

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 6 - 2

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill expands automatic arrest record relief to any arrest — misdemeanor or felony — where the associated charge was dismissed, and establishes temporal presumptions governing the Department of Justice’s (DOJ) automatic conviction record relief reviews.

More specifically, this bill:

- 1) Requires DOJ to conclude there is no indication of pending criminal charges if at least three years have elapsed since criminal proceedings were initiated with no new activity on the record.
- 2) Requires DOJ to conclude a person is no longer serving a sentence if DOJ cannot determine whether the sentence is complete and at least seven years have passed since the date of conviction.
- 3) Requires local summary criminal history information provided by a court to include a note for entries granted relief, including the date the court received notice from DOJ, and requires the note to be included in all local criminal databases maintained by the court.
- 4) Requires a court, upon request of a person granted relief, to furnish a register of action confirming the court’s receipt of notification and compliance with the grant of relief.
- 5) Deletes the October 1, 2024 operative date and the requirement that automatic record relief be subject to an appropriation in the annual Budget Act.

FISCAL EFFECT:

- 1) Costs of up to \$950,000 (General Fund) to DOJ to implement this bill. DOJ’s California Justice Information Services Division would plan, design, and implement business and system changes to identify and qualify the expanded universe of criminal records for automatic relief, including time-limited business analysis, project management, and SQL development consultants and three permanent information technology positions for systems analysis, development, quality assurance, and ongoing maintenance. DOJ indicates the system changes would require a minimum of one year to complete, that the department cannot absorb these costs within existing budgeted resources, and that implementation would be dependent upon an appropriation of funds. DOJ’s estimate is contingent on the author adopting an exemption from California Department of Technology project approval requirements.

Whether DOJ's estimate captures ongoing staff workload to review the substantially expanded universe of arrest records and apply the new temporal presumptions to older records lacking disposition data remains unclear; actual ongoing costs may be higher if manual review is required at volume.

- 2) Potential court cost pressures of an unknown, but potentially significant amount (Trial Court Trust Fund) for the recordkeeping duties this bill imposes on the courts. Courts would incur one-time workload to annotate entries granted relief, including the date the court received notice from DOJ, in local summary criminal history information and in all local criminal databases maintained by the court, and ongoing workload to annotate new grants of relief and to furnish, upon request of a person granted relief, a register of actions confirming the court's receipt of DOJ's notification and compliance with the grant of relief. The volume of register-of-actions requests is unknown. Although trial courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased General Fund support. The 2025-26 budget includes \$117.3 million General Fund to backfill the Trial Court Trust Fund.

COMMENTS:

- 1) **Purpose.** 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.

- 2) **Background.** When a person is arrested in California, a record of the arrest is created in DOJ's statewide criminal history database, and that record persists even if prosecutors never file charges or the charges are later dismissed. Arrest records surface on background checks and can impede employment, housing, professional licensing, and other opportunities, despite the person never having been convicted. Historically, clearing a record required the person to petition a court, a process many eligible people never used because of cost, complexity, or simply not knowing relief was available. Automatic record relief inverts that default: rather than waiting for a petition, DOJ reviews the statewide criminal justice databases on a monthly basis, identifies records meeting the statutory criteria, and grants relief without the person asking.

AB 1076 (Ting), Chapter 578, Statutes of 2019, established automatic arrest and conviction record relief, and subsequent legislation expanded eligibility and adjusted implementation dates. AB 145 (Committee on Budget) extended the review to records dating back to January 1, 1973. SB 731 (Durazo), Chapter 814, Statutes of 2022, expanded eligibility to include certain felony arrests and additional felony convictions. Eligibility for arrest record relief is structured as a set of alternative conditions. A misdemeanor arrest qualifies where the charge was dismissed, or where no proceedings were initiated and a year has passed without a conviction. A felony arrest qualifies only where no criminal proceedings were initiated and three years have elapsed, or six years for an offense punishable by imprisonment for eight years or more. Successful completion of a diversion program also qualifies. Because every

felony pathway requires that no proceedings have been initiated, a felony arrest that resulted in charges being filed and later dismissed satisfies no existing condition. This bill closes that gap by extending dismissed-charge relief to felony arrests.

Existing law also conditions conviction relief on there being no indication of pending criminal charges and no current sentence in DOJ's records, but provides no guidance for older records lacking disposition data — so a decades-old arrest that the system abandoned without a reported outcome can appear “pending” indefinitely and block relief the person is otherwise entitled to. The bill's three-year and seven-year presumptions supply that missing guidance by directing DOJ to treat prolonged inactivity as resolution: DOJ must conclude no charges are pending once three years pass with no new activity on the record, and must conclude a sentence is complete once seven years pass from the conviction date where completion cannot be determined, so that gaps in decades-old records no longer block relief for people the justice system stopped pursuing long ago.

Finally, although DOJ updates the state record when relief is granted, existing law does not require courts to update their own local records to match, so background checks drawing on local court databases can continue to show cleared records. This bill addresses that gap by requiring courts to note the relief, and the date of DOJ's notice, in local summary criminal history information and all local criminal databases maintained by the court, and by requiring a court, upon the person's request, to furnish a register of actions confirming receipt of DOJ's notification and compliance with the grant of relief, giving the person court-issued proof their record was cleared. This bill also deletes the requirement that automatic record relief be subject to an appropriation in the annual Budget Act — converting DOJ's duty from one that exists only in years the Legislature funds the program into a standing legal obligation DOJ must perform regardless of budget action.

- 3) **Related Legislation.** SB 834 (Durazo) requires local summary criminal history information provided by the court to include notes for entries granted relief. SB 834 was held on this committee's suspense file.

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