Sunsetting Records
Senate Bill 731

Summary:
SB 731 will implement a comprehensive system to prospectively and retroactively seal criminal and arrest records.

Background:
Nationally, an estimated 70 million people—nearly one in three adults, and 8 million people in California alone—have a past arrest or conviction on their record. California maintains an individual’s criminal records until that person reaches 100 years of age.

As a result of the widespread usage of background checks in today’s society, the permanence of these records present thousands of barriers resulting in widespread constraints on civic participation.

Examples of these barriers are felt by families seeking to live outside of impoverished areas, mothers that want careers in education or healthcare, fathers who want to coach, homeowners that want to join their HOA board, couples that want to adopt, or grandchildren that want to care for their elderly grandparent. Old criminal records go beyond economics and into denial of human decency, family responsibility, and basic citizenship.

Problem:
Successful civic reintegration requires more than a demonstrated commitment to abide by the law. It also expects an individual to support oneself and one’s family through legal, gainful employment. Yet, because of the legacy of their contact with the legal system, as many as one in five Californians currently living with a past conviction face unemployment or underemployment, chronic economic insecurity and extreme poverty for themselves and their families. These records disproportionately impact people of color and their families, and limit their opportunities to successfully reintegrate back into their community.

California’s principal remedy to seal criminal records has been “expungement” which was adopted nearly 100 years ago and remains an incomplete and ineffective solution. Expungement provides only partial relief and is only available for people with misdemeanors and a small category of people with felonies that did not result in prison or jail terms.

Solution:
SB 731 proposes a structured approach to sunsetting criminal records:

1. Automated Sealing of All Arrest Records That Do Not Result in Conviction, and

2. Phased Relief for Convictions Records: Expand record sealing to all sentences following completion of terms of incarceration, post-release supervision, and an additional period of time - provided the person has completed their sentence without any new felony convictions and has no new charges pending.

SB 731 will also retroactively provide the same opportunities for sealing relief for individuals convicted on or after January 1, 1973.

Sponsors:
Californians for Safety and Justice
Anti-Recidivism Coalition
Homeboy Industries
Legal Services for Prisoners with Children
Los Angeles Regional Reentry Partnership

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