



SB 731 (Durazo) - Sunsetting Criminal Records

Summary:

This bill will implement a comprehensive system to 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.

Due to the widespread usage of background checks in today's society, the interminability of these records present thousands of barriers resulting in chronic housing insecurities, long-term unemployment, and widespread constraints on civic participation. These restrictions place severe limitations not only on individuals living with convictions but also their families who profoundly suffer from these penalties.

Problem:

California's bedrock remedy has been "expungement" which was adopted nearly 100 years ago and remains an incomplete 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.

For example, convictions that have been 'expunged' will still be shown on the DOJ background checks that are required for jobs with the state government or the hundreds of jobs in regulated fields. With no relief available to clear records in this area, these opportunities - key rungs on the ladder of upward economic mobility - remain out of reach for people with criminal records.

Currently, there is NO record shielding relief for millions of people with felonies that resulted in prison terms. Additional remedies, Certificates of Rehabilitation and Pardons, are not designed to shield the old convictions from background checks and most criminal records can still be seen with a simple online courthouse search.

For families seeking to live outside of impoverished areas, fathers and mothers that want careers in education or healthcare, or 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.

Solution:

This bill proposes a structured, automated 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.

This bill 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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