

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 7 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill authorizes a person who has suffered an arrest that did not result in conviction, was charged with an offense that did not result in conviction, or was convicted of an eligible offense, to petition the court to have their arrest, charge, or conviction records sealed, if four years have elapsed since the arrest, the date of eligibility, or the date of sentence or supervision completion, whichever is later, and the person has not been convicted of a new offense during that period.

Specifically, this bill:

- 1) Excludes from eligibility convictions for serious felonies, violent felonies, registerable sex offenses, felony domestic violence, and driving under the influence offenses.
- 2) Requires service of the petition on the relevant prosecuting agency, which has 45 days to respond, and authorizes an opposed petition to proceed to a hearing at which the petitioner may testify and both parties may present evidence.
- 3) Provides that a petition may be granted upon a finding that sealing is in the interest of justice, requires records to be sealed within 90 days of the order, and requires the Department of Justice (DOJ) to forward the order to the Federal Bureau of Investigation (FBI) for noncriminal-justice-purpose sealing.
- 4) Requires restitution to the victim to be paid prior to granting relief; bars relief while the petitioner is subject to an unexpired criminal protective order; stays collection of other fines pending petition decision; and requires that the public record of the proceeding not disclose the petitioner's full name.
- 5) Prohibits sealing of any conviction containing multiple offenses unless every offense meets the eligibility requirements.

FISCAL EFFECT:

- 1) Significant costs to the California Department of Corrections and Rehabilitation (CDCR) in the low millions (General Fund), primarily driven by one-time information technology modifications and staffing augmentation, with a smaller portion of ongoing costs. CDCR has reported that the potential volume of discharged cases that could be ordered sealed is substantial, and that Case Records staff would need to receive and review each court order, verify eligibility, and enter the required information into CDCR systems — steps that are inherently labor-intensive and apply across a broad number of individuals. To comply with

the bill's 90-day processing timeline, CDCR reports that it would need to contract with a vendor to modify existing systems and establish batch-processing capability to identify and seal eligible records. CDCR anticipates a substantial multi-year surge of eligible cases following implementation, which would require a temporary augmentation of limited-term positions, followed by a smaller level of ongoing staffing to address continuing petition volume. CDCR's cost estimate may overstate the bill's actual fiscal impact: unlike AB 704 (Lowenthal), of the current legislative session, this bill requires only sealing — not sealing and destruction — of records, and expressly prohibits sealing of any conviction containing both eligible and ineligible offenses, simplifying CDCR's case-by-case processing logic. At the same time, this bill's expansion to any eligible person — rather than AB 704's limitation to those under age 26 — increases the scope, thus raising costs for compliance.

- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts. The bill requires a court that receives a petition for sealing to serve the prosecuting agency, hold a hearing if the petition is opposed, make a "best interest of justice" determination, and issue a sealing order. Actual costs will depend on the number of petitions filed, the amount of court time needed to adjudicate each petition, and court resources needed to issue and maintain records of sealing orders. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.
- 3) Costs (General Fund) to DOJ of an unknown but potentially significant amount to seal records and make required notifications, including forwarding orders to the FBI. Actual costs will depend on the number of petitions granted and the workload associated with each order. DOJ has reported that they are unable to provide a cost estimate at this point.
- 4) Likely reimbursable costs (local funds, General Fund) of an unknown amount to local prosecutorial agencies and law enforcement agencies to review and respond to petitions within the 45-day response window, appear at hearings, and seal records upon court order. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** 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.

- 2) **Background.** California offers several ways to reduce the ongoing burden of a criminal record, but each operates differently and each has limits. Expungement allows a person who has completed probation or a sentence for certain convictions to petition the court to have the conviction dismissed. Expungement lets the person answer most questions about their record by saying they were not convicted — but the record itself still exists. Expunged records continue to appear on many background checks, remain accessible to licensing agencies, and can still be pulled by private data brokers and background check companies. Sealing is a stronger remedy. When a record is sealed, it is removed from public access altogether, not just dismissed. Sealing is currently available in California only in limited circumstances — for example, automatic sealing for certain arrests that did not result in conviction and for specified misdemeanors and felonies, and petition-based sealing for juveniles and narrow other categories. Automatic systems are efficient because they do not require a petition, but they reach only a portion of the population who might benefit, and they do not cover convictions for most offenses.

This bill creates a new petition-based sealing pathway that fills gaps in existing law. A person may petition a court to seal their record if they were arrested but never charged, charged but not convicted (dismissal, acquittal, or the case was vacated), successfully completed a diversion program, or convicted of an offense not excluded by the bill. Unlike automatic relief, each sealing order under this bill requires a court petition, prosecutorial review, and a judicial determination, which is the primary driver of the fiscal impact. The court retains discretion to deny a petition even when the petitioner satisfies all eligibility requirements, and may grant sealing relief only if it finds doing so is in the best interest of justice based on the totality of the evidence presented.

This bill differs from AB 704, of the current legislative session, which was held on the Senate Appropriations suspense file. AB 704 requires both sealing and destruction of records and limits eligibility to people arrested or convicted before age 26. This bill requires only sealing, removes the age cap, and adds a disqualifier for petitioners subject to unexpired criminal protective orders. Both bills include successful diversion completion as a basis for relief, and the eligible-offense exclusion lists in both bills are substantially similar — serious felonies, violent felonies, registerable sex offenses, felony domestic violence, and DUI offenses — though AB 704 also excludes any offense pleadable as a prior for sentencing enhancement purposes, an exclusion this bill does not carry forward. This bill expressly prohibits relief unless every offense in a multi-count conviction is eligible; AB 704 is silent on the treatment of mixed-eligibility cases.

- 3) **Prior Legislation.** AB 2420 (Lowenthal), of the 2023-24 Session, would have authorized any person whose arrest or conviction was set aside under existing expungement law to petition for sealing of related records. AB 2420 was held on this committee's suspense file.

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