury to a child?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you ever been convicted of child endangerment?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you ever been convicted of corporal punishment or injury to a child?	<input type="checkbox"/>	<input type="checkbox"/>
8. Have you ever been convicted of willful infliction of corporal injury to a spouse, former spouse, cohabitant, or mother or father of your child?	<input type="checkbox"/>	<input type="checkbox"/>
9. Have you ever been convicted of any sexual crime or offense?	<input type="checkbox"/>	<input type="checkbox"/>
10. Have you ever been convicted of any of the following crimes or of an attempt to		

commit any of the following crimes?			
10.1	Kidnapping?	<input type="checkbox"/>	<input type="checkbox"/>
	10.1.1 If yes, were you convicted of kidnapping or attempted kidnapping with the intent to commit rape, sodomy, lewd or lascivious acts, oral copulation, or forcible acts of sexual penetration?	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Kidnapping for ransom?	<input type="checkbox"/>	<input type="checkbox"/>
	10.2.1 If yes, were you convicted of kidnapping for ransom or attempted kidnapping for ransom with the intent to commit rape, sodomy, lewd or lascivious acts, oral copulation, or forcible acts of sexual penetration?	<input type="checkbox"/>	<input type="checkbox"/>
10.3	Sexual battery?	<input type="checkbox"/>	<input type="checkbox"/>
10.4	Aiding, abetting or soliciting the rape, rape of a spouse, or forcible acts of sexual penetration?	<input type="checkbox"/>	<input type="checkbox"/>
10.5	Enticement of an unmarried minor female for purposes of prostitution?	<input type="checkbox"/>	<input type="checkbox"/>
10.6	Aiding and abetting the enticement of an unmarried minor female for purposes of prostitution?	<input type="checkbox"/>	<input type="checkbox"/>
10.7	Inducing sexual intercourse with another when the other's consent is procured by false pretenses with the intent to create fear?	<input type="checkbox"/>	<input type="checkbox"/>
10.8	Pimping of a minor?	<input type="checkbox"/>	<input type="checkbox"/>
10.9	Pandering of a minor?	<input type="checkbox"/>	<input type="checkbox"/>
10.10	Procurement of a child under 16 years of age for lewd or lascivious acts?	<input type="checkbox"/>	<input type="checkbox"/>
10.11	Abduction (taking away) of a person under age 18 for purposes of prostitution?	<input type="checkbox"/>	<input type="checkbox"/>
10.12	Aggravated sexual assault of a child?	<input type="checkbox"/>	<input type="checkbox"/>
10.13	Incest?	<input type="checkbox"/>	<input type="checkbox"/>
10.14	Sodomy?	<input type="checkbox"/>	<input type="checkbox"/>
10.15	Lewd or lascivious acts or the solicitation of the same?	<input type="checkbox"/>	<input type="checkbox"/>
10.16	Oral Copulation?	<input type="checkbox"/>	<input type="checkbox"/>
10.17	Continuous sexual abuse of a child?	<input type="checkbox"/>	<input type="checkbox"/>
10.18	Forcible acts of sexual penetration or the solicitation of the same?	<input type="checkbox"/>	<input type="checkbox"/>
10.19	Selling, distributing, printing or exhibiting of child pornography?	<input type="checkbox"/>	<input type="checkbox"/>
10.20	Sexual exploitation of a child?	<input type="checkbox"/>	<input type="checkbox"/>
10.21	Employment or use of a minor to perform prohibited acts?	<input type="checkbox"/>	<input type="checkbox"/>
10.22	Advertising child pornography?	<input type="checkbox"/>	<input type="checkbox"/>
10.23	Possession of child pornography?	<input type="checkbox"/>	<input type="checkbox"/>
10.24	Annoying or molesting a child under 18?	<input type="checkbox"/>	<input type="checkbox"/>
		YES	NO
10.25	Solicitation of rape by force or violence, sodomy by force or violence, or oral copulation by force or violence?	<input type="checkbox"/>	<input type="checkbox"/>
10.26	Indecent exposure?	<input type="checkbox"/>	<input type="checkbox"/>
10.27	Procuring, counseling, or assisting any person to commit indecent exposure?	<input type="checkbox"/>	<input type="checkbox"/>
10.28	Contributing to the delinquency of a minor?	<input type="checkbox"/>	<input type="checkbox"/>
10.29	Sending harmful material to a minor with the intent to seduce said minor?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Have you ever been convicted of armed robbery?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Have you ever been convicted of armed carjacking?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you ever been convicted of assault or attempted murder of a public official?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Have you ever been convicted of false imprisonment?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Have you ever been convicted of assault?	<input type="checkbox"/>	<input type="checkbox"/>
16.	Have you ever been convicted of battery?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Have you ever been convicted of murder?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Have you ever been convicted of mayhem?	<input type="checkbox"/>	<input type="checkbox"/>
19.	Have you ever been convicted of a crime that requires you to register as a sex offender in the State of California?	<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATION OF APPLICANT**

**I hereby certify that all responses herein are true and correct, and I understand and agree that any misstatement or omission of material fact may cause forfeiture on my part of all rights to employment by this City.**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_