

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 2425 (Mark Stone) – As Amended May 4, 2020

Policy Committee: Public Safety Vote: 6 - 2

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill prohibits the release of information by a law enforcement or probation agency when a juvenile has participated in or completed a diversion program. Specifically, this bill:

- 1) Imposes a duty on a probation department to notify an arresting law enforcement agency, and public or private agency diversion program operator, of their obligation to seal a juvenile arrest record in lieu of the filing of a petition to adjudge the juvenile a ward of the court.
- 2) Requires the arresting law enforcement agency to seal juvenile arrest records in its custody no later than 60 days from the date of notification by the probation department and notify the probation department that the records have been sealed.
- 3) Provides that the Judicial Council, in consultation with the California Law Enforcement Association of Record Supervisors (CLEARS), shall develop forms for distribution by law enforcement agencies to the public to implement this section.

FISCAL EFFECT:

Costs (GF/local funds) in the mid-hundreds of thousands of dollars annually to county probation departments and law enforcement agencies in increased workload to review possibly dozens of reports within 60 days for purposes of sealing eligible juvenile records. Los Angeles County Sheriff's Department (LASD) estimates it receives approximately 8800 requests to seal juvenile records annually. Accordingly, LASD estimates workload costs may be as high as \$500,000 for five staff and one supervisor in the clerical division and equipment necessary to perform their duties.

COMMENTS:

- 1) **Purpose.** According to the author:

AB 2425 will updates code sections to ensure that youth who go through diversion programs are protected from the negative collateral consequences of a police record they weren't aware existed. This bill will prevent records that should remain confidential from being disseminated and used against juveniles who were diverted from the juvenile justice system.

- 2) **Existing Law.** Minors adjudicated delinquent in juvenile court proceedings may petition the court to have their records sealed unless they were found to have committed certain serious offenses. To seal a juvenile court record, either the minor or the probation department must petition the court. Juvenile court jurisdiction must have lapsed five years previously, or the person must be at least 18 years old. The records are not sealed if the person of record has been convicted of a felony or a misdemeanor involving moral turpitude, as defined in part, in the Welfare and Institutions Code. Existing law also allows for juvenile records to be sealed if the juvenile is referred to a diversion program by a probation officer or a prosecutor. This bill clarifies records may be sealed if a diversion program or probation department refers the minor to a diversion program, not just if district attorneys or police refer the juvenile.
- 3) **Prior Legislation.**
 - a) AB 529 (Stone), Chapter 685, Statutes of 2017, required the sealing of records relating to dismissed or unsustained juvenile court petitions and relating to diversion and supervision programs, as specified.
 - b) SB 312 (Skinner), Chapter 679, Statutes of 2017, authorized a sealing procedure for juveniles convicted of a serious or violent felony and allowed for access by the prosecutor in order to determine whether they have a disclosure obligation.

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