



SENATOR
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LEGISLATIVE FACTSHEET

Sunsetting Records

Senate Bill 731

Summary:

SB 731 will implement a system to prospectively and retroactively seal conviction 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 conviction 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 conviction 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.

California's principal remedy to seal conviction records has been "expungement" which was adopted nearly 100 years ago and remains an incomplete and ineffective solution. Expungement 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 expanding arrest and conviction record relief:

1. Expand automatic arrest record sealing to felony arrests, if the individual was **neither charged nor convicted** either 6 years after the arrest, or otherwise 3 years after the arrest for less serious felonies.

2. Expand automatic conviction record relief to **nonserious, nonsexual, and nonviolent** felonies after an individual completes all terms of incarceration, probation, mandatory supervision, post release supervision and parole, and a further period of four years without any new convictions.

This sealing would be available to individuals retroactive to January 1, 2005.

3. Allow individuals convicted of a felony to **petition** the court for sealing relief after completing all terms of incarceration, probation, mandatory supervision, post release supervision and parole, and a further period of two years without any new convictions. These petitions are done on a case-by-case basis, with final decision-making authority retained by the courts.

Sponsors:

Anti-Recidivism Coalition
A New Way of Life
A Time for Change Foundation
Californians for Safety and Justice
Homeboy Industries
Legal Services for Prisoners with Children
Los Angeles Regional Reentry Partnership
Pillars of the Community

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Support:

All of Us or None Los Angeles
All of Us or None Riverside
Alliance of Californians for Community Empowerment (ACCE) Action
American Civil Liberties Union/Northern California/Southern California/San Diego and Imperial Counties.
Arts for Healing and Justice Network
Asian Americans Advancing Justice – California
Asian Solidarity Collective
Bend the Arc: Jewish Action
Black Los Angeles Young Democrats
California Attorneys for Criminal Justice
California Calls
California Coalition for Women Prisoners
California Immigrant Policy Center
California Labor Federation, AFL-CIO
California Public Defenders Association
California Religious Action Center of Reform Judaism
California State Council of Laborers
Californians United for a Responsible Budget
Cat Clark Consulting Services LLC
Center of Hope LA
Code for America
Communities United for Restorative Youth Justice
Community Advocates for Just and Moral Governance
Courage California
Cure California
Defy Ventures
Dignity and Power Now
Drug Policy Alliance
Ella Baker Center for Human Rights
Faith in Action Bay Area
Family Reunification Equity & Empowerment
Forward Impact DBA Represent Justice
Fresno Barrios Unidos
Friends Committee on Legislation of California
Initiate Justice
Inland Empire Fair Chance Coalition
Inland Equity Project
Kehilla Community Synagogue
LA Voice
Last Prisoner Project
Legal Aid at Work
Livefree California

Los Angeles Chamber of Commerce
Los Angeles County Board of Supervisors
Michelson Center for Public Policy
National Association of Social Workers, California Chapter
People Objective LLC
Prosecutors Alliance California
Re:Store Justice
Riverside Community College District
Rubicon Programs
San Francisco Public Defender
Shields for Families
Showing up for Racial Justice – Bay Area
Showing up for Racial Justice – San Diego
Showing up for Racial Justice – North County
Social and Environmental Justice Committee of the Universalist Unitarian Church of Riverside
Social Justice Research Project
Starting Over Inc.
Team Justice
The Chrysalis Center
The Dream Corps
Think Dignity
Time for Change Foundation
Uncommon Law
Underground Scholars Initiative at UC Riverside
Underground Scholars Initiative at UC Berkeley
UNITE-LA, Inc.
We the People – San Diego
Young Women’s Freedom Center