

Date of Hearing: June 23, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1342 (Durazo) – As Amended June 16, 2026

SUMMARY: Mandates the Department of Justice (DOJ), on a monthly basis, review any arrest, regardless of whether it is a misdemeanor or felony, if the arrest occurred on or after January 1, 1973, and any associated charge was dismissed. Mandates DOJ assume there is no new arrest for purposes of automatic conviction clearance where there is no new activity for three years, as specified. Specifically, **this bill:**

- 1) 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 there are no pending criminal charges if at least three years have elapsed, there is no indication that any criminal proceedings have been initiated, and there is no new activity related to that arrest.
- 2) 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.
- 3) Requires the court, when sending any local summary criminal history information, to include notes indicating that conviction relief was granted, as specified, and to include the date the court received notice from DOJ. Requires the court to include these notes in all its local criminal history databases.
- 4) Prohibits the court from disclosing any information concerning a conviction granted relief pursuant to the above provisions on any conviction dismissal 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.
- 5) 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.
- 6) Requires any conviction cleared by DOJ and still on a person's record be considered to be inaccurate, irrelevant, untimely, or incomplete for any purpose.
- 7) Deletes the October 1, 2024, operative date and the requirement of an appropriation in the annual Budget.

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 DOJ. (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 individuals with arrest records 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 person's 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).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Sponsor:** Californians for Safety & Justice

- 2) **Author's Statement:** According to the author, "California made historic progress with AB 1076 (2019) and SB 731 (2022), expanding automatic record clearance for millions of residents with eligible arrests and convictions. These key reforms were designed to remove barriers to employment, housing, and opportunity by making relief automatic, accessible, and equitable. But gaps in implementation have left too many people behind, especially for those who the law should already be moving forward.

"For example, if an individual was arrested years ago but never charged, their record might still show the arrest as "pending" because no final outcome was reported to DOJ, even though the legal system abandoned the case long ago. This unresolved label blocks individuals from the automatic relief they are entitled to. Even for individuals who do receive relief, outdated local court records create ongoing harm. If a background check pulls from these local records, as many do, an old conviction may still appear, causing someone to lose out on a job, housing, or loan. These inconsistencies between records undermine the effectiveness of record clearance and perpetuate barriers the law intended to eliminate. Another barrier is when a person tries to correct the record, there's no straightforward way to prove their case since there isn't a court-issued certificate that confirms that their record has been cleared.

"Nationally, an estimated 70 million people (nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record. The vast majority of people with convictions have long finished their sentence in prison, jail, parole or probation and exited the 'deepest end' of the justice system.

"Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to the widespread usage of background checks in today's society, the availability of these records activate thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread lack of civic participation. These collateral consequences disproportionately affect Black and Latino communities and have become one of the leading drivers of multi-generational poverty.

"SB 1342 addresses barriers by streamlining processes and ensuring that those going through the proper channels get full justice and equity that they deserve."

- 3) **Automatic Arrest Clearance:** Starting 2019, the Legislature passed, and the Governor signed AB 1076 (Ting), Chapter 578, Statutes of 2019, which created a process for automatic arrest record relief whereby DOJ identifies eligible arrests and automatically removes them from the person's criminal history without requiring a petition or motion for expungement. In accordance with the requirements of AB 1076, a **misdemeanor arrest** is eligible for relief if the arrest occurred after January 1, 1973, and: (a) the charge was dismissed, or (b) 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 of crimes with different requirements for each: (a) the felony is punishable by **fewer than eight 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 (b) the felony is punishable by **eight 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.

Once relief is granted, the arrest is legally deemed to have never occurred, allowing the arrestee to omit the arrest from most employment applications. However, even if relief is granted pursuant to this process, such relief does not relieve the arrestee of a requirement to disclose an arrest in an application to become a peace officer, does not limit the ability of the district attorney to prosecute the arrest within the applicable statute of limitations, and does not limit the ability of any law enforcement agency to access and use those arrest records.

Moreover, existing law makes clear that arrest record relief does not affect certain other prohibitions and responsibilities, including one's rights regarding firearm ownership and restrictions on holding public office. This bill grants possible arrest relief for any crime – misdemeanor or felony – if the charge was dismissed or if there has been no activity on the arrest for one, three, or six years depending on the crime.

- 4) **Automatic Conviction Clearance Relief:** AB 1076 also created a procedure in which a person could have certain convictions dismissed and withheld from disclosure without having to file a petition with the court. (Pen. Code, § 1203.425.) DOJ is required to review the records in the statewide criminal justice databases and identify any person eligible for automatic conviction record relief as specified in the law. These conditions include that the person is not required to register as a sex offender, that it does not appear, based upon information available in DOJ's records, that the person is currently serving a sentence of an offense or that there is any indication of pending criminal charges. (*Ibid.*)

Additionally, the record may be accessed by criminal justice agencies including for purposes of pleading and proving the existence of a prior criminal conviction. (Pen. Code, § 1203.425, subd. (a)(4).) The law authorizes the prosecuting attorney or probation department, no later than 90 calendar days before the date of a person's eligibility for relief, to file a petition to prevent DOJ from granting automatic 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).)

Subsequent to the passage of AB 1076, AB 200 (Committee on Budget), Chapter 58, Statutes of 2022, delayed the implementation date of AB 1076 related to prohibiting dissemination of criminal records for which relief was granted to January 1, 2023. SB 731 (Durazo), Chapter 814, Statutes of 2022, expanded automatic conviction record relief to include additional felonies and delayed the effective date to July 1, 2023. AB 567 (Ting), Chapter 444, Statutes of 2023, expanded automatic conviction record relief to include misdemeanor convictions where the sentence has been successfully completed following revocation of probation and delayed implementation to July 1, 2024.

AB 134 (Com. on Budget), Chapter 47, Statutes of 2023, delayed implementation to July 1, 2024. AB 168 (Com. on Budget), Chapter 49, Statutes of 2024, delayed the implementation of automatic conviction record relief to October 1, 2024, and extended relief to eligible individuals with convictions on or after January 1, 1973.

According to DOJ's website:

Automatic record relief is not a dismissal, sealing or expungement of a person's state summary criminal history information record. However, automatic record relief adds a notation in the record, which is then used by the Department to determine whether those records will be disseminated to employers and other agencies for employment, licensing, or certification purposes that are mandated and authorized by law to conduct fingerprint-based background checks in accordance with Penal Code section 11105, subdivisions (k)-(p).

Additionally, when a notation indicating relief is made, the Department also communicates this information to superior courts. When the superior courts receive notice that an arrest or conviction record received relief, the courts will also limit public access to those records. For any case record still retained by the court, the court shall not disclose information concerning an arrest or conviction receiving automatic record relief under Penal Code sections 851.93 and 1203.425, except as provided in Penal Code sections 851.93, subdivision (d) or 1203.425, subdivision (a)(4).¹

Pursuant to current law, one condition for automatic conviction record relief is that, based on information available in the DOJ record, there is no indication of pending criminal charges. (Pen. Code, § 1203.425, subd. (a)(1)(B)(iii).) The current law does not provide guidance on how DOJ should proceed on older records lacking disposition data. 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 on that record.

In determining whether there is any indication pending criminal charges, DOJ would likely have to review arrest records for the individual. The three-year timeframe provided by this bill seems to align with the requirement in existing law on arrest record relief that provides that certain felony arrest records are eligible for relief if at least three years have elapsed since the date of the arrest and there is no indication that criminal proceedings have been initiated, among other things. (Pen. Code, § 851.93, subd. (a)(2)(C)(i).)

The existing law specifies that misdemeanor arrest records are eligible for relief if at least one calendar year has elapsed and there is no indication that criminal proceedings have been initiated. (Pen. Code, § 851.93, subd. (a)(2)(B).) However, the statute separately requires at least 6 years to have elapsed since the date of arrest with no indication that criminal proceedings have been initiated if the arrest was for a crime punishable by imprisonment of 8 years or more. (Pen. Code, § 851.93, subd. (a)(2)(C)(ii).)

¹ See <https://oag.ca.gov/fingerprints/automatic-record-relief-penal-code-sections-851.93-and-1203.425> (accessed Jun. 16, 2026).

DOJ could also review information available through the California Law Enforcement Telecommunications System (CLETS), a statewide telecommunications system for the use of law enforcement agencies maintained by DOJ, which could contain information regarding charges filed against the individual if the prosecuting agency input this information into CLETS. If charges are anticipated or pending, the prosecuting agency may also file a petition with the court to prohibit DOJ from granting automatic relief prior to the person's eligibility for relief. (Pen. Code, § 1203.425, subd. (b)(1).)

Additionally, under current law as commenced July 1, 2022, and subject to an appropriation in the annual Budget Act, DOJ is required, on a monthly basis, 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. (Pen. Code, § 1203.425, subd. (a)(3).)

- 5) **Argument in Support:** According to *Californians for Safety and Justice*, “California made historic progress with AB 1076 (Chapter 578, Statutes of 2019) and SB 731 (Chapter 814, Statutes of 2022), expanding automatic record clearance for millions of Californians with eligible arrests and convictions. Implementation has revealed three critical barriers preventing some individuals from receiving or fully benefiting from this relief. SB 1342 addresses these issues by: 1) Preventing outdated pending charges from blocking record clearance. 2) Requiring local court records to be updated to match state Department of Justice (DOJ) records. 3) Establishing a clear process for individuals to obtain written proof of relief.

“Californians for Safety and Justice is a nonprofit organization working with Californians from all walks of life to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars. Through policy advocacy, grassroots mobilization, public education, alliances, and support for local best practices, we promote strategies to stop the cycle of crime, reduce reliance on incarceration, and build healthy communities. Our work includes a growing statewide network of over 52,000 crime survivors and an organized constituency among the 8 million Californians living with a past conviction or record and their families.

“Under AB 1076 and SB 731, individuals are eligible for automated record clearance if they meet certain criteria, including the absence of pending charges. Many old arrests lack complete disposition data in DOJ records and are labeled “pending.” These include:

- Arrests where charges were never filed.
- Cases dismissed in court.
- Cases resolved without proper reporting to DOJ.

“Because these charges appear as “pending,” individuals who would otherwise qualify for relief under AB 1076 and SB 731 are blocked from receiving it—even when no prosecution ever occurred.

“Additionally, when relief is granted under AB 1076 and SB 731, the DOJ is required to update the person’s state criminal record (commonly known as a RAP sheet) to show that relief has been granted. 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.

“Without a process to resolve old, incomplete pending charges, individuals remain ineligible for relief under AB 1076 and SB 731—even when the legal system itself abandoned the charge years ago.

“At the same time, individuals who do receive relief under AB 1076 and SB 731 may have no reliable way to prove it because local records are outdated and there is no simple, court-issued proof of relief available for them to request.

“SB 1342 makes three critical fixes to strengthen California’s record clearance process: 1) Ending the use of pending charges older than 3 years—if the DOJ has received no new information—that block eligibility for record clearance. 2) Requiring local courts to update their records to match state DOJ records when relief is granted. 3) Allowing individuals to request a register of action from the court.”

- 6) **Argument in Opposition:** According to the *Peace Officers’ Research Association of California*, “SB 1342 would expand eligibility for automatic arrest record relief by removing the requirement that the underlying arrest be for a misdemeanor offense, instead allowing relief for any arrest where charges were dismissed. While PORAC supports appropriate relief for individuals who are eligible under existing law, this bill significantly broadens that relief in a manner that raises public safety and transparency concerns.

“Current law strikes a careful balance by providing relief for lower-level offenses while preserving access to information that may be relevant in more serious cases. By extending automatic relief beyond misdemeanor arrests, SB 1342 risks eliminating records that may be important for law enforcement, prosecutors, and courts when evaluating patterns of conduct, making charging decisions, or assessing risk.

“Additionally, this expansion may limit access to information that can be critical in investigations or in protecting victims, particularly in cases where charges were dismissed for reasons unrelated to the underlying conduct. Automatically sealing or removing these records, regardless of the circumstances, may have unintended consequences for public safety and informed decision-making.

“PORAC supports policies that promote fairness and second chances. However, those policies must be balanced with the need to preserve access to relevant information for law enforcement and the justice system. SB 1342 shifts that balance too far.”

- 7) **Related Legislation:** SB 834 (Durazo) required local summary criminal history information provided by the court include notes for any entries for which relief has been granted indicating that relief has been granted and listing the date the court received notice from DOJ. SB 834 was held on the Assembly Appropriations Committee suspense file.

8) Prior Legislation:

- a) AB 168 (Com. on Budget), Chapter 49, Statutes of 2024, extended automatic record relief to persons convicted of crimes on or after January 1, 1973, and delayed implementation until October 1, 2024.
- b) SB 763 (Durazo), of the 2023-2024 Legislative Session, would have extended automatic record relief to persons convicted of crimes on or after January 1, 1973. SB 763 failed in Senate Appropriations.
- c) AB 134 (Comm. on Budget), Chapter 47, Statutes of 2023, delayed implementation of automatic records relief provisions to July 1, 2024.
- d) AB 567 (Ting), Chapter 444, Statutes of 2023, required DOJ, commencing July 1, 2024, to provide confirmation that records relief was granted upon request from the subject of the record.
- e) SB 731 (Durazo), Chapter 814, Statutes of 2022, expanded automatic conviction record relief to include additional felonies and delayed the effective date to July 1, 2023.
- f) AB 200 (Com. on Budget), Chapter 58, Statutes of 2022, delayed the implementation date of AB 1076 related to prohibiting dissemination of criminal records for which relief was granted to January 1, 2023.
- g) AB 1076 (Ting), Chapter 578, Statutes of 2019, established an automatic arrest and conviction record expungement process.

REGISTERED SUPPORT / OPPOSITION:**Support**

California for Safety and Justice (Sponsor)
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
Felony Murder Elimination Project
Friends Committee on Legislation of California
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, a Project of Beyond Impact

Opposition

Peace Officers Research Association of California (PORAC)

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