
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2384 **Hearing Date:** June 30, 2026
Author: Lowenthal
Version: May 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Crimes: records: sealing*

HISTORY

Source: Californians for Safety and Justice

Prior Legislation: SB 834 (Durazo), held in Assembly Appropriations, 2025
AB 704 (Lowenthal), held in Senate Appropriations, 2025
AB 2420 (Lowenthal), held in Assembly Appropriations, 2024
AB 168 (Com. on Budget), Ch. 49, Stats. of 2024
SB 763 (Durazo), held in Senate Appropriations, 2023
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 (Com. on Budget), Ch. 58, Stats. of 2022
AB 145 (Com. on Budget), Ch. 80, Stats. of 2021
SB 118 (Com. on Budget), Ch. 29, Stats. of 2020
SB 1045 (Bradford), not heard due to COVID-19, 2020
AB 1076 (Ting), Ch. 578, Stats. of 2019
SB 393 (Lara), Ch. 680, Stats. of 2017

Support: ACLU California Action; Californians for Safety and Justice; Ella Baker Center for Human Rights; Felony Murder Elimination Project; San Quentin Skunkworks; Smart Justice California

Opposition: None known

Assembly Floor Vote: 55 - 18

PURPOSE

The purpose of this bill is to authorize a person was arrested for, or was charged with, any offense that did not result in conviction or was convicted of an eligible offense, to petition the court to have their records of arrest, charge, or conviction, sealed if four years have elapsed since the date on which the person was arrested or completed any sentence or probation and the person has not committed another offense.

Existing law requires a court to grant expungement relief, with specified exceptions, for a misdemeanor or felony conviction for which the sentence included a period of probation and the petitioner successfully completed probation or terminated early, is not serving a sentence for, on

probation for, or charged with the commission of any offense. Provides that the court has discretion to do so in the interests of justice in other probation cases. (Pen. Code, § 1203.4, subds. (a) & (b).)

Existing law requires the court to grant expungement relief, with specified exceptions, to defendants convicted of a misdemeanor and not granted probation or an infraction after one year from the date of the pronouncement of judgment, if the defendant has fully complied with and performed the sentence, is not serving a sentence, is not charged with a crime, has lived an honest and upright life, and has conformed to and obeyed the law. Provides that if the defendant does not satisfy these requirements, the court may in its discretion and in the interests of justice after one year from the date of pronouncement of judgment grant relief in non-probation cases in which the defendant has fully complied with and performed the sentence, is not serving a sentence, and is not charged with a crime. (Pen. Code, § 1203.4a, subds. (a) & (b).)

Existing law allows the court to grant expungement relief for a felony conviction if specified conditions are satisfied. (Pen. Code, § 1203.41.)

Existing law allows the court to grant expungement relief for a conviction of a petitioner sentenced to prison for a felony that, if committed after enactment of criminal justice realignment legislation in 2011, would have been eligible for county-jail sentencing. (Pen. Code, § 1203.42.)

Existing law provides that if a defendant successfully participated in the California Conservation Camp program as an incarcerated hand crew member, as specified, or successfully participated as a member of a county incarcerated hand crew, as specified, and has been released from custody, the defendant is eligible for expungement relief. (Pen. Code, § 1203.4b.)

Existing law provides that expungement relief releases the person from the penalties and disabilities resulting from the conviction, except the person:

- May have a prior conviction pleaded and proved if the person is subsequently prosecuted for another crime;
- Is not relieved of any prohibition on possessing, owning, or having under his or her custody or control any firearm and may be convicted as an ex-offender in possession of a firearm;
- Must disclose the conviction in response to any direct question in a questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery; moreover, any ban on holding public office that resulted from the conviction remains in effect; and
- May have their driver's license revoked, suspended, or use limited after two or more Vehicle Code convictions. (Pen. Code, §§ 1203.4, subd. (a)(1)-(3); 1203.4a, subds. (a) & (c); 1203.41, subds. (a) & (b); 1203.42, subds. (a) & (b).)

Existing law authorizes a person who was under 18 years of age at the time of commission of a misdemeanor and who is eligible for expungement relief, or previously received expungement relief, to petition the court for an order sealing the record of conviction and arrest, and other official records in the case. (Pen. Code, § 1203.45, subd. (a).)

Existing law authorizes expungement relief when a person convicted of solicitation or prostitution has completed any term of probation and can show that they were a victim of human trafficking. (Pen. Code, § 1203.49.)

Existing law establishes a process by which a person who has suffered an arrest that did not result in a conviction may petition the court to have his or her arrest and related records sealed. (Pen. Code, § 851.91.)

Existing law requires DOJ, on a monthly basis, to review statewide criminal records and determine whether a person is eligible for arrest record relief based on specified conditions. (Pen. Code, § 851.93.)

This bill authorizes a person, if the person suffered an arrest for any offense that did not result in conviction, was charged with an offense that did not result in a conviction, regardless of whether or not the person was arrested in connection with the underlying offense, or was convicted of an eligible offense and specified requirements are met, to petition the court for sealing relief of their convictions, charges, and arrests under this section.

This bill provides that records that did not result in a conviction are eligible for sealing relief if any of the following are true:

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

This bill authorizes the court to order sealing relief if four years have elapsed since the date on which the defendant was arrested if the record is eligible, the date on which the record became eligible, or the date on which the defendant completed any terms of incarceration, probation, mandatory supervision, postrelease community supervision, or parole associated with the record, whichever occurred later, during which the defendant has not been convicted of a new offense. Prohibits, the court from ordering sealing relief if a conviction contains multiple offenses unless all offenses meet the eligibility requirements.

This bill requires the petition for sealing relief and supporting documentation to be served on the state or local prosecutorial agency that obtained the conviction for which sealing is sought or with the jurisdiction over charging decisions with regard to the arrest. Requires the state or local prosecutorial agency to have 45 days from the date of receipt of service to respond to the petition for relief.

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, if the petition is opposed, or if the court otherwise deems it necessary, to schedule a hearing on the petition. Provides that the 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.
- Opposition evidence presented by any of the involved state or local prosecutorial agencies that obtained the conviction.

This bill prohibits a petition from being granted if either of the following is true:

- The petitioner is subject to terms and conditions of any unexpired criminal protective orders.
- 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 authorizes a court, after considering the totality of the evidence presented, to order sealing relief if it finds it is in the best interest of justice.

This bill requires the court, if it grants a petition, to issue a written ruling and order to the petitioner, the petitioner's counsel, the DOJ, the prosecuting attorney, and the law enforcement agency that made the arrest that does all of the following:

- States the record has been granted sealing relief and is deemed not to have occurred, the petitioner may answer any question relating to the sealed arrest, charge, or conviction accordingly, and the petitioner is released from all penalties and disabilities resulting from the arrest or conviction, except as provided.
- Orders the DOJ, any law enforcement agency, or any criminal justice agency, as defined, that has taken action or maintains records subject to the petition to seal the record of arrest, charge, or conviction according to this section.
- Orders the DOJ to forward the order to the FBI to request that any records of the arrest, charge, or conviction subject to the sealing relief order that are maintained by the FBI be sealed for all noncriminal justice purposes.

This bill requires any government agency, as described, to seal its records granted sealing relief pursuant to this section within 90 days after the court issues the order.

This bill prohibits a record granted sealing relief, including all court records related to the sealed arrest, charge, or conviction, from being disclosed to any person or entity except the person whose arrest, charge, or conviction was sealed and their counsel, except as provided.

This bill provides that a criminal justice agency may access and use a record sealed pursuant to this section as follows:

- A sealed conviction record may be accessed and used as required by an initiative statute.
- A sealed record may be accessed and used for the limited purpose of determining the eligibility and suitability of a defendant for a diversion program.

This bill requires the court to provide the petitioner and petitioner's counsel a certified copy of the court order concerning the sealing of the records subject to the order. Requires the court to provide the petitioner and petitioner's counsel a copy of any form that the court submits to any agency, including the DOJ, related to the sealing of the arrest, charge, and conviction records.

This bill prohibits the record of a proceeding related to a petition that is accessible by the public from disclosing the petitioner's full name.

This bill authorizes a court that grants relief to take additional action as appropriate under the circumstances to carry out the purposes of this section.

This bill provides that "eligible offense" means an offense that is not one of the following:

- An offense listed in the violent felony list or for which the person is required to register as a sex offender.
- Any offense specified in the serious felony list.
- Any felony domestic violence offense.
- A wet reckless, as defined.
- A DUI.
- A DUI causing injury.
- Any offense that may be pled and proved as a prior offense for purposes of imposing an increased sentence or enhancement upon conviction.

COMMENTS

1. Need For This Bill

According to the author:

Every person deserves the opportunity to move beyond their past. Expungement was considered to be the gold standard of relief, however it falls short. Private data brokers, background check companies, and internet archives continue to circulate criminal histories indefinitely, leaving expunged records exposed in housing applications, licensing decisions, and background screenings. The record follows a person long after the law says it shouldn't.

This bill, authorizing Record Sealing, closes that gap. By restricting public access entirely, it delivers the genuine second chance that expungement promises but fails to provide, ensuring that a single mistake does not become a lifetime of closed doors. Without action, individuals remain locked out of stable housing, employment, and full civic participation. This bill restores what no conviction should permanently strip away. The ability to move forward with civil rights, public benefits, and dignity intact.

2. Arrest and Conviction Record Relief

As a general matter, expungement is a more narrow remedy than the sealing and destruction of records. Expungement is a court-ordered dismissal after a conviction. (Pen. Code §1203.4, subd. (a).) Penal Code section 1203.425 provides a procedure for automatic record relief in which individuals can have certain misdemeanor and felony convictions dismissed and such information withheld from disclosure without having to file a petition with the court. (Pen. Code § 1203.425, subd. (a)(1).)

SB 393 (Lara), Chapter 680, Statutes of 2017, established a process for a person to petition a court to seal records of an arrest that did not result in a conviction, subject to certain exceptions. AB 1076 (Ting), Chapter 578, Statutes of 2019, required the DOJ to review the records in the statewide criminal justice databases monthly and identify individuals who are eligible for relief by having their arrest or conviction records, withheld from disclosure, and required DOJ to grant relief to an eligible person, without requiring a petition or motion.

This bill expands existing relief by allowing a person arrested of any offense that did not result in conviction, or who was charged with an offense that did not result in conviction, to petition the court for sealing relief of their arrest, charges, or conviction. The relief can be sought if the statute of limitations has run on every offense, the person completed a diversion program, or if an accusatory pleading was filed and the charge was dismissed, the person was acquitted, or a conviction was later vacated. The sealing may be ordered four years after the arrest, end of diversion, acquittal, or dismissal of the charge.

This bill excludes the following offenses from the relief afforded: serious felonies, violent felonies, offenses requiring sex offender registration, felony domestic violence, DUI, DUI causing injury, and wet reckless. This bill additionally excludes any offense that may be pled and proved as a prior offense for purposes of imposing an increased sentence or enhancement upon conviction.

3. Argument in Support

Californians for Safety and Justice, the bill's sponsor, writes:

Current law allows a limited set of convictions to be dismissed and expunged after an individual successfully completes probation and pays all fines and fees. These dismissals address the profound and pervasive problems caused by convictions, including barriers to housing, employment, and many other societal functions.

But the relief granted through dismissals under current law is often incomplete, as it fails to address the disenfranchisement that convictions too often cause. While persons convicted of low level, and misdemeanor crimes are currently eligible to have their records expunged, disenfranchisement is still very common, as expunged records remain accessible in various circumstances, and too often continue to act as a barrier to those who are trying to re-assimilate into civic life, even when they have been forgiven by our justice system.

To remedy these problems, AB 2384 will allow sealing of arrest and related records of persons whose convictions meet the eligibility requirements. AB 2384 simply gives persons with eligible convictions the ability to petition the courts, who then have the discretion to deem whether granting this relief is in the interest of justice.

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