

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires the Department of Justice (DOJ) to regularly identify convictions that are eligible for expungement on the basis of a person's service as an incarcerated firefighter and creates a court process for ordering such expungements.

Specifically, among other provisions, this bill:

- 1) Requires the California Department of Corrections and Rehabilitation (CDCR) and a county authority to report biannually to 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 (collectively, "qualifying fire programs") in the past six months.
- 2) Requires DOJ to collect and maintain data relating to the number of people who participated in a qualifying fire program and the outcomes of expungement petitions filed for people based on their participation in a qualifying fire program.
- 3) Requires DOJ to review criminal history database records and information provided by CDCR to identify and notify the prosecution of all convictions that are potentially eligible for expungement on the basis of a person's participation in a qualifying fire program.
- 4) Establishes procedures under which a court may grant an order for expungement for conviction identified by DOJ and procedures that govern participation in the court process by the prosecution, public defender, and the person whose conviction is at issue.
- 5) Requires DOJ to update its criminal history database to reflect an expungement granted under item 4, above, within 30 days of notice from the court and take other actions to ensure inaccurate criminal history information is not disseminated.
- 6) Prohibits a state or local agency from using a defendant's arrest and conviction history, as specified, as the basis to deny the person a license or certification necessary to work as a firefighter if the person's criminal record is expunged based on their participation in a qualifying fire program.

FISCAL EFFECT:

- 1) Costs (General Fund) to CDCR to develop a process to track and report individuals who successfully participated as hand crew members or completed an institutional firehouse

program upon their release from custody. CDCR anticipates these costs will be in the hundreds of thousands of dollars annually for staffing augmentations for its correctional counselors, classification and parole representatives, and institutional case records staff.

- 2) Costs (General Fund) to DOJ, likely in the hundreds of thousands to low millions of dollars annually. DOJ estimates costs of \$263,000 in fiscal year (FY) 2025-26 and \$1.6 million in FY 2026-27 and ongoing. These costs include seven legal positions in DOJ's Post-Conviction Justice Unit and consultants in its California Justice Information Services division for necessary database and application changes.
- 3) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to consider cases and issue expungement orders. Actual costs will depend on the number of cases and the amount of court time needed to resolve each case. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.
- 4) Potentially reimbursable costs (local fund, General Fund) of an unknown but potentially significant amount to county authorities to provide the required data to DOJ on a biannual basis, and to county district attorney and public defender offices to participate in the expungement process established by the bill. The state must reimburse county costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

COMMENTS:

- 1) **Background.** CDCR operates 35 minimum-security conservation camps with California Department of Forestry and Fire Protection and the Los Angeles County Fire Department. Conservation camp workers support government agencies during emergency responses to fires, floods, and other disasters. CDCR reports that as of January 2025, there were approximately 1,872 incarcerated people working in conservation camps, 1,150 of whom were fire line-qualified crew members. Incarcerated hand crews use hand tools to aid fire suppression by clearing brush and establishing firelines during wildland fires. Incarcerated people working in conservation camps may also earn credits to reduce the length of their incarceration, and may be eligible for expedited criminal record expungement upon release.

However, according to the author:

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 [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.

This bill addresses these barriers by establishing a process for regularly identifying convictions eligible for expungement on the basis of a person's service in a qualifying fire

program, and prohibiting an agency from denying a necessary certification on the basis of a person's criminal history at the time they were an incarcerated firefighter.

- 2) **Related Legislation.** AB 812 (Lowenthal) requires CDCR to promulgate regulations to govern its referral of incarcerated firefighters for recall and resentencing by the court. AB 812 is pending in the Senate Appropriations Committee.

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