
UNFINISHED BUSINESS

Bill No: SB 245
Author: Reyes (D)
Amended: 9/4/25 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/22/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto
NO VOTE RECORDED: Dahle

SENATE FLOOR: 29-9, 6/2/25
AYES: 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
NOES: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
NO VOTE RECORDED: Hurtado, Reyes

ASSEMBLY FLOOR: 61-3, 9/12/25 – Roll call not available

SUBJECT: Criminal procedure

SOURCE: Anti-Recidivism Coalition, Californians for Safety and Justice, Root and Rebound, & Initiate Justice Action

DIGEST: This bill requires the California Department of Corrections and Rehabilitation (CDCR) to notify the Department of Justice (DOJ) of formerly-incarcerated fire crew members who are potentially eligible for expungement, requires 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.

Assembly Amendments of 7/8/25 require, beginning July 1, 2026, DOJ to review state summary criminal information for convictions that are eligible for expungement on the basis of a person's service as an incarcerated firefighter, and create a court process for ordering such expungements.

ANALYSIS:

Existing Law:

- 1) Allows a person who has successfully participated in the California Conservation Camp Program, at an institutional firehouse, or in a county incarcerated hand crew to petition for expungement of their conviction. (Penal (Pen.) Code, § 1203.4b, subds. (a)(1) & (c)(1).)
- 2) Disqualifies individuals convicted of specified crimes from seeking expungement relief. (Pen. Code, § 1203.4b, subd. (a)(1).)
- 3) 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).)
- 4) States that the defendant may file a petition for relief with the court in the county where the defendant 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).)
- 5) 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).)
- 6) 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).)
- 7) Specifies that the person is not required to complete the term of their probation, parole, or supervised release in order to be eligible for relief. Notwithstanding any other law, the court shall order early termination of probation, parole, or

supervised release if the court determines that the defendant has not violated any terms of probation, parole or supervised release prior to, and during the pendency of, the petition for relief. (Pen. Code, § 1203.4b, subd. (b)(3).)

- 8) 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).)
- 9) 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).)

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 six months. 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.

Background

Expungement Process for Formerly Incarcerated Fire Camp Participants. Penal Code section 1203.4b, allows a formerly incarcerated firefighter to petition the court to withdraw their guilty plea or nolo contendere, set aside their guilty verdict in a conviction, and/or terminate parole or post release community supervision. This is important because while Cal Fire, the United States Forest Service, and interagency hot shot crews do not require Emergency Medical Technician (EMT) certification to become employed as a firefighter, many municipal fire departments do.

To be eligible for expungement relief, the formerly incarcerated firefighter must petition the court in the county where they were sentenced. Once the petition is filed, the court sends a copy to CDCR or to the appropriate county

authority, depending on whether the individual was serving a prison sentence or was incarcerated locally. (Pen. Code, § 1203.4b, subd. (b)(1).)

Then CDCR or the county authority must certify that the individual successfully participated in the fire camp program. (Pen. Code, § 1203.4b, subd. (b)(2).) This means that the formerly incarcerated individual adequately performed their duties without any conduct that warranted removal from the program. (Pen. Code, § 1203.4b, subd. (a)(3).) Then the court, in its discretion and in the interests of justice, may issue an order allowing the person to withdraw their plea, or in the case of a trial the court sets aside the verdict. The court then dismisses the charges and the person's conviction is expunged. (Pen. Code, § 1203.4b, subds. (b)(2) & (c)(1).) Expungement relief applies only to all convictions for which the individual was serving a sentence at the time of the successful participation in the program. (Pen. Code, § 1203.4b, subd. (b)(4).)

There are some crimes which make a formerly incarcerated firefighter ineligible for expungement relief. (Pen. Code, § 1203.4b, subd. (a)(1).) Further, if the person is currently charged with the commission of any other offense, this also disqualifies them. (Pen. Code, § 1203.4b, subds. (c)(2).)

This bill creates a process alleviating the formerly incarcerated firefighter of the burden of filing a petition for expungement relief. This bill requires CDCR and local county authorities to proactively provide a biannual list to DOJ of persons who have successfully completed the fire camp program in the prior six months. This bill requires DOJ to evaluate the information provided as well as criminal history information to determine if an individual is eligible for relief and to notify the prosecution of those convictions so they can determine whether to oppose relief. This bill establishes a specific court process for those cases. Finally, this bill prohibits an agency from denying a necessary certification on the basis of a person's criminal history at the time they were an incarcerated firefighter.

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

According to the Assembly Appropriations Committee:

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. 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. 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. 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.

SUPPORT: (Verified 9/2/2025)

Anti Recidivism Coalition (co-source)
Californians for Safety and Justice (co-source)
Initiate Justice Action (co-source)
Root & Rebound (co-source)
ACLU California Action
All of US or None Los Angeles
California Public Defenders Association
Californians United for a Responsible Budget
Communities United for Restorative Youth Justice
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
Initiate Justice
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
The Change Parallel Project
The W. Haywood Burns Institute
Vera Institute of Justice

OPPOSITION: (Verified 9/2/2025)

None received

ARGUMENTS IN SUPPORT:

According to Californians for Safety and Justice, a co-sponsor of this bill:

In 2020, the California Legislature took a critical step forward by passing AB 2147 (Reyes, 2020) which 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, eligible applicants have experienced operational challenges in receiving their expungements. There are significant delays in courts receiving certificates of fire camp or institutional fire house completion from the California Department of Corrections and Rehabilitation (CDCR) which further delays expungements. The burden currently falls squarely on the individual petitioning for the expungement, which can be very difficult and costly for a returning citizen to navigate.

SB 245 corrects these inefficiencies and streamlines the process by doing all of the following:

- Automates the expungement process through the Department of Justice (DOJ), which can then provide the verification to the courts;
- Requires CDCR to periodically provide updated lists of individuals who have completed fire camp or fire house programs directly to DOJ;
- Shifts the responsibility of initiating the expungement process to the DOJ, relieving returning citizens of this burden;
- Improves data sharing between CDCR, DOJ, and the judicial system;

- Streamlines opportunities for returning citizens to pursue an EMT or similar license.

SB 245 will help formerly incarcerated individuals, who have done exceptional work in safeguarding life, land and property, be able to pursue a meaningful and rewarding career. By fostering greater opportunities for gainful employment, this bill will also help reduce recidivism and make California safer for all.[Click here to enter text.](#)

Prepared by: Sandy Uribe / PUB. S. /
9/12/25 20:34:40

**** **END** ****