

# Industrial Hemp Registration Frequently Asked Questions: CRIMINAL HISTORY REPORT

**Q: When do I need to provide a criminal history report to the county agricultural commissioner?**

A: A criminal history report is required for all key participants along with the registration application when submitted to the county agricultural commissioner for review and approval. The criminal history reports must be dated no more than 60 days from the date of the application submission to county agricultural commissioner.

**Q: Who must submit a criminal history report?**

A: A criminal history report is required for all key participants in the entity producing industrial hemp. Key participant, as defined in Section 4902(a)(2) in Title 3 of California Code of Regulations (CCR), includes:

- a sole proprietor,
- a partner in a partnership,
- a person with executive managerial control in a corporation producing industrial hemp, and
- a person with executive managerial control over the entity producing industrial hemp (i.e. CEO, COO, CFO, etc.).

Key participant does not include any person in a management position with no executive managerial control over the entity producing industrial hemp (i.e. farm, field, or shift managers).

**Q: I have a felony conviction. Will I be able to cultivate industrial hemp?**

A: A key participant that has been convicted of a disqualifying conviction before, on, or after January 1, 2020 is ineligible to participate in the Industrial Hemp Program during a 10-year period following the date of the conviction.

Disqualifying conviction, as defined in 3 CCR Section 4902(a)(3), is any plea of guilty or nolo contendere, or any finding of guilt for a State or Federal felony related to controlled substance except:

- when the finding of guilt is subsequently overturned or appeal, pardoned, or expunged, or
- Where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed.

**Q: How do I obtain a criminal history report?**

A: The criminal history report must be a Federal Bureau of Investigation (FBI) Identity History Summary. For information on how to request a FBI Identity History Summary, please visit <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

**Q: Can I take my own fingerprints for submission to the FBI?**

A: According to [FBI Identity History Summary's website](#), the FBI recommends that fingerprints be taken by a fingerprinting technician if possible. However, if you take your own fingerprints, FBI recommends submitting at least five (5) fingerprint sets on the standard fingerprint form (FD-258). For information on how to record legible fingerprints, please visit <https://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/recording-legible-fingerprints>.

When completing the fingerprint form (FD-258), leave the following fields blank: ORI, your no. (OCA), universal control no. (UCN), and miscellaneous no. (MNU).

**Q: I am planning to register as a grower and hemp breeder in multiple counties. Do I need to submit multiple criminal history reports?**

A: Applicants must provide copies of the criminal history report(s) for each registration in each county that the applicant intends to register. The copies of the criminal history report may be provided with each application as long as the criminal history report is dated no more than 60 days from the date of the application submission to the county agricultural commissioner.

**Q: There has been a change in key participants. What do I need to do?**

A: 3 CCR Section 4901(c)(1)(A) requires registrants to provide any changes to key participants within 15 calendar days of the change. Changes in key participants must be submitted on an Application to Amend Registered Contact/Business/Key Participant Information along with the criminal history report for each new key participant. The amendment application can be found at the [CDFA's Industrial Hemp Program webpage](#).

**Q: A key participant has been convicted of a felony. Do I need to report it?**

A: 3 CCR Section 4902(b)(4) requires registrants to notify the county agricultural commissioner within 48 hours of the registrant or a key participant receiving a disqualifying conviction. The registrant and/or key participant will be ineligible to participate in the Industrial Hemp Program during a 10-year period following the date of the conviction.