CALIFORNIA
REVIEWED JULY 2026

BACKGROUND CHECK LAWS
FCRA vs. CALIFORNIA STATE LAW

QUICK REFERENCE FOR EMPLOYERS

TOPIC	BAN THE BOX	CRIMINAL LOOKBACK	SALARY HISTORY	CREDIT REPORT	PRE-ADVERSE WAITING PERIOD
FCRA	None	No Limit	None	No Restriction	Reasonable Time
CA	Yes	7 Years	Banned	Restricted	5 Days

TOPIC	FCRA	CALIFORNIA STATE LAW	SOURCE
Ban the Box / Fair Chance Hiring	• No federal ban-the-box law. • Employers may ask about criminal history at any time, subject to other laws.	• Most private employers cannot ask about criminal history on initial applications. • Employers may inquire after a conditional offer of employment.	Cal. Gov. Code § 12952
Criminal Record Lookback	• No federal limit on reporting convictions. • Arrest records not resulting in conviction limited to 7 years.	• Convictions and non-conviction records generally cannot be reported if more than 7 years old. • Measured from the date of disposition, release, or parole.	Cal. Civ. Code § 1786.18
Reporting Restrictions	• Most non-conviction adverse information cannot be reported if more than 7 years old.	• Employers cannot report or rely on arrests not resulting in conviction, or diversion/deferred entry of judgment programs. • Exception: employers may consider an open, unresolved case if the individual is out on bail or released on recognizance.	Cal. Gov. Code § 12952
Expunged / Sealed Records	• No specific federal expungement provision beyond standard reporting limits.	• Employers cannot consider convictions that have been expunged, sealed, dismissed, or subject to certain relief.	Cal. Gov. Code § 12952
Salary History Ban	• No federal restriction on salary history.	• Employers cannot ask about, rely on, or disclose a candidate's salary history. • Applies to all private employers.	Cal. Lab. Code § 432.3
Credit Report Restrictions	• Requires a permissible purpose. • Requires written authorization.	• Credit reports generally cannot be used for employment decisions outside a narrow set of exceptions (certain managerial roles, law enforcement/DOJ, $10k+ cash access, trade secrets, signatory authority).	Cal. Lab. Code § 1024.5
Bankruptcies	• Cannot report if more than 10 years old (15 U.S.C. § 1681c(a)(1)).	• Bankruptcy records generally cannot be reported if more than 10 years old, measured from the order for relief or adjudication.	Cal. Civ. Code § 1786.18

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Civil Judgments & Lawsuits	• Cannot report if more than 7 years old (15 U.S.C. § 1681c(a)(2)).	• Civil suits, satisfied judgments, and unsatisfied judgments generally cannot be reported if more than 7 years old, measured from filing or entry.	**Cal. Civ. Code § 1786.18**
Tax Liens & Collections	• Cannot report if more than 7 years old (15 U.S.C. § 1681c(a)(3)-(4)).	• Paid tax liens and accounts placed for collection generally cannot be reported if more than 7 years old, measured from payment or placement for collection.	**Cal. Civ. Code § 1786.18**
Marijuana / Drug Testing Protections	• No federal protection for legal marijuana use.	• Employers cannot discriminate against applicants/employees for off-duty, off-site cannabis use. • Cannot take adverse action based on a drug test that only detects nonpsychoactive cannabis metabolites.	**Cal. Gov. Code § 12954**
Pre-Adverse Action Notice & Waiting Period	• Must provide a copy of the report and a summary of rights. • “Reasonable time” to respond, often treated as 5 business days.	• “Reasonable time” must be at least 5 business days. • Some local ordinances require longer waiting periods.	**Cal. Civ. Code § 1786.16**
Adverse Action Notice Requirements	• Must provide notice with the CRA's name, address, and phone number, and a copy of “A Summary of Your Rights.”	• Must include additional California-specific language if using credit reports. • Must provide a copy of the report if requested within 60 days.	**Cal. Civ. Code § 1786.40**
Authorization Requirements	• Written authorization required. • Must be clear and readable.	• Authorization must be in a document that consists solely of the disclosure and authorization. • Cannot be combined with other terms or conditions.	**Cal. Civ. Code § 1786.16**
Individualized Assessment	• No federal requirement (EEOC guidance recommends one).	• Before taking adverse action, employers must conduct an individualized assessment considering the offense, time elapsed, and job relevance. • Required under state law, not just local ordinances.	**Cal. Gov. Code § 12952(c)**
Certificate of Rehabilitation	• No federal requirement or equivalent.	• A Certificate of Rehabilitation must be considered as evidence of rehabilitation in the individualized assessment.	**Cal. Penal Code § 4852.01**

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LOCAL ORDINANCES THAT MAY APPLY

JURISDICTION	APPLIES TO	KEY REQUIREMENT	SOURCE
Los Angeles, CA	Applies to 10+ Employees	Employers may not ask about criminal history until after a conditional offer, and must complete a written individualized assessment before withdrawing an offer.	**LA Municipal Code, Art. 189 (FCIHO)**
San Diego County (Unincorporated Areas)	Applies to 5+ Employees	Covered employers must complete a written individualized assessment and follow a specific pre-adverse action notice process. Applies only to unincorporated areas, not the City of San Diego.	**County Ordinance No. 10914**
San Francisco, CA	Applies to 5+ Employees	Covered employers may not ask about arrest or conviction history until after a conditional offer, and cannot consider arrests without conviction, diversion participation, or convictions older than 7 years.	**SF Police Code, Article 49**

This list reflects known local ordinances at the time of publication and may not be exhaustive. Employers should confirm requirements for every city or county where they hire.

WHAT THIS MEANS FOR EMPLOYERS

California laws are designed to promote fair hiring and reduce barriers for qualified candidates. To stay compliant:

✓ Follow ban-the-box timing and fair chance rules
✓ Limit criminal record reporting to what's allowed by law
✓ Avoid asking for salary history
✓ Use credit reports only when legally permitted
✓ Provide proper notices and follow state timelines
✓ Conduct individualized assessments before adverse action