

## BACKGROUND CHECKS OF ICE CREAM TRUCK VENDERS

Adopted by Convention Delegates May 1986

*Reviewed January 2006*

- WHEREAS, The third Object of the PTA is to secure adequate laws for the care and protection of children and youth; and
- WHEREAS, The sale of ice cream, candy, novelties and/or snack foods by mobile vendors\* who cater to children\*\*\* is common throughout the state; and
- WHEREAS, There have been cases of child abductions, molestations, rape and murder by vendors using their positions as a means of luring children; and
- WHEREAS, Not all cities and counties require background checks of vendors; and
- WHEREAS, Current law now allowing background checks of people having supervisory or disciplinary power over minors is not extended to include vendors; now therefore be it
- RESOLVED,** That the California State PTA urge its units, councils and districts to promote public awareness of the possible dangers to children and youth from vendors; and be it further
- RESOLVED,** That the California State PTA urge its units, councils and districts to seek the enactment of city/county ordinances requiring local law enforcement agencies to conduct background investigations on each vendor for convictions of any crime or misdemeanor involving moral turpitude\*\* or illegal chemical involvement and to require that each vendor carry visible valid ID and photo; and be it further
- RESOLVED,** That the California State PTA urge the California State Legislature to enact legislation requiring as prerequisite for business licenses issued to individuals as mobile vendors, clearance of prior criminal records involving crimes of moral turpitude or illegal chemical involvement.

\* Vender – One who vends or sells, especially in the street.  
Vendor (chiefly legal) – One who vends or disposes of a thing by sale. *The American Encyclopedic College Dictionary*

\*\* Moral Turpitude – The quality of a crime involving grave infringement of the moral sentiment of the community. *Webster's New International Dictionary, Second Edition*

\*\*\* Hereafter referred to as vendors.

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**BACKGROUND SUMMARY**

Too many unsuspecting children have been lured by venders into their vehicles of business and kidnapped, molested, raped or even killed. Many of these kidnappings involved men with prior sex offense records. People with prior records of crimes such as these should not have such easy access to children on the streets.

Current city and county ordinances generally regulate the sound made by the ice cream trucks, how close they can park to a school or park, and require the owner to have a business license; however, background checks are not always required. The California State Penal Code allows for background checks only of those people having supervisory or disciplinary power over minors. Ice cream truck drivers do not fall into this category.

Cities and counties need to be encouraged to require background checks on all venders and to require venders to carry valid ID with photos to show they have indeed been checked and were cleared. To give local law enforcement agencies the power to enforce these regulations, state legislation is needed to expand the penal code to make background checks of venders legal and required. Failure to follow city regulations requiring background checks would then be a punishable offense.

This resolution urges PTA to participate in educating the public and to work for these laws and regulations to protect children and youth.