

ASSEMBLY THIRD READING

AB 2384 (Lowenthal)

As Amended May 18, 2026

Majority vote

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.

Major Provisions

- 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), above, 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 or for the limited purpose of determining the eligibility and suitability of a defendant for a diversion program.
- 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) Reckless driving or wet reckless.
- e) Driving under the influence (DUI) or DUI with injury.
- f) Any offense that may be pled and proved as a prior offense for purposes of imposing an increased sentence or enhancement upon conviction.

COMMENTS

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."

Arguments 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."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

ASM PUBLIC SAFETY: 7-1-1

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

NO: Alanis

ABS, ABST OR NV: Lackey

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Tangipa

ABS, ABST OR NV: Ta

UPDATED

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