



# DAVID TANGIPA

CA STATE ASSEMBLYMEMBER | 8TH DISTRICT



## **AB 479 – Petition Filing Notifications**

### **Summary:**

AB 479 modifies existing law by requiring individuals petitioning to vacate charges under Penal Code Section 236.15 to notify the appropriate licensing board, who can then choose to participate in the process and provide testimony if the board sees fit.

### **Existing Law:**

Current law allows individuals arrested or convicted of nonviolent offenses due to being victims of intimate partner or sexual violence to petition for vacatur relief. Petitioners must prove by clear and convincing evidence that their arrest or conviction was a direct result of their victimization, and courts may vacate the conviction upon making specific findings. There is currently no existing law that allows for licensing boards to be notified of a potential petition for vacatur.

### **Problem:**

AB 124 (Kamlager), signed into law in 2021, amended Penal Code Section 236.15 to require courts to consider vacating arrests and convictions if they directly resulted from the individual being a victim of intimate partner or sexual violence. The law also expanded the affirmative defense of coercion for human trafficking victims and extended both this defense and vacatur relief to victims of intimate partner and sexual violence. AB 124 was intended to provide courts with full context and prevent victims from being treated as criminals. While the law has been a crucial step in protecting victims, it has also led to unintended consequences that must be addressed through new legislation.

In 2024, there was a case regarding a licensee of the Board of Registered Nursing (BRN). This particular individual was convicted of child pornography and was found to have a substantial amount of materials in their possession. Before the licensee has filed a petition to vacate their charges, the BRN had began the process to revoke their license. Without any notification, the licensee filed the petition, which was ultimately granted, resulting in the BRN having to stop the process to revoke the individual's license, and that individual may now go on and continue a career in nursing with no limitations on the type of hospital, or facility.

### **Solution:**

Requiring individuals petitioning to vacate charges under Penal Code Section 236.15 to notify the appropriate licensing board and allowing the board to testify ensures that licensing boards, like the BRN, stay informed and can participate in the process when necessary. AB 479 is a simple change that does not allow for boards to play a role in deciding the final outcome, but simply provides the opportunity for them to express concerns when necessary. While individuals who are victims of sexual and domestic violence must be protected, it is also the state's responsibility to ensure that all consumers and patients receive care from professionals who uphold high moral and ethical standards.

### **Support:**

California Board of Registered Nursing (Sponsor)

### **Contact:**

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