
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1342 (Durazo) - Criminal records: relief

Version: March 25, 2026

Urgency: No

Hearing Date: April 20, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: SB 1342 would make any dismissed charge eligible for arrest record relief to establish temporal limits related to Department of Justice (DOJ) determinations regarding whether a person has pending charges or is still serving a sentence for the purposes of automatic conviction record relief and requires Judicial Council to provide individuals granted automatic conviction record relief with a register of action confirming such relief.

Fiscal Impact: DOJ costs are estimated to be up to \$1million annually and ongoing to assist with the new inquiries from the courts and public that would result from this change, as well as the increase in the review of criminal history records (General Fund).

The fiscal impact of the provisions of arrest record relief and setting forth the circumstances under which DOJ must conclude that a person is no longer serving a sentence, likely intended to reduce the cost of the process, are undetermined. Penal Code 1203.425 (a) (3) (A) references "local summary criminal history information" and may inadvertently involve in court records under Penal Code 13102. This may require courts to update the case management system with every entry. Penal Code 1203.425 (a) (3) (A) references "all local criminal databases maintained by the court" which is not something the courts maintain. While a few courts may have user access into these systems, these systems are maintained by local law enforcement agencies. It is unclear if the court's case management systems would be captured under this language.

The Judicial Council estimates ongoing major costs annually for new workload for the trial courts to review petitions seeking retroactive relief for the expanded eligibility period (Trail Court Trust Fund, General Fund). Costs are expected to decrease over time as eligible cases in the relevant time period are processed.

Background: In 2019, the Legislature authorized automatic record clearance for millions of Californians with eligible arrests and convictions (Chapter 578/2019). Implementation has revealed barriers preventing some individuals from receiving or fully benefiting from this relief. Under current law, one eligibility requirement for automatic conviction record relief is that, based upon information available in the DOJ record, there is no indication of pending criminal charges. The current law, however, did not provide sufficient guidance on how DOJ should proceed on older records lacking disposition data.

Also, DOJ is required to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases in which a complaint was filed in that jurisdiction and in which relief was granted pursuant to this provision. Commencing on January 1, 2023, for certain records retained by the court, the court is

prohibited from disclosing information about a conviction granted automatic record conviction relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency. However, there is no requirement for local courts to update their own records to reflect this relief. As a result, background checks that pull from local court databases, rather than directly from DOJ, may incorrectly show old convictions, even after they have been cleared at the state level.

Related Legislation: This bill is similar to SB 834 (Durazo) 2025, except that bill did not include the arrest record relief provision or the provision setting forth the circumstances under which the DOJ must conclude that a person is no longer serving a sentence. As noted above, the potential fiscal impact of those relief provisions on DOJ, or Judicial Council, workload is undetermined at this time. SB 834 was held in the Assembly Appropriations Committee.