
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 704 (Lowenthal) - Criminal records: destruction

Version: March 20, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: AB 704 establishes a process for individuals who were arrested or convicted of a crime before they were 26 years old to seal and destroy records of their convictions and arrests.

Fiscal Impact:

- Unknown, potentially significant workload cost pressures to the state funded trial courts (General Fund, Trial Court Trust Fund) likely in the millions of dollars annually. Depending on the number of petitions filed, this bill could result in a significant impact on court calendars. This bill would require court clerks to seal the court records.
- Likely reimbursable costs (local funds, General Fund) of an unknown amount to local law enforcement agencies to destroy arrest records upon a court order. Actual costs will depend on the number of orders issued and the amount of staff time needed to comply with each 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 California Department of Corrections and Rehabilitation (CDCR) estimates likely costs of \$500,000 with roughly half in one-time expenditures and half in ongoing costs (General Fund). CDCR anticipates significant workload impacts for Case Records and Enterprise Information Services (EIS) staff to process court orders for the sealing and destruction of records. To implement the requirements of AB 704, CDCR expects to contract with a vendor to modify its information technology systems, creating a process to batch, seal, and destroy records identified by the courts. In addition, CDCR anticipates the need for at least two ongoing positions to monitor and execute the sealing and destruction process. It is difficult to determine the number of individuals who would potentially seek this relief, but CDCR notes approximately 19,000 individuals were released from prison between January 1, 2020, and December 31, 2024, who were under the age of 26 at the time of their conviction, excluding those convicted of specified serious, violent, or sex offenses.
- The Department of Justice (DOJ) anticipates a fiscal impact of approximately \$2.5 million or less (General Fund). DOJ notes that implementation of this bill will be dependent upon the appropriation of funds. DOJ will be unable to absorb the costs to comply with or implement the requirements of the bill within existing budgeted resources. DOJ reports that beginning January 1, 2026, AB 704 would require the DOJ to perform database enhancements, updates, and modifications to the following

systems: ACHS, CJDE, DP, BP, Record Sealing Application, AFIS, AAS, and CPIV. To implement the mandates of AB 704, the Hawkins Data Center (HDC) would require the following resources:

- Systems Analyst Consultant: Term 9/1/2026 – 2/29/2028: The Systems Analyst would perform the following duties including, but not limited to: Collaborate with business and technical staff to gather and document technical system rules, review and interpret functional/non-functional requirements, assess operational feasibility of new capabilities, and collaborate with the technical team to align business processes impacts with technical systems.
- JAVA/SQL Developer Consultants: Term 3/1/2027 – 2/29/2028: The JAVA/SQL Developer would perform the following duties including, but not limited to: Build new notification reports for completed sealing orders, enhance Disposition Processor to process new seal subsequent action transactions to be sent for update to ACHS, enhance Batch Processor for the processing of new seal subsequent action updates to ACHS, and test the new and updated and functionality.
- 1.0 Information Technology Specialist (ITS) I – Permanent beginning 7/1/2026: The ITS I would perform the following duties including, but not limited to: Review project plan, road map and other relevant project documentation. Collaborate with technical state staff and consultants to gather and document technical system rules. Provide technical system process subject matter expertise for design sessions.
- 1.0 ITS I – Permanent beginning 7/1/2026: The ITS I would perform the following duties including, but not limited to: Provide ACHS PL/SQL subject matter expertise to consultants through research, analysis, and by attending meetings. Provide ACHS PL/SQL subject matter expertise for design sessions. Review and approve technical deliverable documents.
- 1.0 ITS I – Permanent beginning 1/1/2027: The ITS I would perform the following duties including, but not limited to: Develop the interface for the system to successfully receive imported records. Develop the user interface to modify imported records. Develop the user roles/permissions of the site and data input. Application and performance testing.
- IT Consultant (JAVA/SQL Developer): Term 7/1/2028 – 7/31/2028 (160 hours): The JAVA/SQL Developer would perform the following duties: Development and component modification, quality assurance, and project management.
- 1.0 ITS I – Temporary Help Hours (240 in FY 2026-27 and 168 in FY 2027-28): The ITS I would be responsible for developing the CPIV Web reports, resolving defects, and providing post implementation support. The ITS I would also be responsible for writing functional requirements, updating documentation, providing analysis, testing, and post implementation support

for the AFIS, AAS and CPIV applications.

- 1.0 ITS II – Permanent beginning 1/1/2026: The ITS II would perform the following duties including, but not limited to: Review, understand, and develop methodologies and processes for defining and applying the most viable and beneficial solutions and System Development Life Cycle approaches that will allow DOJ-CJIS to achieve the implementation of mandated/ approved requirements within mandated/ approved timelines and costs.
- Business Analyst Consultant: Term 1/1/2026 – 12/31/2027: The Business Analyst would perform the following duties including: Support the development of business and functional requirements for the automation of sealings and destructions pursuant to AB 704. Also, support user acceptance testing and implementation of the AB 704 automation.
- To implement the mandates of this bill, BCIA would require 1.0 24-month limited term Crime Analyst (CA) II. The CA II would serve as the business subject matter expert in support of the development of automation of sealings and destructions pursuant to AB 704. The CA II would also support the development of training and outreach materials for internal and external stakeholders.

Background: According to the author:

Giving transitional age youth the opportunity for a clean slate once they have reached developmental maturity can enable them to once again engage in society without the loss of civil rights, public benefits, employment opportunities, housing eligibility, and freedom to live and work without restriction that these convictions too often cause. These sanctions and disqualifications cause long-lasting effects not just to the individual, but to the entire community. Because when people are disenfranchised from work, school, family life and civic participation, the overall health of a community declines.

Proposed Law:

- If a person was arrested for or convicted of an eligible offense before they were 26 years old, they may petition the court for sealing and destruction relief of their convictions and arrests.
- Records of arrest that did not result in a conviction are eligible for sealing and destruction relief if any of the following are true:
 - 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 jurisdiction over the offense or offenses upon which the arrest was based has not filed an accusatory pleading based on the arrest;
 - The prosecuting attorney filed an accusatory pleading based on the arrest, but, with respect to all charges, one or more of the following has occurred:

- No conviction occurred, the charge has been dismissed, and the charge may not be refiled;
 - No conviction occurred and the arrestee has been acquitted of the charges; or,
 - A conviction occurred, but has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charge may not be refiled;
- The person successfully completed a diversion program.
- If a person is arrested for or convicted of an eligible offense, the court may order sealing and destruction relief if four years have elapsed since the date on which the defendant was arrested or completed any terms of incarceration, probation, mandatory supervision, postrelease community supervision, or parole associated with the record, whichever occurred later, during which the defendant has not been convicted of a new offense.
 - The petition for sealing and destruction relief and supporting documentation shall be served on the state or local prosecutorial agency that obtained the conviction for which sealing and destruction is sought or with the jurisdiction over charging decisions with regard to the arrest. The state or local prosecutorial agency shall have 45 days from the date of receipt of service to respond to the petition for relief.
 - The court may, with the agreement of the petitioner and all of the involved state or local prosecutorial agencies, consolidate into one hearing a petition with multiple convictions from different jurisdictions.
 - If the petition is opposed, or if the court otherwise deems it necessary, the court shall schedule a hearing on the petition. The hearing may consist of the following:
 - Testimony by the petitioner, which may be required in support of the petition;
 - Evidence and supporting documentation in support of the petition; and,
 - Opposition evidence presented by any of the involved state or local prosecutorial agencies that obtained the conviction.
 - After considering the totality of the evidence presented, the court may order sealing and destruction relief if it finds it is in the best interest of justice. A sealing and destruction order granted by the court under this section shall do all of the following:
 - Set aside the arrest, finding of guilt, or the adjudication and dismiss the accusation or information against the petitioner;
 - Set forth a finding that the arrest, conviction, or adjudication has been granted sealing and destruction relief and is deemed to have not occurred; and,

- Notify the Department of Justice that sealing and destruction relief has been ordered.
- A petition shall not be granted if the petitioner has not paid any financial restitution order that directly benefits the victim of a crime. With the exception of restitution, the collection of fines imposed as a result of an offense that is the subject of the petition shall be stayed while the petition is pending.
- If the court issues a sealing and destruction order, the court shall also order all of the following agencies to seal and destroy their records:
 - Any law enforcement agency having jurisdiction over the offense;
 - The Department of Justice;
 - Any law enforcement agency that arrested the petitioner;
 - Any law enforcement agency that participated in the arrest of the petitioner; and,
 - Any law enforcement agency that has taken action or maintains records because of the offense, including, but not limited to, departments of probation, rehabilitation, corrections, and parole.
- Any government agency shall seal its records of arrest, conviction, and the court order to seal and destroy the records within 90 days after the court order is granted. The agency shall thereafter destroy their records of the arrest, conviction, and court order to seal and destroy those records within one year of the date of the court order.
- The court shall provide the petitioner and petitioner's counsel a certified copy of any court order concerning the sealing and destruction of the records subject to the order. The court shall provide the petitioner and petitioner's counsel a copy of any form that the court submits to any agency, including the Department of Justice, related to the sealing and destruction of the arrest and conviction records. The Department of Justice shall notify the petitioner and the petitioner's counsel that the department has complied with the order to seal and destroy the arrest or conviction records within the timeline required.
- The court shall maintain a sealed copy of the sealing and destruction order and a sealed copy of the records subject to the order granted under this section, which shall not be distributed to any recipient except the petitioner and the petitioner's counsel.
- A petitioner who has obtained an order is released from all penalties and disabilities resulting from the arrest or conviction and may lawfully deny or refuse to acknowledge an arrest or conviction that is granted sealing and destruction relief pursuant to the order.

- The record of a proceeding related to a petition that is accessible by the public shall not disclose the petitioner's full name.
- A court that grants relief pursuant to this section may take additional action as appropriate under the circumstances to carry out the purposes of this section.
- The following definitions apply:
 - "Eligible offense" means an offense that is not one of the following:
 - An offense listed in subdivision (c) of Section 667.5 or for which the person is required to register pursuant to Section 290;
 - Any offense specified in subdivision (c) of Section 1192.7;
 - Any felony offense specified in subdivision (a) of Section 273.5;
 - Any offense specified in subdivision (a) or (b) of Section 23152 of the Vehicle Code;
 - Any offense specified in subdivision (a) or (b) of Section 23153 of the Vehicle Code; and,
 - Any offense that may be plead and proved as a prior offense for purposes of imposing an increased sentence or enhancement upon conviction
 - "Sealing and destruction relief" means that the arrest and any adjudications or convictions suffered by the petitioner are deemed not to have occurred and that all records in the case are sealed and destroyed pursuant to this section. The court shall inform the petitioner that they may thereafter state that they were not arrested for the charge, or adjudicated or convicted of the charge that was granted relief.

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