
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1342 **Hearing Date:** April 7, 2026
Author: Durazo
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Criminal records: relief*

HISTORY

Source: Californians for Safety and Justice

Prior Legislation: SB 834 (Durazo), held in Assembly Appropriations, 2025
SB 763 (Durazo), held in Senate Appropriations, 2023
AB 168 (Comm. on Budget), Ch. 49, Stats. of 2024
AB 134 (Comm. on Budget), Ch. 47, Stats. of 2023
AB 567 (Ting), Ch. 444, Stats. of 2023
SB 731 (Durazo), Ch. 814, Stats. of 2022
AB 200 (Comm. on Budget), Ch. 58, Stats. of 2022
AB 145 (Comm. on Budget), Ch. 80, Stats. of 2021
SB 118 (Comm. on Budget), Ch. 29, Stats. of 2020
AB 1076 (Ting), Ch. 578, Stats. of 2019

Support: ACLU California Action; Alliance for Boys and Men of Color; California Civil Liberties Advocacy; California Public Defenders Association; Courage California; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Glide; Justice2jobs Coalition; LA Defensa; Legal Services for Prisoners with Children; Local 148 Los Angeles County Public Defender’s Union; Rubicon Programs; San Francisco Public Defender; San Quentin Skunkworks; Smart Justice California

Opposition: Peace Officers Research Association of California

PURPOSE

The purpose of this bill is to make any dismissed charge eligible for arrest record relief, not just misdemeanor dismissals, to establish temporal limits related to Department of Justice determinations regarding whether a person has pending charges or is still serving a sentence for the purposes of automatic conviction record relief, and requires courts to provide individuals granted automatic conviction record relief with a register of action confirming such relief.

Existing law defines “state summary criminal history information” as the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs,

dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person, but does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice (DOJ). (Pen. Code, § 11105, subd. (a).)

Existing law defines “local summary criminal history information” as the master record of information compiled by any local criminal justice agency pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person, but does not refer to records and data compiled by criminal justice agencies other than that local agency, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the local agency. (Pen. Code, § 13300.)

Existing law requires the DOJ, on a monthly basis, to review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, to identify persons with records of arrest that meet specified criteria and are eligible for arrest record relief. (Pen. Code, § 851.93, subd. (a)(1).)

Existing law provides that a person is eligible relief pursuant to the above provision if the arrest occurred on or after January 1, 1973, and meets any of the following conditions:

- The arrest was for a misdemeanor offense and the charge was dismissed.
- The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.
- The arrest was for a felony offense punishable by a term of imprisonment under 8 years, there is no indication that criminal proceedings have been initiated, at least 3 calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.
- The arrest was for an offense punishable by imprisonment in state prison or county jail for eight years or more, there is no indication that criminal proceedings have been initiated, at least 6 years have elapsed since the date of arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising from that arrest.
- The person successfully completed one of several specified diversion programs relating to that arrest, including a prefiling diversion program, a drug diversion program, or a pretrial diversion program, as provided. (Pen. Code, § 851.93, subd. (a)(2).)

Existing law requires that the DOJ grant relief to a person who falls into one of the foregoing categories without requiring a petition or motion by a party for that relief if the relevant information is present in the DOJ’s electronic record. (Pen. Code, § 851.93, subd. (b)(1).)

Existing law requires that the summary criminal history information include, directly next to or below the entry or entries regarding the person’s arrest record, a note stating “arrest relief granted,” listing the date that the DOJ granted relief, and this section. Requires this note to be included in all statewide criminal databases with a record of the arrest. (Pen. Code, § 851.93, subd. (b)(2).)

Existing law specifies that except as otherwise provided, an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly. (Pen. Code, § 851.93, subd. (b)(3).)

Existing law requires the DOJ to submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to the above provisions, and to publish on its OpenJustice web portal statistics for each county regarding the total number of arrests granted relief, as specified. (Pen. Code, § 851.93, subds. (c),(f).)

Existing law imposes several conditions on record relief granted for arrests pursuant to the above, including that a district attorney may still prosecute the underlying offense within the applicable statute of limitations, that relief does not relieve the person from obligations to disclose the arrest in response to a direct question in an application to be a peace officer, and that relief does not affect a persons authorization to own or possess firearms, among others. (Pen. Code, § 851.93, subds. (d).)

This bill provides that a person is eligible for arrest relief pursuant to the above provisions if the arrest occurred on or after January 1, 1973 and any associated charge was dismissed, regardless of whether the arrest was for a misdemeanor offense.

Existing law allows individuals who have a specified prior conviction and who have successfully participated in certain incarcerated hand crew or firehouse programs to petition the court to dismiss their convictions and seek early termination of post-conviction supervision. (Pen. Code, § 1203.4b)

Existing law allows individuals who were convicted of certain crimes and sentenced to state prison terms prior to AB 109 Realignment or Proposition 47 (2014) to have their convictions dismissed, subject to specified conditions. (Pen. Code, § 1203.42.)

Existing law allows individuals with a prior conviction who have completed a deferred entry of judgement program but entered the program without actual knowledge of the consequences of making a plea to petition to the court to dismiss their convictions. (Pen. Code, § 1203.43.)

Existing law allows individuals convicted of solicitation or prostitution who have completed their term of probation for that conviction and who can show that the conviction was the result of their status as a victim of human trafficking to petition the court to have their conviction dismissed. (Pen. Code, § 1203.49.)

Existing law requires, commencing October 1, 2024 and subject to an appropriation in the annual Budget Act, the DOJ to review the records in the statewide criminal justice databases on a monthly basis, and based on information in the state criminal history repository and the Supervised Release File, identify persons with convictions that meet the specified criteria and are eligible for automatic conviction record relief. (Pen. Code, § 1203.425, subd. (a)(1)(A).)

Existing law provides that a person is eligible for automatic conviction relief if they meet all of the following:

- The person is not required to register as a sex offender;
- The person does not have an active record for local, state, or federal supervision in the Supervised Release File;
- Based upon the information available in DOJ's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges; and
- The conviction meets either of the following criteria:
 - The conviction occurred on or after January 1, 1973, and meets either one of the following criteria:
 - The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in DOJ's records, appears to have completed their term of probation without revocation; or,
 - The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in DOJ's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment; or
 - The conviction occurred on or after January 1, 1973 and the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based upon the disposition date and the sentence specified in the DOJ's records, appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction and during which the defendant was not convicted of a new felony offense. This does not apply to a conviction of a serious or violent felony, or a felony offense requiring sex offender registration. (Pen. Code § 1203.425, subd. (a)(1)(B).)

This bill provides that for the purposes of determining whether there are pending criminal charges, the DOJ must conclude that there is no indication of pending criminal charges if at least three years have elapsed since an indication that criminal proceedings have been initiated with no new activity related to that arrest.

This bill provides that for the purpose of determining whether someone is serving a sentence, the DOJ must conclude that the person is no longer serving that sentence if they are unable to determine whether a sentence is complete and at least seven years have passed since the date of conviction.

Existing law requires, except as specified, DOJ to grant relief, including dismissal of a conviction, to identified persons without requiring a petition or motion for that relief if relevant information is present in DOJ's electronic records. (Pen. Code, § 1203.425, subd. (a)(2)(A).)

Existing law provides, however, that the prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief, file a petition to prohibit DOJ from granting automatic record conviction relief, based on a showing that granting that relief would pose a substantial threat to the public safety. (Pen. Code, § 1203.425, subd. (b)(1).)

Existing law requires the state summary criminal history information for a person who has been granted this relief to include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that DOJ granted, the relief, and the section authorizing relief. Requires this note to be included in all statewide criminal databases with a record of the conviction. (Pen. Code, § 1203.425, subd. (a)(2)(B).)

Existing law requires, commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, DOJ to electronically submit a notice to the superior court having jurisdiction over the criminal case and inform the court of all cases in which a complaint was filed and automatic conviction relief was granted. (Pen. Code, § 1203.425, subd. (a)(3)(A).)

Existing law prohibits, commencing January 1, 2023, the court from disclosing information, for certain records obtained by the court, concerning a conviction granted relief pursuant to specified expungement provisions, including automatic record conviction relief, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency. (Pen. Code, § 1203.425, subd. (a)(3)(A).)

Existing law provides that if probation is transferred, the DOJ shall electronically submit a notice per the above provision to both the transferring court and any subsequent receiving court, as specified. (Pen. Code, § 1203.425, subd. (a)(3)(B).)

Existing law provides that if a court receives notification from the DOJ pursuant to the above provision, the court shall update its records to reflect the reduction or dismissal. Requires a court, if it receives notification that a case was dismissed pursuant to specified provisions of existing law, to update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency. (Pen. Code, § 1203.425, subd. (a)(3)(D).)

This bill requires local summary criminal history information provided by the court to any recipient to include notes for entries granted relief indicating that relief has been granted pursuant to this provision and listing the date the court received notice from DOJ. Requires this note be included in all local criminal databases maintained by the court.

This bill provides that the court shall not disclose information concerning a conviction granted relief pursuant to above provisions relating to dismissal of convictions for individuals who serve on fire crews, individuals who successfully complete deferred entry of judgement programs, and qualified individuals who were convicted of solicitation or prostitution to any person or entity except the person whose conviction was granted relief or to a criminal justice agency.

This bill requires that upon the request of an individual granted automatic conviction record relief, the court must furnish them with a certificate of disposition confirming the court received notification and complied with a grant of relief under this provision.

COMMENTS

1. Need for This Bill

According to the author:

California made historic progress with AB 1076 (2019) and SB 731 (2022), expanding automatic record clearance for millions of residents with eligible arrests and convictions. These key reforms were designed to remove barriers to employment, housing, and opportunity by making relief automatic, accessible, and equitable. But gaps in implementation have left too many people behind, especially for those who the law should already be moving forward.

For example, if an individual was arrested years ago but never charged, their record might still show as “pending” because no final outcome was reported to the Department of Justice (DOJ), even though the legal system abandoned the case long ago. This unresolved label blocks individuals 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. These inconsistencies between records undermine the effectiveness of record clearance and perpetuate barriers the law intended to eliminate. Another barrier is when a person tries to correct the record, there’s no straightforward way to prove their case since there isn’t a court-issued certificate that confirms that their record has been cleared. [...]

Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to the widespread usage of background checks in today's society, the availability of these records activate thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread lack of civic participation. These collateral consequences disproportionately affect Black and Latino communities and have become one of the leading drivers of multi-generational poverty. SB 1342 addresses barriers by streamlining processes and ensuring that those going through the proper channels get full justice and equity that they deserve.

2. Automatic Arrest Record Relief

In 2019, the Legislature passed AB 1076 (Ting), Chapter 578, Statutes of 2019, which created a process for automatic arrest record relief whereby the DOJ identifies eligible arrests and automatically removes them from the arrestee’s criminal history without requiring a petition or motion for that relief. Under this process, a misdemeanor arrest is eligible for relief if the arrest occurred after January 1, 1973 and 1) the charge was dismissed, or 2) there is no indication that criminal proceedings have been initiated and at least one year has elapsed since the arrest, and either no conviction occurred or there was an acquittal related to that arrest.¹ For a felony arrest to be eligible, it must fall into one of two categories: either 1) the felony is punishable by fewer than 8 years, there is no indication that criminal proceedings have been initiated, at least 3 years

¹ Pen. Code, § 851.93, subd. (a)(2).

have elapsed since the arrest, and there was either no conviction or an acquittal related to the arrest, or 2) the felony is punishable by 8 years or more in state prison or county jail, there is no indication that criminal proceedings have been initiated, at least 6 years have elapsed since the arrest, and there was either no conviction or an acquittal related to the arrest.

Once relief is granted, the arrest is legally deemed never to have occurred, allowing the arrestee to omit the arrest from most employment applications. However, even if relief is granted pursuant to this process, such relief does not relieve the arrestee of a requirement to disclose an arrest in an application to become a peace officer, does not limit the ability of the district attorney to prosecute the arrest within the applicable statute of limitations, and does not limit the ability of any law enforcement agency to access and use those arrest records. Moreover, existing law makes clear that arrest record relief does not affect certain other prohibitions and responsibilities, including one's rights regarding firearm ownership and restrictions on holding public office.² This bill would expand eligibility for arrest record relief to all arrests where charges were dismissed, removing the limitation applying such relief only to dismissed misdemeanors.

3. Automatic Conviction Record Relief

AB 1076 (Ting), Chapter 578, Statutes of 2019, also created a process for automatic conviction record relief in which persons could have eligible convictions dismissed and have related information withheld from disclosure without having to file a petition to the court. Similar to the arrest record relief process, under AB 1076, DOJ is required to review records in statewide criminal justice databases on a monthly basis to identify eligible convictions. The purpose of AB 1076 was to remove barriers to housing and employment for convicted and arrested individuals in order to foster their successful reintegration into the community. Accordingly, relief under this process generally releases the individual from all "penalties and disabilities" resulting from the offense of which they have been convicted. However, like arrest record relief, conviction record relief is subject to a host of conditions: it remains accessible to law enforcement, can be used as a "prior" in future criminal proceedings, must still be disclosed in applications to become a peace officer or as required in obtaining public office, and does not relieve the individual of condition of an unexpired criminal protective order.³

A conviction is eligible for automatic record relief if it meets several specified conditions, including that the convicted person does not have to register as a sex offender, the person does not have an active record for local, state, or federal supervision, the person has satisfied specified requirements regarding the completion of a sentence, and the person is not currently serving a sentence for an offense nor facing pending criminal charges.⁴ This last condition regarding a current sentence or pending criminal charges, as provided in statute, provides little guidance to DOJ on how to interpret older records lacking disposition data. For example, according to the Author, "if 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." Ostensibly, there are similar data gaps with regard to whether someone is currently serving a sentence. Accordingly, this bill specifies that in determining whether there is a pending criminal charge, DOJ must conclude there is no indication of pending criminal charges if at least three years have elapsed with no new activity related to that record.

² Pen. Code, § 851.93, subd. (d).

³ Pen. Code, § 1203.425, subd. (a)(4).

⁴ Pen. Code, § 1203.425, subd. (a)(1)(B)

The bill also provides that in determining whether someone is serving a sentence, the DOJ must conclude that a person is no longer serving a sentence if it is unable to determine whether a sentence is complete and at least 7 years have passed since the date of conviction.

Another provision of the existing conviction record relief statute requires DOJ to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases in which a complaint was filed in that jurisdiction and in which conviction relief was granted. Under this provision, for certain records retained by the court, the court is prohibited from disclosing information about a conviction granted automatic record conviction relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency.⁵ This bill requires local summary criminal history information provided by the court to any recipient to include notes indicating if automatic conviction record relief was granted and listing the date that the court received notice from DOJ. The bill requires this note to be included in all local criminal databases maintained by the court.

The provision of existing law described in the preceding paragraph also prohibits the court from disclosing the information concerning a conviction granted relief pursuant to several specified record relief statutes to any person or entity except the person whose conviction was granted relief. A related provision requires a court to update its records when it receives a notification pursuant to those specified record relief statutes that such relief was granted. Since the enactment of AB 1076 establishing these requirements, several new record relief programs were created, including for individuals that participated in incarcerated fire crews, completed deferred entry of judgment programs, served sentences for specified crimes prior to criminal justice realignment in 2011, and served sentences for solicitation or prostitution but can show that they were victims of human trafficking.⁶ This bill adds those relief programs to the aforementioned disclosure prohibition and record update requirements.

This bill also requires a court, upon request by the individual, to furnish a person who has been granted automatic conviction record relief with a “register of action” confirming the court’s receipt of notification and compliance with a grant of record relief. Indeed, a physical certification of record relief may be a useful tool, as most of the expungement process is automated and completed without the issuance of court orders.

4. Prior Legislation

This bill is substantially similar to SB 834 (Durazo) from last year, except that SB 834 did not include the arrest record relief provision or the provision setting forth the circumstances under which the DOJ must conclude that a person is no longer serving a sentence. SB 834 passed out of this Committee on a vote of 5-1, but was ultimately held in the Assembly Appropriations Committee.

⁵ Pen. Code, § 1203.425, subd. (a)(3)

⁶ See Pen. Code, §§ 1203.4b, 1203.42, 1203.43, 1203.49.

5. Argument in Support

According to California Civil Liberties Advocacy:

First, the bill extends automatic arrest-record relief to dismissed felony arrests, correcting an inequity in existing law. A dismissed felony arrest often carries far greater stigma and collateral consequences than a dismissed misdemeanor, yet current statutory frameworks have not treated them equivalently. SB 1342 properly aligns the law with the principle that dismissal—regardless of charge level—should not function as a permanent mark against an individual.

Second, the bill addresses the real-world problem of incomplete or stale government records. Too often, individuals are left in limbo because the State's own databases lack clear disposition information. By establishing reasonable time-based presumptions—three years for dormant charges and seven years for indeterminate sentence completion—the bill places the burden where it belongs: on the State to maintain accurate records, not on individuals to prove a negative years or decades later. This is especially important for working- and middle-class Californians who lack the resources to navigate the complex record-correction processes.

Third, SB 1342 **improves transparency and administrative consistency** by requiring courts to reflect granted relief in local records and to provide confirmation upon request. This will reduce confusion, streamline compliance, and ensure that individuals can meaningfully benefit from relief already granted under the law.

Importantly, the bill maintains appropriate safeguards. It preserves access to records for criminal justice agencies, does not disturb firearm prohibitions where otherwise applicable, and retains disclosure requirements in sensitive contexts such as public office, licensing, and caregiving. These provisions strike a prudent balance between second-chance policies and legitimate public-safety considerations.

From a civil liberties perspective, SB 1342 represents a measured and pragmatic reform. It reduces the long-tail consequences of dismissed or unresolved cases while respecting institutional needs for access and oversight. From a taxpayer perspective, it also reduces unnecessary administrative burdens and litigation that arise when individuals must repeatedly seek relief for records the State should have resolved in the first instance.

6. Argument in Opposition

According to the Peace Officers Research Association of California:

SB 1342 would expand eligibility for automatic arrest record relief by removing the requirement that the underlying arrest be for a misdemeanor offense, instead allowing relief for any arrest where charges were dismissed. While PORAC supports appropriate relief for individuals who are eligible under existing law, this

bill significantly broadens that relief in a manner that raises public safety and transparency concerns.

Current law strikes a careful balance by providing relief for lower-level offenses while preserving access to information that may be relevant in more serious cases. By extending automatic relief beyond misdemeanor arrests, SB 1342 risks eliminating records that may be important for law enforcement, prosecutors, and courts when evaluating patterns of conduct, making charging decisions, or assessing risk.

Additionally, this expansion may limit access to information that can be critical in investigations or in protecting victims, particularly in cases where charges were dismissed for reasons unrelated to the underlying conduct. Automatically sealing or removing these records, regardless of the circumstances, may have unintended consequences for public safety and informed decision-making. PORAC supports policies that promote fairness and second chances. However, those policies must be balanced with the need to preserve access to relevant information for law enforcement and the justice system. SB 1342 shifts that balance too far.

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