

Date of Hearing: April 14, 2026

Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2384 (Lowenthal) – As Amended March 16, 2026

SUMMARY: Authorizes a person who has suffered an arrest for, or was charged with, any offense that did not result in conviction or was convicted of an eligible offense, to petition the court to have their records of conviction, charge, or arrest sealed if four years have elapsed since the date on which the person was arrested or completed any sentence or probation and the person has not committed another offense. Specifically, **this bill:**

- 1) Provides that a person who has an arrest that did not result in conviction or was charged with an offense that did not result in conviction, regardless of whether or not the person was arrested in connection with the underlying offense, or was convicted of an eligible offense, the person may petition the court for sealing relief of their conviction, charges, and arrests.
- 2) Provides that records that did not result in a conviction are eligible for sealing relief if any of the following are true:
 - a) The statute of limitations has run on every offense upon which the arrest was based and the prosecuting attorney of the city or county that would have had a jurisdiction over the offense or offenses upon which the arrest was based has not filed an accusatory pleading based on the arrest.
 - b) The prosecuting attorney filed an accusatory pleading but, with respect to all charges, one or more of the following has occurred:
 - i) No conviction occurred, the charge has been dismissed, and the charge may not be refiled.
 - ii) No conviction occurred and the person has been acquitted of the charges.
 - iii) A conviction occurred, but has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charge may not be refiled.
 - c) The person successfully completed a diversion program.
- 3) Provides the court may order sealing relief if four years have elapsed since the date on which the defendant was arrested if the record is eligible, the date on which the record became eligible under (2) or the date the defendant completed any terms of incarceration, probation, mandatory supervision, post release community supervision, or parole associated with the record, whichever occurred later during which the defendant has not been convicted of a new offenses.

- 4) Provides that if a conviction contains multiple offenses, the court shall not order sealing relief unless all offenses meet the eligibility requirement of this section.
- 5) Provides that if a petition for sealing relief shall be served on the state or local prosecutor that obtained the conviction or the jurisdiction over charging decisions with regards to the arrest.
- 6) Provides that cases may be consolidated with agreement of the court, petitioner, and prosecutor.
- 7) Provides that if the petition is opposed, or the court deems it necessary, the court shall schedule a hearing which shall consist of testimony by the petitioner, evidence and support documents, and opposition evidence presented by the prosecutorial agency that obtained the conviction.
- 8) Provides the petition shall not be granted if either of the following are true:
 - a) The petition is subject to terms and conditions of any unexpired criminal protective orders.
 - b) The petitioner has not paid any financial restitution order that directly benefits the victim of a crime.
- 9) Provides that with the exception of restitution, the collection other fines shall be stayed while the petition is pending.
- 10) Provides that after considering the totality of the evidence, the court may order sealing if it finds it is in the best interest of justice.
- 11) Provides that if the court grants the petition, the court shall issue a written ruling and order that does all the following:
 - a) States the record has been granted sealing relief and is deemed not to have occurred, the petitioner may answer any question relating to the sealed arrest, charge, or conviction accordingly, and the petitioner is released from all penalties and disabilities resulting from the arrest of conviction except as otherwise provided.
 - b) Orders the Department of Justice (DOJ), or any criminal justice agency to seal the record of arrest within 90 days.
 - c) Orders the DOJ to forward the order to the Federal Bureau of Investigation (FBI) to request the records be sealed for all noncriminal justice purposes.
- 12) Provides that a record granted sealing relief shall include all records related to the arrest, charge or conviction and shall not be disclosed to any person or entity other than the person whose record was sealed or their counsel.
- 13) Provides that notwithstanding the above, a criminal justice agency may access and use a sealed conviction record as required by an initiative statute.

- 14) Provides the petitioner's name shall not be included in a record of a related proceeding that is accessible to the public.
- 15) Provides that a court granting relief may take additional actions as necessary.
- 16) Defines eligible offense as an offense that is **not** one of the following:
 - a) A serious or violent felony.
 - b) A registerable sex offense.
 - c) Felony Domestic Violence.
 - d) DUI or DUI with injury.

EXISTING LAW:

- 1) Requires a court to grant expungement relief, with specified exceptions, for a misdemeanor or felony conviction for which the sentence included a period of probation and the petitioner successfully completed probation or terminated early, is not serving a sentence for, on probation for, or charged with the commission of any offense. The court has discretion to do so in the interests of justice in other probation cases. (Pen. Code, § 1203.4, subs. (a) & (b).)
- 2) Requires the court to grant expungement relief, with specified exceptions, to defendants convicted of a misdemeanor and not granted probation or an infraction after one year from the date of the pronouncement of judgment, if the defendant has fully complied with and performed the sentence, is not serving a sentence, is not charged with a crime, has lived an honest and upright life, and has conformed to and obeyed the law. If the defendant does not satisfy these requirements, the court may in its discretion and in the interests of justice after one year from the date of pronouncement of judgment grant relief in non-probation cases in which the defendant has fully complied with and performed the sentence, is not serving a sentence, and is not charged with a crime. (Pen. Code, § 1203.4a, subs. (a) & (b).)
- 3) Allows the court to grant expungement relief for a felony conviction if specified conditions are satisfied. (Pen. Code, § 1203.41.)
- 4) Allows the court to grant expungement relief for a conviction of a petitioner sentenced to prison for a felony that, if committed after enactment of criminal justice realignment legislation in 2011, would have been eligible for county-jail sentencing to obtain an expungement. (Pen. Code, § 1203.42.)
- 5) States that if a defendant successfully participated in the California Conservation Camp program as an inmate hand crew member, as specified, or successfully participated as a member of a county inmate hand crew, as specified, and has been released from custody, the defendant is eligible for expungement relief. (Pen. Code, § 1203.4b.)

- 6) Specifies that expungement relief releases the person from the penalties and disabilities resulting from the conviction, except the person:
 - a) May have a prior conviction pleaded and proved if the person is subsequently prosecuted for another crime;
 - b) Is not relieved of any prohibition on possessing, owning, or having under his or her custody or control any firearm and may be convicted as an ex-offender in possession of a firearm;
 - c) Must disclose the conviction in response to any direct question in a questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery; moreover, any ban on holding public office that resulted from the conviction remains in effect; and
 - d) May have their driver's license revoked, suspended, or use limited after two or more Vehicle Code convictions. (Pen. Code, §§ 1203.4, subd. (a)(1)-(3); 1203.4a, subds. (a) & (c); 1203.41, subds. (a) & (b); 1203.42, subds. (a) & (b).)
- 7) Authorizes a person who was under 18 years of age at the time of commission of a misdemeanor and who is eligible for expungement relief, or previously received expungement relief, to petition the court for an order sealing the record of conviction and arrest, and other official records in the case. (Pen. Code, § 1203.45, subd. (a).)
- 8) Authorizes expungement relief when a person convicted of solicitation or prostitution has completed any term of probation and can show that they were a victim of human trafficking. (Pen. Code, § 1203.49)
- 9) Provides that on a monthly basis, the DOJ shall review statewide criminal records and determine whether a person is eligible for arrest record relief based on specified conditions. (Pen. Code, 851.93)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Offering individuals a chance to start fresh empowers them to reintegrate into society with their civil rights, public benefits, and employment prospects intact. While expungement of a record provides some relief, it often falls short.

"Expunged records can still be accessed in various contexts, such as housing, licensing, and background checks, as private data brokers, background check companies, and internet archives continue to circulate criminal history indefinitely. Record sealing, by contrast, offers a more meaningful second chance by limiting public access altogether, ensuring that past mistakes do not continue to define a person's future. Sealing the records of eligible individuals will prevent housing barriers, restrictions on movement, and other lasting consequences that these convictions so frequently impose."

- 2) **Expungement and Arrest Record Relief:** As a general matter, expungement is a more narrow remedy than the sealing or destruction of records. Expungement is a court-ordered dismissal after a conviction. (See Pen. Code §1203.4, subd. (a).) Additionally, Penal Code section 1203.425 provides a procedure in which persons can have certain misdemeanor and felony convictions dismissed and have such information withheld from disclosure, all without having to file a petition with the court. This is known as automatic record relief. (Pen. Code § 1203.425, subd. 9(a)(1)) Penal Code section 851.93 provides similar automatic relief for arrest records.
- 3) **Collateral consequences:** There are many collateral consequences of a conviction that can have lifelong impacts. According to background from the author, there are “over 4800 laws that impose harmful collateral consequences long after successful completion of a sentence.” While DOJ is not allowed to release information on arrests without a conviction, arrests are public records and a background check may impact a person’s ability to find housing and employment even if the person was never convicted. Clearly, a person with a conviction who successfully completed a diversion program will also have lifelong consequences, even if the diversion was intended to help rehabilitate them.
- 4) **Sealing of arrests not resulting in conviction or for which diversion was granted:** This bill would add to existing relief by allowing a person arrested of any offense that did not result in conviction, or was charged with an offense that did not result in conviction, to petition the court for sealing relief of their convictions, charges, and arrests. The relief can be sought if the statute of limitations has run on every offense, the person completed a diversion program, or if an accusatory pleading was filed and the charge was dismissed, the person was acquitted or a conviction was later vacated.

The sealing may be ordered four years after the arrest, end of diversion, acquittal, or dismissal of the charge.

A person may not seek this relief if the arrest was for a serious or violent felony or a DUI.

- 5) **Argument in Support:** According to *ACLU California Action*, “Current law allows a limited set of convictions to be dismissed and expunged after an individual successfully completes probation and pays all fines and fees. These dismissals address the profound and pervasive problems caused by convictions, including barriers to housing, employment, and many other societal functions.

“But the relief granted through dismissals under current law is often incomplete, as it fails to address the disenfranchisement that convictions too often cause. While persons convicted of low level, and misdemeanor crimes are currently eligible to have their records expunged, disenfranchisement is still very common, as expunged records remain accessible in various circumstances, and too often continue to act as a barrier to those who are trying to re-assimilate into civic life, even when they have been forgiven by our justice system.

“To remedy these problems, AB 2384 will allow sealing of arrest and related records of people whose convictions meet the eligibility requirements. AB 2384 simply gives people with eligible convictions the ability to petition the courts, who then have the discretion to deem whether granting this relief is in the interest of justice.”

- 6) **Argument in Opposition:** None submitted.
- 7) **Related Legislation:** None
- 8) **Prior Legislation:**
- a) AB 704 (Lowenthal), of the 2025-2026 Legislative Session, would have authorized a person arrested for or convicted of an eligible offense, as defined, before the person was 26 years of age, to petition the court to have their records of that conviction or arrest sealed and destroyed. AB 704 was held in suspense in the Senate Appropriations Committee.
 - b) AB 2420 (Lowenthal), of the 2023-2024 Legislative Session, would have authorized any person who had their arrest or conviction set aside and dismissed pursuant to existing law related to expungements to petition the court to have their arrest and related records sealed. AB 2420 was held in suspense in the Assembly Appropriations Committee.
 - a) SB 731 (Durazo) Chapter 814, Statutes 2022, permitted additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.
 - b) AB 2978 (Ting), of the 2019-2020 Legislative Session, contained the same provisions as this bill. AB 2978 was never heard in the Assembly Public Safety Committee.
 - c) AB 1076 (Ting), Chapter 578, Statutes of 2019, required starting on January 1, 2021, and subject to an appropriation in the annual Budget Act, that the DOJ, on a monthly basis, review the records in the statewide criminal justice databases grant relief to persons who identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure, as specified.
 - d) AB 972 (Bonta), of the 2019-2020 Legislative Session, would have established a process for courts to automatically redesignate as misdemeanors, felony convictions which are eligible to be reduced to misdemeanors because of the passage of Proposition 47 (2014). AB 972 was held in the Assembly Appropriations Committee.
 - e) AB 2438 (Ting), of the 2017-2018 Legislative Session, would have required automatic expungements of certain convictions, as specified. AB 2438 was held of the Assembly Appropriations Suspense File.
 - f) AB 1793 (Bonta), Chapter 993, Statutes of 2018, required the court to automatically resentence, redesignate, or dismiss cannabis-related convictions.
 - g) AB 641(Bradford), Chapter 787, Statutes of 2013, authorized a court, in its discretion and in the interests of justice, to grant expungement relief for a conviction of a petitioner sentenced to county jail pursuant to criminal justice realignment if specified conditions are satisfied.
 - h) AB 1384 (Bradford) Chapter 284, Statutes 2011 provided that a court, in its discretion and in the interest of justice, can determine that a defendant who has been convicted of a

misdemeanor and not granted probation or an infraction should be granted expungement relief after the lapse of one year from the date of pronouncement of the judgment.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color (Co-Sponsor)
California Coalition for Women's Prisoners (Co-Sponsor)
California for Safety and Justice (Co-Sponsor)
California Innocence Coalition (Co-Sponsor)
Felony Murder Elimination Project (Co-Sponsor)
Rubicon Programs (Co-Sponsor)
ACLU California Action
All of US or None (HQ)
California Public Defenders Association
Center on Juvenile and Criminal Justice
Courage California
Ella Baker Center for Human Rights
Glide
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
San Francisco Public Defender
San Quentin Skunkworks
Silicon Valley De-bug

Opposition

None submitted.

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