Office of Senate Floor Analyses
(916) 651-4171

UNFINISHED BUSINESS

Bill No: SB 1342
Author: Durazo (D), et al.
Amended: 8/21/26
Vote: 21

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

SENATE FLOOR: 27-9, 5/27/26
AYES: 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
NOES: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
NO VOTE RECORDED: Archuleta, Dahle, Hurtado, Umberg

ASSEMBLY FLOOR: 44-20, 8/30/26 - See last page for vote

SUBJECT: Criminal records: relief

SOURCE: Californians for Safety and Justice

DIGEST: This bill expands automatic record relief to include felony arrests and convictions, as specified, beginning October 1, 2029, and requires courts to provide individuals granted automatic conviction record relief with a register of action confirming such relief.

Assembly Amendments impose additional requirements for someone to be eligible for automatic felony arrest record relief, delay the operative date for all provisions to October 1, 2029, and make clarifying changes.

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).)

This bill:

1) Mandates that, beginning October 1, 2029, 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, beginning October 1, 2029, 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, beginning October 1, 2029, 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, commencing October 1, 2029 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 the court, commencing October 1, 2029, upon the request of the subject of a record granted relief, to furnish a register of action confirming the court's receipt of notification and compliance with a grant of relief for a specified record.

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.

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

According to the Assembly Appropriations Committee:

- 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.

- 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.

SUPPORT: (Verified 8/28/26)

Californians 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
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
Peace and Justice Law Center
Rubicon Programs
San Francisco Public Defender
San Quentin Skunkworks
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact

OPPOSITION: (Verified 8/28/26)

Peace Officers Research Association of California

Assembly Floor 44 20 15
Ayes: Aguiar-Curry, Ahrens, Alvarez, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Garcia, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Papan, Pellerin, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

Noes: Alanis, Ávila Farías, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis
No Vote Recorded: Addis, Arambula, Bains, Gabriel, Gipson, Irwin, Muratsuchi, Pacheco, Patel, Petrie-Norris, Ramos, Michelle Rodriguez, Blanca Rubio, Soria, Valencia

Prepared by: Alex Barnett / PUB S. / (916) 651-4118
11/6/26 14:04:06

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