

THIRD READING

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Bill No: SB 1342  
Author: Durazo (D), et al.  
Amended: 3/25/26  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/7/26  
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener  
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26  
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab  
NOES: Seyarto, Dahle

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**SUBJECT:** Criminal records: relief

**SOURCE:** Californians for Safety and Justice

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**DIGEST:** This bill 1) makes any dismissed charge eligible for arrest record relief, not just misdemeanor dismissals; 2) establishes temporal limits related to Department of Justice determinations regarding whether a person has pending charges or is still serving a sentence for the purposes of automatic conviction record relief; and 3) requires courts to provide individuals granted automatic conviction record relief with a register of action confirming such relief.

**ANALYSIS:**

Existing law:

- 1) Defines “state summary criminal history information” as the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person, but does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to

records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice (DOJ). (Penal (Pen.) Code, § 11105, subd. (a).)

- 2) Defines “local summary criminal history information” as the master record of information compiled by any local criminal justice agency pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person, but does not refer to records and data compiled by criminal justice agencies other than that local agency, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the local agency. (Pen. Code, § 13300.)
- 3) Requires the DOJ, on a monthly basis, to review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, to identify persons with records of arrest that meet specified criteria and are eligible for arrest record relief. (Pen. Code, § 851.93, subd. (a)(1).)
- 4) Provides that a person is eligible relief pursuant to the above provision if the arrest occurred on or after January 1, 1973, and meets any of the following conditions:
  - a) The arrest was for a misdemeanor offense and the charge was dismissed.
  - b) The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.
  - c) The arrest was for a felony offense punishable by a term of imprisonment under 8 years, there is no indication that criminal proceedings have been initiated, at least 3 calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.
  - d) The arrest was for an offense punishable by imprisonment in state prison or county jail for eight years or more, there is no indication that criminal proceedings have been initiated, at least 6 years have elapsed since the date

of arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising from that arrest.

- e) The person successfully completed one of several specified diversion programs relating to that arrest, including a prefiling diversion program, a drug diversion program, or a pretrial diversion program, as provided. (Pen. Code, § 851.93, subd. (a)(2).)
- 5) Requires that the DOJ grant relief to a person who falls into one of the foregoing categories without requiring a petition or motion by a party for that relief if the relevant information is present in the DOJ's electronic record. (Pen. Code, § 851.93, subd. (b)(1).
- 6) Requires that the summary criminal history information include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the DOJ granted relief, and this section. Requires this note to be included in all statewide criminal databases with a record of the arrest. (Pen. Code, § 851.93, subd. (b)(2).)
- 7) Specifies that except as otherwise provided, an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly. (Pen. Code, § 851.93, subd. (b)(3).)
- 8) Requires the DOJ to submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to the above provisions, and to publish on its OpenJustice web portal statistics for each county regarding the total number of arrests granted relief, as specified. (Pen. Code, § 851.93, subds. (c),(f).)
- 9) Imposes several conditions on record relief granted for arrests pursuant to the above, including that a district attorney may still prosecute the underlying offense within the applicable statute of limitations, that relief does not relieve the person from obligations to disclose the arrest in response to a direct question in an application to be a peace officer, and that relief does not affect a persons authorization to own or possess firearms, among others. (Pen. Code, § 851.93, subds. (d).)
- 10) Allows individuals who have a specified prior conviction and who have successfully participated in certain incarcerated hand crew or firehouse

programs to petition the court to dismiss their convictions and seek early termination of post-conviction supervision. (Pen. Code, § 1203.4b)

- 11) Allows individuals who were convicted of certain crimes and sentenced to state prison terms prior to AB 109 Realignment or Proposition 47 (2014) to have their convictions dismissed, subject to specified conditions. (Pen. Code, § 1203.42.)
- 12) Allows individuals with a prior conviction who have completed a deferred entry of judgement program but entered the program without actual knowledge of the consequences of making a plea to petition to the court to dismiss their convictions. (Pen. Code, § 1203.43.)
- 13) Allows individuals convicted of solicitation or prostitution who have completed their term of probation for that conviction and who can show that the conviction was the result of their status as a victim of human trafficking to petition the court to have their conviction dismissed. (Pen. Code, § 1203.49.)
- 14) Requires, commencing October 1, 2024 and subject to an appropriation in the annual Budget Act, the DOJ to review the records in the statewide criminal justice databases on a monthly basis, and based on information in the state criminal history repository and the Supervised Release File, identify persons with convictions that meet the specified criteria and are eligible for automatic conviction record relief. (Pen. Code, § 1203.425, subd. (a)(1)(A).)
- 15) Provides that a person is eligible for automatic conviction relief if they meet several specified conditions and the conviction meets specified criteria. (Pen. Code § 1203.425, subd. (a)(1)(B).)
- 16) Requires, except as specified, DOJ to grant relief, including dismissal of a conviction, to identified persons without requiring a petition or motion for that relief if relevant information is present in DOJ's electronic records. (Pen. Code, § 1203.425, subd. (a)(2)(A).)
- 17) Provides, however, that the prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief, file a petition to prohibit DOJ from granting automatic record conviction relief, based on a showing that granting that relief would pose a substantial threat to the public safety. (Pen. Code, § 1203.425, subd. (b)(1).)
- 18) Requires the state summary criminal history information for a person who has been granted this relief to include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing

the date that DOJ granted, the relief, and the section authorizing relief. Requires this note to be included in all statewide criminal databases with a record of the conviction. (Pen. Code, § 1203.425, subd. (a)(2)(B).)

- 19) Requires, commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, DOJ to electronically submit a notice to the superior court having jurisdiction over the criminal case and inform the court of all cases in which a complaint was filed and automatic conviction relief was granted. (Pen. Code, § 1203.425, subd. (a)(3)(A).)
- 20) Prohibits, commencing January 1, 2023, the court from disclosing information, for certain records obtained by the court, concerning a conviction granted relief pursuant to specified expungement provisions, including 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. (Pen. Code, § 1203.425, subd. (a)(3)(A).)
- 21) Provides that if probation is transferred, the DOJ shall electronically submit a notice per the above provision to both the transferring court and any subsequent receiving court, as specified. (Pen. Code, § 1203.425, subd. (a)(3)(B).)
- 22) Provides that if a court receives notification from the DOJ pursuant to the above provision, the court shall update its records to reflect the reduction or dismissal. Requires a court, if it receives notification that a case was dismissed pursuant to specified provisions of existing law, to update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency. (Pen. Code, § 1203.425, subd. (a)(3)(D).)

This bill:

- 1) Provides that a person is eligible for arrest relief pursuant if the arrest occurred on or after January 1, 1973 and any associated charge was dismissed, regardless of whether the arrest was for a misdemeanor offense.
- 2) Provides that for the purposes of determining whether there are pending criminal charges during a review for automatic conviction record relief, the DOJ must conclude that there is no indication of pending criminal charges if at least three years have elapsed since an indication that criminal proceedings have been initiated with no new activity related to that arrest.

- 3) Provides that for the purpose of determining whether someone is serving a sentence during a review for automatic conviction record relief, the DOJ must conclude that the person is no longer serving that sentence if they are unable to determine whether a sentence is complete and at least seven years have passed since the date of conviction.
- 4) Requires local summary criminal history information provided by the court to any recipient to include notes for entries granted relief indicating that relief has been granted pursuant to this provision and listing the date the court received notice from DOJ. Requires this note be included in all local criminal databases maintained by the court.
- 5) Provides that the court shall not disclose information concerning a conviction granted relief pursuant to above provisions relating to dismissal of convictions for individuals who serve on fire crews, individuals who successfully complete deferred entry of judgement programs, and qualified individuals who were convicted of solicitation or prostitution to any person or entity except the person whose conviction was granted relief or to a criminal justice agency.
- 6) Requires that upon the request of an individual granted automatic conviction record relief, the court must furnish them with a certificate of disposition confirming the court received notification and complied with a grant of relief under this provision.

### **Comments**

In 2019, the Legislature passed AB 1076 (Ting, Chapter 578, Statutes of 2019), which created a process for automatic arrest record relief whereby the DOJ identifies eligible arrests and automatically removes them from the arrestee's criminal history without requiring a petition or motion for that relief. Under this process, a misdemeanor arrest is eligible for relief if the arrest occurred after January 1, 1973 and 1) the charge was dismissed, or 2) there is no indication that criminal proceedings have been initiated and at least one year has elapsed since the arrest, and either no conviction occurred or there was an acquittal related to that arrest. For a felony arrest to be eligible, it must fall into one of two categories: either 1) the felony is punishable by fewer than 8 years, there is no indication that criminal proceedings have been initiated, at least 3 years have elapsed since the arrest, and there was either no conviction or an acquittal related to the arrest, or 2) the felony is punishable by 8 years or more in state prison or county jail, there is no indication that criminal proceedings have been initiated, at least 6 years have elapsed since the arrest, and there was either no conviction or an acquittal related to the arrest. This bill would expand eligibility for arrest record relief to all arrests

where charges were dismissed, removing the limitation applying such relief only to dismissed misdemeanors.

AB 1076 (Ting, Chapter 578, Statutes of 2019), also created a process for automatic conviction record relief in which persons could have eligible convictions dismissed and have related information withheld from disclosure without having to file a petition to the court. Similar to the arrest record relief process, under AB 1076, DOJ is required to review records in statewide criminal justice databases on a monthly basis to identify eligible convictions. The purpose of AB 1076 was to remove barriers to housing and employment for convicted and arrested individuals in order to foster their successful reintegration into the community. Accordingly, relief under this process generally releases the individual from all “penalties and disabilities” resulting from the offense of which they have been convicted. However, like arrest record relief, conviction record relief is subject to a host of conditions: it remains accessible to law enforcement, can be used as a “prior” in future criminal proceedings, must still be disclosed in applications to become a peace officer or as required in obtaining public office, and does not relieve the individual of condition of an unexpired criminal protective order.

A conviction is eligible for automatic record relief if it meets several specified conditions, including that the convicted person does not have to register as a sex offender, the person does not have an active record for local, state, or federal supervision, the person has satisfied specified requirements regarding the completion of a sentence, and the person is not currently serving a sentence for an offense nor facing pending criminal charges. This bill specifies that in determining whether there is a pending criminal charge, DOJ must conclude there is no indication of pending criminal charges if at least three years have elapsed with no new activity related to that record. The bill also provides that in determining whether someone is serving a sentence, the DOJ must conclude that a person is no longer serving a sentence if it is unable to determine whether a sentence is complete and at least 7 years have passed since the date of conviction.

Another provision of the existing conviction record relief statute requires DOJ 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 conviction relief was granted. Under this provision, 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. This bill requires local summary criminal history information provided by the court to any recipient to include notes indicating if automatic conviction record relief was granted and listing the date that the court received notice from DOJ. The bill requires this note to be included in all local criminal databases maintained by the court. This bill also requires a court, upon request by the individual, to furnish a person who has been granted automatic conviction record relief with a “register of action” confirming the court’s receipt of notification and compliance with a grant of record relief.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

DOJ costs are estimated to be up to \$1 million 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.

**SUPPORT:** (Verified 5/14/26)

California for Safety and Justice (source)  
ACLU California Action

All of US or None (HQ)  
Alliance for Boys and Men of Color  
California Civil Liberties Advocacy  
California Public Defenders Association  
Courage California  
Ella Baker Center for Human Rights  
Felony Murder Elimination Project  
Glide  
Justice2jobs Coalition  
LA Defensa  
Legal Services for Prisoners With Children  
Local 148 Los Angeles County Public Defender's Union  
Rubicon Programs  
San Francisco Public Defender  
San Quentin Skunkworks  
Sister Warriors Freedom Coalition  
Smart Justice California

**OPPOSITION:** (Verified 5/14/26)

Peace Officers Research Association of California

Prepared by: Alex Barnett / PUB. S. /  
5/14/26 16:56:43

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