

Date of Hearing: July 15, 2025  
Counsel: Kimberly Horiuchi

## ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 245 (Reyes) – As Amended July 8, 2025

**SUMMARY:** Requires the California Department of Corrections and Rehabilitation (CDCR) to notify the Department of Justice (DOJ) of potentially eligible formerly incarcerated fire crew members for possible expungement. Specifically, **this bill:**

- 1) Prohibits any state or local agency from denying a defendant whose conviction was expunged based on their participation as an incarcerated hand crew member an emergency medical technician certification or any other license or certification necessary to work as a firefighter.
- 2) Requires CDCR and a county authority to report biannually to the DOJ those individuals who have been released from custody and have successfully participated as an incarcerated hand crew member or have successfully completed an institutional firehouse program in the past 30 days. The report shall include the date of completion of the program and the individual's release date.
- 3) Requires, beginning July 1, 2026, DOJ to review records in the state summary criminal history information database and the information provided by CDCR to identify and notify the prosecution of all convictions that are potentially eligible for dismissal and set aside pursuant to this section.
- 4) States that upon receipt of notice from DOJ, the prosecution shall have 30 days to review any cases and determine whether to oppose relief.
- 5) Mandates that, within 30 days of notice from the DOJ, the prosecution shall inform the court and the public defender's office in their county when they are opposing relief. The prosecution shall also inform the court when they are not opposing relief. The public defender's office shall make a reasonable effort to notify the person whose case is being opposed.
- 6) States within 30 days of receipt of notice from the prosecution, the court may, in its discretion and in the interest of justice, issue an order to allow a defendant to withdraw their plea or set aside a conviction and dismiss the case, and if it does so, the court shall update its records to reflect its decision.
- 7) Requires a court that orders dismissal to report all cases in which relief has been granted to the DOJ for adjustment of the state summary criminal history information database.
- 8) Requires, within 30 days of notice from the court, DOJ to ensure all of the records in the state summary criminal history information database that have been dismissed and set aside, and ensure that inaccurate state summary criminal history is not disseminated.

- 9) States for those individuals whose state summary criminal history information was disseminated pursuant to existing law related to mandated reporters in the 30 days prior to an update based on the court's dismissal, and the requesting entity is still entitled to receive the state summary criminal history information, DOJ must provide a notice to the entity.
- 10) Provides that if a person is denied relief, they are entitled to file a petition at a later date.
- 11) Requires DOJ to collect data relating to the number of individuals who successfully participated as an incarcerated hand crew member or successfully completed an institutional firehouse program and the outcomes of petitions filed.

**EXISTING LAW:**

- 1) Allows a person who has successfully participated in the California Conservation Camp (CCC) Program, at an institutional firehouse, or in a county incarcerated hand crew to petition for expungement of their conviction, except specified individuals are disqualified from seeking relief. (Pen. Code, § 1203.4b, subd. (a)(1) and (c)(1).)
- 2) States that "successful participation" means the incarcerated individual adequately performed their duties without any conduct that warranted removal from the program. (Pen. Code, § 1203.4b, subd. (a)(3).)
- 3) Allows the participant to file a petition for relief with the court in the county where the person was sentenced. The court shall provide a copy of the petition to the CDCR secretary, or in the case of a county incarcerated individual hand crew member, the appropriate county authority. (Pen. Code, § 1203.4b, subd. (b)(1).)
- 4) Provides that if the Secretary of CDCR or the appropriate county authority certifies to the court that the person successfully completed the incarcerated conservation camp program, the court, in its discretion and in the interests of justice, may issue an order to dismiss the accusations or information against them. (Pen. Code, § 1203.4b, subd. (b)(2).)
- 5) Prohibits the court from granting relief if the person is currently charged with the commission of any other offense. (Pen. Code, § 1203.4b, subd. (c)(2).)
- 6) Makes expungement relief available for all convictions for which the person is serving a sentence at the time they successfully complete one of the required programs. (Pen. Code, § 1203.4b, subd. (b)(4).)
- 7) Specifies that a person who is granted expungement shall not be required to disclose the conviction on an application for licensure by any state or local agency, except in an application for a position as a peace officer, public office, or for contracting with the California State Lottery Commission. (Pen. Code, § 203.4b, subd. (b)(5).)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, “In 2020, the Governor signed my AB 2147 (Chapter 60, Statutes of 2020), which eliminated barriers for formerly incarcerated fire crews from pursuing a career in firefighting. Incarcerated fire crew members have proven themselves as true heroes, courageously protecting homes and communities from destruction, most recently exemplified during the LA fires earlier this year. Many of these individuals, however, still struggle to obtain AB 2147 expungements upon reentry. Eligible applicants under AB 2147 face several operational challenges such as delays in certificate confirmations by the California Department of Corrections and Rehabilitation (CDCR), lack of legal assistance to initiate their expungement, insufficient data sharing between CDCR, courts, and other agencies, as well as restrictions on licensing opportunities for those with prior convictions.

“SB 245 addresses these issues by: automating the certification process for program completion and shifting the responsibility of initiating the expungement process from the eligible individuals to the Department of Justice (DOJ), ensuring individuals are not burdened with additional bureaucracy. The bill also includes improved data sharing between CDCR, the DOJ, and the judiciary to facilitate better tracking of program completions, eligibility status, and outcomes of expungement petitions. It also ensures expungement recipients are not denied emergency medical technician certification or any other license or certification necessary to work as a firefighter.”

- 2) **Conservation (Fire) Camps:** The primary mission of the Conservation Camp Program is to support state, local and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters. CDCR, in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE) and the Los Angeles County Fire Department (LAC FIRE), jointly operates 35 conservation camps, commonly known as fire camps, located in 25 counties. All camps are minimum-security facilities and all are staffed with correctional employees.<sup>1</sup>

Overall, there are approximately 3,000 inmates working at fire camps currently. Approximately 1,600 of those are fire line-qualified inmates. In addition to inmate firefighters, camp inmates can work as support staff for the camps. All inmates receive the same entry-level training that CAL FIRE’s seasonal firefighters receive in addition to ongoing training from CAL FIRE throughout the time they are in the program. An inmate must volunteer for the fire camp program; no one is involuntarily assigned to work in a fire camp. Volunteers must have “minimum custody” status, or the lowest classification for inmates based on their sustained good behavior in prison, their conforming to rules within the prison and participation in rehabilitative programming.

Adult male inmates receive fire-fighting training at the California Correctional Center, Susanville; Sierra Conservation Center, Jamestown; the California Men’s Colony, and San Luis Obispo, among others. Female inmates are trained at the California Institution for Women, Corona. Juvenile offenders are trained at the Pine Grove Conservation Camp in Amador County.

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<sup>1</sup> <https://www.cdcr.ca.gov/facility-locator/conservation-camps/>

Some convictions automatically make an inmate ineligible for conservation camp assignment, even if they have minimum custody status. Those convictions include sexual offenses, arson and any history of escape with force or violence. Inmates considered potential fire crew members are evaluated for their physical fitness by CDCR and are trained in fire-fighting techniques by CAL FIRE, which includes a week of classroom instruction and a second week of field exercises.<sup>2</sup>

- 3) **Expungement Relief in General:** Expungement relief – or the clearing of prior convictions - was previously only available to defendants placed on probation. Then, after the enactment of Realignment, expungement was extended to persons sentenced for a realigned felony who served their sentence in county jail. (Pen. Code, § 1203.41.)

In 2017, expungement relief was extended to those who were convicted of the same crimes eligible for expungement under Penal Code section 1203.41, but who served their sentence in state prison instead of county jail because they were sentenced before the enactment of Realignment. Under existing law, expungements are not available to individuals sentenced to state prison and a few specified offenses.

As noted above, expungement means that a person “shall be released from all penalties and disabilities resulting from [an] offense.” (*People v. Field* (1995) 31 Cal.App.4th 1778, 1786.) However, in California, expungement does not completely wipe away a person’s record of conviction. When expungement relief is granted, the conviction is set aside and the charging document is dismissed. This neither erases nor seals the record of conviction. Despite the dismissal order, the conviction record remains a public document. In fact, a person who is eligible to have their record expunged still faces many of the consequences of a criminal conviction, such as the inability to have a firearm or hold public office, if the conviction is one that prevents a person from holding such a position. An expunged conviction has the same effects in subsequent criminal cases as convictions that are not expunged. Applicants applying for employment do not have to disclose the conviction on an application for employment, but must disclose the conviction on an application for licensure by any state or local agency. (See Lab. Code, § 432.7, subd. (c)-(d).)

This bill would require CDCR and local county authorities to proactively provide a list to DOJ of persons who have successfully completed the fire camp program on a biannual basis. This bill would also require DOJ to evaluate the information provided as well as criminal history information to determine if the individual is eligible for relief and notify those individuals of eligibility and to file a petition for expungement relief on their behalf, if the person requests.

This bill is similar to other automatic expungement relief laws enacted by the Legislature. For example, in 2019, the Legislature passed AB 1076 (Ting), Chapter 578, Statutes of 2019, which established a procedure in which persons could have certain convictions dismissed and have such information withheld from disclosure without having to file a petition with the court. (Pen. Code, § 1203.425.) SB 731 (Durazo), Chapter 814, Statutes of 2022, expanded automatic conviction record relief to include additional felonies but delayed the effective date to July 1, 2023.

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<sup>2</sup> <https://www.cdcr.ca.gov/facility-locator/conservation-camps/>

AB 567 (Ting), Chapter 444, Statutes of 2023, again expanded automatic conviction record relief to include misdemeanor convictions where the sentence has been successfully completed following revocation of probation and again delayed implementation. Most recently, AB 168 (Comm. 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. This bill would work in a similar manner as those measures.

- 4) **Employment Barriers for People with Criminal History Records:** Getting a job with a criminal record may be very difficult. According to the U.S. Equal Employment Opportunity Commission (EEOC), as many as 92 percent of employers subject their applicants to criminal background checks. Some employers ask applicants whether they have been convicted of any crimes up front on the application and turn away anyone who checks the box. Others run background checks and reject anyone who turns up with a criminal history without further review.

The criminal justice system is known to disproportionately affect people of color, therefore the barriers to employment caused by criminal history also impact people of color disproportionately. The EEOC reports that one in every 17 white men will be incarcerated at some point in their lifetimes. That figure for Latino men is one in six; for African-American men it is one in three.

Existing law provides procedures in which a person who has been arrested for, or convicted of, a criminal offense, can petition a court to have his or her conviction dismissed or “expunged.” When these procedures are successful, they generally treat the conviction as if it had never occurred. This allows persons formally arrested or convicted to lawfully withhold information about their arrest or conviction when applying for jobs. Under existing law, an expungement does not relieve a person of the duty to disclose such a conviction when seeking licensing by the state. California has a large number of professions which require an individual to be licensed in order to engage in those activities.

Inmate firefighters can have difficulty getting an EMT or paramedic license because of their prior convictions. Without at least an EMT license, these same individuals can be excluded from jobs with firefighting organizations. This bill would allow an inmate firefighter to expunge the conviction that led to their most recent incarceration for licensing purposes, but will not clear other convictions that might be on their record. This bill seeks to relieve individuals that have had their conviction expunged from disclosing a conviction and prohibits any local or state agency, including local or state Emergency Medical Licensing Agencies (EMSA) from denying a formerly incarcerated hand crew member a license based on an expunged arrest or conviction.

Additionally, Labor Code section 432.7 generally prohibits local governments from automatically denying an applicant because of a prior conviction if they meet the minimum qualifications.

An employer, whether a public agency or private individual or corporation, shall not ask an applicant for employment to disclose, through any written form or verbally, information concerning an arrest or detention that did not result in conviction, or information concerning

a referral to, and participation in, any pretrial or post-trial diversion program, or concerning a conviction that has been judicially dismissed or ordered sealed pursuant to law, as specified.

However, Labor Code section 432.7 does not apply to employees of, or applicants to, a “criminal justice agency.” Criminal justice agency means “any agency at any levels of government which perform as their principal functions, activities which either: Relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders; or Relate to the collection, storage, dissemination or usage of criminal offender record information. (Pen. Code, § 13101.) However, the definition of “criminal justice agency” does not appear to include an EMT.

Given that the bill states an arrest or conviction may not be used to deny a person certification “*notwithstanding specified sections the Health and Safety Code or any other law,*” this signals to the courts that the Legislature intended for formerly incarcerated inmate hand crew members to be eligible for licensing.

- 5) **Argument in Support:** According to *Smart Justice*: “In 2020, the California Legislature took a critical step forward in recognizing the contributions of currently and formerly incarcerated hand crews by passing AB 2147 (Reyes, 2020). That law allows people who successfully completed fire camp, institutional fire house, or county incarcerated hand crew programs to petition for expungement of their records, provided that they meet certain criteria. While AB 2147 established a critical foundation, there are operational challenges that have hindered its implementation.

“These challenges include significant delays in courts receiving certificates of fire camp or institutional fire house completion from the California Department of Corrections and Rehabilitation (CDCR). The burden also falls squarely on the individual petitioning for the expungement, which can be very difficult and costly for a returning citizen to navigate. Furthermore, AB 2147 did not allow for expungements for prior convictions, thereby limiting its ability to remove barriers for individuals pursuing an Emergency Medical Technician (EMT) or similar license. SB 245 corrects these inefficiencies and streamlines the process by automating the expungement process through the DOJ, which can then provide the verification to the courts and shifts the responsibility of initiating the expungement process to the DOJ.”

- 6) **Argument in Opposition:** None on file.

7) **Related Legislation:**

- a) AB 247 (Bryan), would require incarcerated individual hand crew members from county jails and state prison, and youth placed at the Pine Grove Youth Conservation Camp to be paid an hourly wage of \$7.25 while assigned to an active fire incident and to have the wage rate updated on an annual basis. AB 247 is pending hearing in the Senate Public Safety Committee.
- b) AB 812 (Lowenthal), would authorize an incarcerated firefighter to petition the court for recall and resentencing. AB 812 is pending hearing in the Senate Public Safety Committee.

**8) Prior Legislation:**

- a) AB 567 (Ting), Chapter 444, Statutes of 2023, extended automatic conviction record relief to misdemeanor convictions where the sentence has been successfully completed following a revocation of probation.
- b) AB 1038 (Ting), of the 2021-2022 Legislative Session, would have required DOJ, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified, for all convictions that occurred on or after January 1, 1973, rather than just those that occurred on or after January 1, 2021. AB 1038 was not heard in the Senate Public Safety Committee.
- c) AB 88 (Committee on Budget), of the 2019-2020 Legislative Session, would have adjusted the timeline for implementation of AB 1076 (Ting), Chapter 578, Statutes of 2019. AB 88 died on the Senate inactive file.
- d) AB 1076 (Ting), Chapter 578, Statutes of 2019, required the DOJ, as of January 1, 2021, and subject to an appropriation, to review its criminal justice databases on a weekly basis, identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and required the DOJ to grant that relief to the eligible person without a petition or motion to being filed on the person's behalf.
- e) SB 763 (Durazo), of the 2023-24 Legislative Session, would apply automatic conviction record relief to specified felony convictions occurring on or after January 1, 1973, instead of on or after January 1, 2005. SB 763 was held in the Senate Appropriations Committee.
- f) SB 731 (Durazo), Chapter 814, Statutes 2022, as relevant here, expanded automatic arrest record and conviction relief to additional felony offenses, as specified.
- g) SB 118 (Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2020, adjusted the timeline for implementation of AB 1076 (Ting), Chapter 578, Statutes of 2019.

**REGISTERED SUPPORT / OPPOSITION:****Support**

ACLU California Action  
All of US or None Los Angeles  
Anti Recidivism Coalition  
California Alliance for Youth and Community Justice  
California Civil Liberties Advocacy  
California Forestry Association  
California Public Defenders Association  
California Public Defenders Association (CPDA)

Californians for Safety and Justice  
Californians United for a Responsible Budget  
Communities United for Restorative Youth Justice (CURYJ)  
Community Legal Services in East Palo Alto  
Courage California  
Democratic Party of the San Fernando Valley  
East Bay Community Law Center  
Ella Baker Center for Human Rights  
Fair Chance Project  
Felony Murder Elimination Project  
Indivisible CA Statestrong  
Initiate Justice  
Initiate Justice Action  
Justice2jobs Coalition  
LA Defensa  
Legal Aid At Work  
Legal Services for Prisoners With Children  
Michelson Center for Public Policy  
Prosecutors Alliance Action  
Rubicon Programs  
San Francisco Public Defender  
Silicon Valley De-bug  
Smart Justice California, a Project of Tides Advocacy  
The Change Parallel Project  
The Forestry and Fire Recruitment Program  
The W. Haywood Burns Institute  
Vera Institute of Justice

**Opposition**

None submitted.

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