

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 834 (Durazo) – As Amended March 26, 2025

Policy Committee: Public Safety

Vote: 8 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill provides guidance to the Department of Justice (DOJ) and adds reporting duties for the courts when conducting automatic criminal records relief.

Specifically, this bill:

- 1) Specifies that for purposes of determining whether a person has pending criminal charges, DOJ shall conclude are no pending criminal charges if at least three years have elapsed with no new activity related to the person's record.
- 2) Requires a court to note, as specified, any criminal history entries for which relief has been granted in local summary criminal history information the court provides to any recipient.
- 3) Requires a court to include the notes described in item 2, above, in all local criminal databases maintained by the court.
- 4) Requires a court to furnish, upon the request of a person who was granted criminal record relief, a certificate of disposition confirming the court received and complied with a grant of record relief.

FISCAL EFFECT:

- 1) Costs (General Fund) to DOJ, possibly in the hundreds of thousands of dollars to low millions of dollars annually. DOJ anticipates costs of approximately \$835,000 in fiscal year (FY) 2025-26, \$1.4 million in FY 2026-27, and \$873,000 ongoing thereafter. These costs include two staff positions in FY 2025-26 and four staff positions in FY 2026-27 and ongoing, and a limited-term consultant for the Bureau of Criminal Information and Analysis. DOJ reports these positions will be responsible for analyzing and making changes to DOJ's existing automatic record process and making changes to, testing, and performing maintenance on IT systems.
- 2) Costs (General Fund, Trial Court Trust Fund) to the courts of an unknown but potentially significant amount to reconfigure the courts' case management systems to fulfill the requirements of this bill. 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.

COMMENTS:

- 1) **Background.** In 2019, the Legislature passed AB 1076 (Ting), Chapter 578, Statutes of 2019, which, in relevant part, established a process for automatically dismissing and sealing certain criminal convictions on a person's criminal history record. By establishing an automatic process for reviewing and dismissing qualifying convictions, AB 1076 eliminated the need for someone to file a petition with the court to have certain convictions dismissed and made confidential. Subsequent legislation delayed implementation of automatic conviction record relief, and expanded the law to provide automatic relief for additional felony offenses. In 2023, the Legislature expanded automatic record relief to certain misdemeanors, and required DOJ to provide, upon request from a person who received record relief for any qualifying conviction, confirmation that relief was granted.

To conduct automatic relief, statute requires DOJ to review the records in its statewide criminal justice databases each month, identify people with convictions that qualify for relief, determine whether those people are eligible for relief, and grant relief. A person is eligible for relief if they have a qualifying conviction and they are not required to register as a sex offender, do not have an active record for supervision, the person is not currently serving a criminal sentence, and there is "no indication of pending criminal charges" against the person.

- 2) **Purpose.** This bill provides guidance to DOJ about how to determine whether there is any indication of pending criminal charges against a person who is otherwise eligible for automatic criminal record relief. The bill also requires courts to update local criminal history records to reflect relief granted, and provide documentation of relief granted. According to the author:

[I]f an individual was arrested years ago but never charged, their record might still show as "pending" because no final outcome was reported to the [DOJ]. Even though the legal system abandoned the case long ago, this unresolved label blocks them from the automatic relief they are entitled to. Even for individuals who do receive relief, outdated local court records create ongoing harm. If a background check pulls from these local records — as many do — an old conviction may still appear, causing someone to lose out on a job, housing, or loan.

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