

## SENATE THIRD READING

SB 245 (Reyes)

As Amended July 8, 2025

Majority vote

**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.

**Major Provisions**

- 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.

## COMMENTS

### 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."

### Arguments 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."

### **Arguments in Opposition**

None Submitted.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

- 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.

## **VOTES**

### **SENATE FLOOR: 29-9-2**

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

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

**ABS, ABST OR NV:** Hurtado, Reyes

### **ASM PUBLIC SAFETY: 7-0-2**

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

**ABS, ABST OR NV:** Lackey, Ramos

**ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

**ABS, ABST OR NV:** Sanchez, Dixon, Ta, Tangipa

**UPDATED**

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