

---

## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

---

**Bill No:** AB 704                      **Hearing Date:** July 8, 2025  
**Author:** Lowenthal  
**Version:** March 20, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** CA

**Subject:** *Criminal records: destruction.*

### HISTORY

**Source:** Californians for Safety and Justice

**Prior Legislation:** AB 2420 (Lowenthal), held in Assembly Appropriations, 2024  
SB 763 (Durazo), held in Senate Appropriations, 2024  
SB 731 (Durazo), Ch. 814, Stats. of 2022  
AB 1038 (Ting), died on Senate inactive file, 2022  
SB 118 (Committee on Budget and Fiscal Review), Ch. 29, Stats. of 2020  
AB 88 (Committee on Budget), died on Assembly inactive file, 2020  
AB 1076 (Ting), Ch. 578, Stats. of 2019

**Support:** ACLU California Action; California Academy of Child and Adolescent Psychiatry; California Alliance of Child and Family Services; California Attorneys for Criminal Justice; California Public Defenders Association; Center for Employment Opportunities; Ella Baker Center for Human Rights; Initiate Justice; Initiate Justice Action; Oakland Privacy; Smart Justice California; Vera Institute of Justice

**Opposition:** California District Attorneys Association; Peace Officers Research Association of California

**Assembly Floor Vote:** 47 - 17

### PURPOSE

*The purpose of this bill is to authorize a person arrested for or convicted of an eligible offense, as defined, before the person was 26 years of age, to petition the court to have their records of that conviction or arrest sealed and destroyed.*

*Existing law* provides that five years or more after the jurisdiction of the juvenile court has terminated over a person adjudged a ward of the court, or after a minor appeared before a probation officer, or, in any case, at any time after the person has reached the age of 18, the person or county probation officer, with specified exceptions, may petition the juvenile court for sealing of the records, including arrest records, relating to the person's case, in the custody of the juvenile court, the probation officer, or any other agency or public official. (Welf. & Inst. Code, § 781, subd. (a)(1)(A).)

*Existing law* provides that if a petition to commence juvenile court proceedings or adjudge a person a ward of the juvenile court is not filed, five years or more after the person was cited to appear before a probation officer, as specified, or was taken before any officer of a law enforcement agency, or, if, at any time after the person has reached 18 years of age, a petition may be filed for sealing of the records. (Welf. & Inst. Code, § 781, subd. (a)(1)(A).)

*Existing law* provides that the court may, after a hearing, order the records sealed if it finds that the person has not been convicted of a crime involving moral turpitude since jurisdiction or other action, as specified, ended, and rehabilitation has been attained to the satisfaction of the court. (Welf. & Inst. Code, § 781, subd. (a)(1)(A).)

*Existing law* states that once the court has ordered the person's records sealed, the proceedings in the case shall be deemed never to have occurred, and the person may reply accordingly to any inquiry about the events. (Welf. & Inst. Code, § 781, subd. (a)(1)(A).)

*Existing law* provides that an order sealing the record relieves the minor of the obligation to register as a sex offender. (Welf. & Inst. Code, § 781, subd. (a)(1)(C).)

*Existing law* prohibits, notwithstanding any other provision of law, the court from ordering a person's records sealed in any case in which the person has been found to have committed a specified serious or violent offense when the individual was 14 years of age or older. (Welf. & Inst. Code, § 781, subd. (a)(1)(D).)

*Existing law* provides that unless for good cause the court determines that the juvenile court record shall be retained, the court shall order the destruction of a person's juvenile court records that are sealed pursuant to this section, as provided. (Welf. & Inst. Code, § 781, subd. (d).)

*Existing law* prohibits the court from ordering a person's records sealed if he or she was convicted of a specified "serious" or "violent" offense in adult court. (Welf. & Inst. Code, § 781, subd. (f).)

*Existing law* permits the court to access a file that has been sealed for the limited purpose of verifying the prior jurisdictional status of the ward who is petitioning the court to resume its jurisdiction, as specified. This access is not to be deemed an unsealing of the records. (Welf. & Inst. Code, § 781, subd. (e).)

*Existing law* provides that, if a minor satisfactorily completes an informal program of supervision, probation as specified, or a term of probation, then the court shall order the petition dismissed and shall order sealed all records pertaining to the dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice (DOJ). This is sometimes referred to as court-initiated sealing. (Welf. & Inst. Code, § 786, subd. (a).)

*Existing law* prohibits court-initiated sealing upon probation completion if the petition was sustained on the basis of a specified serious or violent offense committed when the individual was 14 years of age or older, unless the finding on the offense was dismissed or reduced to a lesser non-serious and non-violent offense. (Welf. & Inst. Code, § 786, subd. (d).)

*Existing law* states that upon the order of dismissal under the court-initiated sealing process, the arrest and other proceedings in the case must be deemed not to have occurred and the person

who was the subject of the petition may reply accordingly to an inquiry by employers, educational institutions, or other persons or entities regarding the arrest and proceedings in the case. (Welf. & Inst. Code, § 786, subd. (b).)

*Existing law* allows the court, the prosecuting attorney, the probation department, the person whose record has been sealed, and a child welfare agency to access a record that was sealed by the court-initiated process for limited purposes, as specified. (Welf. & Inst. Code, § 786, subd. (f)(1)(A)-(H).)

*Existing law* states that access shall not be deemed an unsealing of the record and shall not require notice to any other agency. (Welf. & Inst. Code, § 786, subd. (f)(2).)

*Existing law* specifies that records sealed via either the petition or court-initiated process will not prevent a court from enforcing an unpaid judgment for civil restitution. A minor is not relieved of the obligation to pay victim restitution, restitution fines, and court-ordered fines and fees. (Welf. & Inst. Code, §§ 781, subd. (g) & 786, subd. (g)(1).)

*Existing law* allows a judge of the juvenile court to dismiss a filed petition, or set aside the findings and dismiss the petition, in the interests of justice and welfare of the subject of the petition, or if the court finds that the subject does not need treatment or rehabilitation, as specified. (Welf. & Inst. Code, § 782.)

*This bill* creates a process for a person who was arrested for or convicted of an eligible offense before they were 26 years of age, and who meets specified requirements, to petition the court for sealing and destruction of their convictions and arrests.

*This bill* states any record of arrest that did not result in a conviction is eligible for sealing and destruction, if:

- The statute of limitations has run on every offense upon which the arrest was based and the prosecuting attorney has not filed an accusatory pleading based on that arrest;
- The prosecuting attorney filed an accusatory pleading based on the arrest, but, with respect to all charges, one or more of the following is true:
  - No conviction occurred, the charge was dismissed, and the charge may not be re-filed;
  - No conviction occurred and the arrestee has been acquitted of the charges; or,
  - A conviction occurred and it has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charge may not be re-filed; or,
- The person successfully completed a diversion program, as specified.

*This bill* specifies that if a person is arrested for, or convicted of an eligible offense, a court may order sealing and destruction relief if four years have elapsed since the date on which the

defendant was arrested or completed any terms of incarceration, probation, mandatory supervision, post-released community supervision, or parole associated with the record, whichever occurred later, during which the defendant has not been convicted of a new offense.

*This bill* requires that the petition for sealing and destruction and supporting documentation be served on the state or local prosecuting agency that obtained the conviction for which sealing and destruction is sought or with jurisdiction over charging decisions with regard to the arrest.

*This bill* states a prosecuting agency shall have 45 days from the date of receipt of the petition to respond.

*This bill* authorizes the court, with the agreement of the petitioner and all of the involved state or local prosecutorial agencies, to consolidate into one hearing a petition with multiple convictions from different jurisdictions.

*This bill* requires the court to schedule a hearing on the petition if the petition is opposed, or if the court deems it necessary.

*This bill* states a hearing may consist of the following:

- Testimony by the petitioner, which may be required in support of the petition;
- Evidence and supporting documentation in support of the petition; and,
- Opposition evidence presented by any of the involved state or local prosecutorial agencies that obtained the conviction.

*This bill* states that after considering the totality of the evidence presented, the court may order sealing and destruction relief if it finds it is in the best interest of justice.

*This bill* states a petition shall not be granted if the petitioner has not paid any financial restitution order that directly benefits the victim of a crime. With the exception of restitution, the collection of fines imposed as a result of an offense that is the subject of the petition shall be stayed while the petition is pending.

*This bill* requires that a sealing and destruction order granted by the court do all of the following:

- Set aside the arrest, finding of guilt, or the adjudication and dismiss the accusation or information against the petitioner;
- Set forth a finding that the arrest, conviction, or adjudication has been granted sealing and destruction relief and is deemed to have not occurred; and,
- Notify the DOJ that sealing and destruction relief has been ordered.

*This bill* provides that when ordering the sealing and destruction relief, the court must also order the following agencies to seal and destroy their records:

- Any law enforcement agency (LEA) having jurisdiction over the offense;

- The DOJ;
- Any LEA that arrested the petitioner;
- Any LEA that participated in the arrest of the petitioner; and,
- Any LEA that has taken action or maintains records because of the offense, including, but not limited to, departments of probation, rehabilitation, corrections, and parole.

*This bill* states these agencies are required to seal their records of arrest, conviction, and the court order to seal and destroy within 90 days after the court order is granted. The agency shall thereafter destroy their records of the arrest, conviction, and court order to seal and destroy within one year of the date of the court order.

*This bill* requires the court to provide the petitioner and their counsel a certified copy of any court order concerning the sealing and destruction of the records subject to the order. The court shall provide the petitioner and their counsel a copy of any form that the court submits to any agency, including the DOJ, related to the sealing and destruction of the arrest and conviction records.

*This bill* requires the DOJ to notify the petitioner and their counsel that the DOJ has complied with the order to seal and destroy the arrest or conviction records by the applicable deadline.

*This bill states* the court must maintain a sealed copy of the order and a sealed copy of the records subject to the order to seal and destroy, which may not be distributed to any recipient except the petitioner and their counsel.

*This bill* states that, notwithstanding any other law, a petitioner who has obtained an order for the sealing and destruction of records, is released from all penalties and disabilities resulting from the arrest or conviction and may lawfully deny or refuse to acknowledge an arrest or conviction that is granted sealing and destruction relief.

*This bill* provides that a record of a proceeding related to a petition to seal and destroy records that is accessible by the public shall not disclose the petitioner's full name.

*This bill* authorizes a court that grants a petition to seal and destroy an arrest and conviction record to take additional action as appropriate under the circumstances to carry out the purposes of this relief.

*This bill* provides the following definitions:

- Eligible offense” means an offense that is not one of the following:
  - Any offense listed on the violent felonies list or for which the person is required to register as a sex offender;
  - Any offense listed on the serious felonies list;
  - Any felony offense of domestic violence;

- Any offense of driving under the influence with and without injury; or,
- Any offense that may be plead and proved as a prior offense for purposes of imposing an increased sentence or enhancement upon conviction.
- “Sealing and destruction relief” means that the arrest and any adjudication or convictions suffered by the petitioner are deemed not to have occurred and that all records in the case are sealed and destroyed. The court shall inform the petitioner that they may thereafter state that they were not arrested for the charge, or adjudicated or convicted of the charge that was granted relief.

## COMMENTS

### 1. Need for This Bill

According to the author:

Giving transitional age youth, who have been arrested for eligible crimes, the opportunity for a clean slate once they have reached developmental maturity can enable them to once again engage with society without the loss of civil rights, public benefits, employment opportunities, housing eligibility, and freedom to live and work without restriction that criminal records too often cause. These sanctions and disqualifications cause long-lasting effects not just to the individual, but to the entire community. Because when people are disenfranchised from work, school, family life and civic participation, the overall health of a community declines.

### 2. Sealing and Destruction of Juvenile Records

Minors adjudicated delinquent in juvenile court proceedings, cited to appear before or detained by a probation officer, may petition the court to have their records sealed. (Welf. & Inst. Code, § 781.) To seal a juvenile court record by petition, either the minor or the probation department must petition the court. (*Ibid.*) Juvenile court jurisdiction must have lapsed five years previously, or the person must be at least 18 years old. (Welf. & Inst. Code, § 781, subd. (a)(1)(A).) A court must also find that the person has not been convicted of a felony or a misdemeanor involving moral turpitude since the jurisdiction of the juvenile court ended. (*Ibid.*) However, there is also an exception to this general rule if the person’s convictions for either a felony or a misdemeanor of moral turpitude was vacated, dismissed, or reduced to misdemeanors that do not involve moral turpitude. (Welf. & Inst. Code, § 781, subd. (a)(1)(G).)

In limited circumstances, a person convicted of a violent crime pursuant to Welfare and Institutions Code section 707, subdivision (b) after turning 14 years of age may have their records sealed -- if the person was sentenced to the former Division of Juvenile Justice<sup>1</sup> and has turned 21 and has completed probation, or if the person was not committed to the former Division of Juvenile Facilities and has turned 18 and completed probation. (Welf. & Inst. § 781, subd. (a)(1)(D).) However, there are several instances where the prosecutor may still access

---

<sup>1</sup> The Division of Juvenile Justice was a division of the California Department of Corrections and Rehabilitation and was closed in 2023. Minors are now held in county facilities.

707(b) records for purposes of charging decisions and providing all relevant and exculpatory evidence pursuant to *Brady v. Maryland*.<sup>2</sup> (Welf. & Inst. Code, § 781, subds. (a)(1)(D)(ii) & (g)(1).)

Unless the court determines that there is good cause to retain the juvenile record, and except for records of a 707(b) offense committed when the person was at least 14 years old, the court must order the destruction of a person's juvenile court records that are sealed, as provided. (Welf. & Inst. Code, § 781, subd. (d).)

Juveniles are those who committed an offense before turning 18 and who were subsequently adjudicated as minors – even though they may be sentenced to a juvenile facility until the age of 25. (See Welf. & Inst. Code, § 208.5.)

This bill authorizes the sealing and destruction of criminal records in specified circumstances, creating a broad remedy for sealing and destroying arrest or conviction records for any person who was arrested or convicted of an eligible offense before they were 26 years old.

### **3. Expungement and Sealing and Destruction of Record in Criminal Cases:**

As a general matter, expungement is a more narrow remedy than the sealing and destruction of records. Expungement is a court-ordered dismissal of pending criminal charges or, in some cases, may involve dismissal after a conviction. (See Pen. Code, § 1203.4, subd. (a).) Additionally, Penal Code section 1203.425 provides a procedure in which persons can have certain misdemeanor and felony convictions dismissed and have such information withheld from disclosure, all without having to file a petition with the court. This is known as automatic record relief. (Pen. Code, § 1203.425, subd. (a)(1).) Penal Code section 851.93 provides similar automatic relief for arrest records.

However, in actual practice, the effects of a dismissal are often severely restricted. While expungement under Penal Code section 1203.4 results in dismissal of the case, it does not remove the conviction from the person's criminal history with the DOJ. Rather, the criminal history record will show the conviction and a dismissal under Section 1203.4. Pursuant to Penal Code section 1203.4, a person must be released from penalties and disabilities resulting from conviction in any case in which the person has been granted and successfully completed probation and by fulfilling the conditions of probation for the entire period. (*People v. Chandler* (1988) 203 Cal. App. 3d 782, 788–90.) However, there are exceptions to this relief.

Expungement does not release the person from the terms and conditions of any domestic violence related criminal protective orders, does not permit a person to hold public office if prohibited from doing so because of the conviction, and does not permit the person to own or possess a firearm. (Pen. Code, § 1203.4, subd. (a).)

Convictions receiving automatic record relief similarly remain on a person's state summary criminal history information record with a note that relief was granted. The note is then used to determine, for example, whether the DOJ can disseminate the record to prospective employers as

---

<sup>2</sup> The United States Supreme Court in *Brady* established that a criminal defendant has a federal due process right to pretrial discovery of material information favorable to his defense. (*Brady v. Maryland* (1963) 373 U.S. 83, 87.) The government's duty of disclosure encompasses both “exculpatory evidence that casts doubt on the defendant's guilt and impeaching evidence that calls into question the credibility of government witnesses.” (*People v. Jimenez* (2019) 32 Cal.App.5th 409, 417.)

authorized by Penal Code section 11105. Penal Code section 11105 lists records that can be released for employment, licensing, and certification purposes. Moreover, the automatic conviction relief is subject to the same qualifications as expunged convictions and more. (Pen. Code, § 1203.425, subd. (a)(4).)

Sealing of criminal records is allowable in several other situations. In more limited situations, records are actually destroyed.<sup>3</sup>

This bill expands the ability of a person up to the age of 26 to petition the court to seal and destroy any record of arrest or conviction except for serious and violent felonies, any offense for which a person is required to register as a sex offender, any felony domestic violence offense, any driving under the influence offense, and any offense for which a prior conviction may result in an aggravated sentence.

Under the bill, in order for an **arrest** to be sealed and destroyed, the statute of limitations must have run and no accusatory pleading was filed. If an accusatory pleading was filed, there must be no conviction, the charges were dismissed and cannot be refiled, or the arrestee was acquitted. Additionally, four years must have elapsed from the date of arrest and during which the person was not convicted of a new offense. Penal Code section 851.91 allows for the sealing of arrest records in certain circumstances, but has numerous restrictions: (a) they may still be charged with any of the offenses upon which the arrest was based; (b) any of the arrest charges, is a charge of murder or any other offense for which there is no statute of limitations, except when the person has been acquitted or found factually innocent of the charge; (c) the petitioner intentionally evaded law enforcement efforts to prosecute the arrest, including by absconding from the jurisdiction in which the arrest occurred (the existence of bench warrants or failures to appear that were adjudicated before the case closed with no conviction does not establish intentional evasion); or (d) petitioner intentionally evaded law enforcement efforts to prosecute the arrest by engaging in identity fraud and was subsequently charged with a crime for that act of identity fraud. (See Pen. Code, § 851.91, subd. (a)(2).)

For a **conviction** to be sealed and destroyed under the bill four years must have elapsed since the date on which the defendant was arrested or completed any terms of incarceration, probation, mandatory supervision, post-release community supervision, or parole associated with the record, whichever occurred later, during which the defendant has not been convicted of a new offense. Welfare and Institutions Code section 781 requires a minimum of five years before a person may seek to seal and destroy their juvenile record.

This bill does not require the court to grant a petition for sealing and destruction of the records. The prosecution must be served with the petition and may oppose it. The court may grant the petition if after considering the totality of the evidence, it finds that sealing and destruction of the records is in the “best interest of justice.”

---

<sup>3</sup> See Penal Code §§ 851.8 (sealing and destroying arrest records of factually innocent person never tried for offense), 851.85 (sealing record of person found factually innocent after acquittal), 851.86 (sealing record of person whose conviction was set aside based on determination of factual innocence), 851.87 (sealing arrest records after completion of pre-filing diversion program), 851.91 (a person who has suffered an arrest that did not result in a conviction may petition the court to have their records sealed), 1000.4 (confidentiality of records after dismissal of charges under pretrial diversion program), 1001.9, 1001.33 (sealing arrest records of various pretrial diversion programs); Health & Safety Code § 11361.5 (sealing and destroying record of certain minor narcotics offenses).



While domestic violence offenses (Pen. Code, § 273.5) are excluded from relief under this bill, there are other offenses in which a 10-year restraining order may be issued by the court – e.g., stalking (Pen. Code, § 646.9, subd. (k)), elder and dependent abuse (Pen. Code, § 368, subd. (l), and crimes involving domestic violence (Pen. Code, § 136.2, subd. (i)). Should these offenses similarly be excluded by the court or instead should all cases in which a criminal protective order has yet to expire be excluded? Alternatively, should this be addressed by the court on a case-by-case basis in the “best interests of justice?”

The bill requires the court to keep a sealed copy of the order to seal and destroy along with a sealed copy of the record which can only be accessed by the petitioner and their attorney.

#### 4. Collateral Consequence

Collateral consequences are legal disabilities imposed by law as a result of a criminal conviction regardless of whether a convicted individual serves any time incarcerated.

(<https://utahforms.com/abacollateralconsequences/> [as of June 26, 2025].) These consequences create social and economic barriers for people reentering society following incarceration. Collateral consequences are known to adversely affect adoptions, housing, welfare, immigration, employment, professional licensure, property rights, mobility, and other opportunities—the collective effect of which increases recidivism and undermines meaningful reentry of the convicted for a lifetime.

(<file:///C:/Users/anderscr/Downloads/Reflections%20and%20Perspectives%20on%20Reentry%20and%20Collateral%20Consequenc.pdf> [as of June 26, 2025].)

Moreover, collateral consequences disproportionately affect Black, Indigenous, and People of Color as well as people from historically marginalized communities.

(<https://www.ojp.gov/pdffiles1/nij/grants/251583.pdf> [as of June 26, 2025].) Despite the sweeping adverse consequences flowing from any criminal conviction, defendants are generally not entitled, as a matter of due process, to be warned of these consequences, either before accepting a plea or upon conviction. Although the U.S. Supreme Court has required consideration of certain immigration consequences of a criminal conviction, the Court left open what other disenfranchisements might rise to the level requiring constitutional protection. (See *Padilla v. Kentucky* (2010) 559 U.S.356.)

The negative impact of collateral consequences on a returning citizen’s chances of successful re-entry into their community are clear and well-documented. Consider barriers to employment: 87% of employers conduct background checks, and recent surveys indicate that most employers are unwilling to hire applicants who have served time in prison. According to the ABA Judicial Bench Book on Collateral Consequences in 2015:

For those who do find work, the resultant pay cuts are staggering: formerly incarcerated men take home 40% less pay annually, resulting in an average earnings loss of nearly \$179,000 by age 48. The nation as a whole suffers from this unfortunate reality. In 2008, the Center for Economic Policy Research estimated that the loss in GDP due to employment barriers for people with criminal records was as much as \$65 billion annually—higher than the GDPs of more than half the world’s nations—and employers are losing qualified and motivated workers as a result of the stigma associated with prior incarceration.

What about housing? For many returning citizens, collateral-consequence laws put public housing out of reach. Federal law includes a mandatory ban on access to public housing for people with certain types of convictions and grants discretion to local housing authorities to deny housing based on any criminal activity. Entire households may be evicted based on the arrest or pending criminal charge of one household member. This one-strike provision has a profound impact on family structure. Many families residing in public housing have to sign agreements that returning citizens' family members cannot live with or even visit them at their public housing unit. Private housing is not easy to come by either. Most landlords use background and credit checks to screen out prospective tenants with criminal records. It is no wonder, then, that nearly one-third of individuals released from incarceration expect to go to homeless shelters, which are more often than not unsafe. Obviously, lack of stable housing undoubtedly contributes to increased recidivism.

(<https://www.ojp.gov/pdffiles1/nij/grants/251583.pdf>, *supra*, at p. 5.)

This bill allows a defendant an avenue to seal and destroy arrest or conviction records preventing the impact of collateral consequences by ensuring the information is not accessible. While existing law provides various avenues of relief for arrest and conviction record sealing and in limited circumstances destruction, this bill proposes a more direct and comprehensive process for both sealing and destruction of records.

## 5. Argument in Support

According to the California Public Defenders Association

AB 704 would allow a person who was under age 26 at the time of their arrest or conviction for eligible offenses to petition the court to have their records sealed and destroyed if certain criteria are met.

Records of arrests and convictions, especially for young people, often serve as barriers to education, employment, and housing. These barriers often lead to poverty, not just for the young person, but their families including their children which can lead to negative generational outcomes. Additionally, record sealing and destruction enhance public safety because the existence of criminal records and their collateral consequences often lead to recidivism in the face of extreme difficulty securing housing and employment.<sup>4</sup>

We recognize there may be some concern regarding the potential use of these records in future prosecutions to impeach the credibility of witnesses. However, California Evidence Code section 788 reads, in pertinent part, "For the purpose of attacking the credibility of a witness, it may be shown by the examination of the witness or by the record of the judgment that he has been convicted of a felony unless: ... (c) The accusatory pleading against the

---

<sup>4</sup> See "Repairing the Road to Redemption in California," a May, 2018 publication from Californians for Safety and Justice. "Stable housing and employment for people with convictions have been shown to reduce recidivism, whereas restrictions that limit access to job opportunities, civic participation, education, and other pro-social activities have been shown to exacerbate the challenges they face."

witness has been dismissed under the provisions of Penal Code Section 1203.4. This means expunged convictions cannot be used to impeach the credibility of witnesses under current law and therefore, this bill will not alter or negatively affect the way in which witnesses can be impeached.

AB 704 offers a pathway to redemption. It will allow young people to live successful and fulfilling lives while also ensuring true opportunity and dignity in their future endeavors.

## **6. Argument in Opposition**

According to the California District Attorneys Association:

While we recognize the importance of rehabilitation and reintegration, we have significant concerns about the broad impact of this bill. Existing law already provides avenues for relief, such as record sealing and expungement under Penal Code sections 851.91 and 1203.4. AB 704, however, goes further by mandating the destruction of records, eliminating law enforcement and prosecutorial access that is essential for ensuring public safety.

The ability to access prior criminal records is critical for enforcing laws, identifying patterns of criminal behavior, and fulfilling constitutional obligations under *Brady v. Maryland* to disclose exculpatory evidence. This bill would hinder the ability of prosecutors to fulfill these legal duties and could prevent the introduction of relevant, admissible evidence in court proceedings.

Additionally, AB 704 imposes new mandates on law enforcement agencies, requiring them to seal and destroy records, further straining already limited resources. While the bill acknowledges state reimbursement obligations, the practical difficulties of obtaining such funding leave local agencies to bear the financial burden.

– END –