

SENATE THIRD READING
SB 1342 (Durazo)
As Amended August 21, 2026
Majority vote

SUMMARY

Expands automatic record clearance to include felony arrests and convictions, as specified, beginning October 1, 2029.

Major Provisions

- 1) Mandates the Department of Justice (DOJ) review felony arrests on a monthly basis for possible clearance if:
 - a) All charges arising from the arrest were dismissed;
 - b) One year has elapsed since the date on which the most recent charge arising from the arrest was dismissed; and
 - c) There are no charges arising from the original arrest that were from the arrest were refiled or are pending during that period.
- 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 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.
- 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) 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 any conviction cleared by DOJ and still on a person's record be considered to be inaccurate, irrelevant, untimely, or incomplete for any purpose.
- 6) *Double joints this bill with SB 1395 (Valladares), of the current legislative session, to avoid chaptering issues.*

COMMENTS

According to the Author

"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 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 eight 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."

Arguments 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 eight 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:

- 1) Arrests where charges were never filed.
- 2) Cases dismissed in court.
- 3) 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 three 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."

Arguments in Opposition

According to the *Peace Officers' Research Association of California (PORAC)*, "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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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 minor to moderate amount (Trial Court Trust Fund) for the recordkeeping duties this bill imposes on the courts. 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.

VOTES

SENATE FLOOR: 27-9-4

YES: Allen, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Archuleta, Dahle, Hurtado, Umberg

ASM PUBLIC SAFETY: 6-2-1

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Sharp-Collins

NO: Alanis, Lackey

ABS, ABST OR NV: Ramos

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

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