

**ASSEMBLY BILL**

**No.** \_\_\_\_\_

**Introduced by Assembly Member** \_\_\_\_\_

An act to amend Chapter 1.6. of Title 8 of Part 2 of the Penal Code and Section 11105 of Article 3 of Chapter 1 of Title 1 of Part 4 of the Penal Code, relating to expungements of criminal records..

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 1.6. of Title 8 of Part 2 of the Penal Code, commencing with section 1212  
2 is added to read:

3  
4 1212. (a) Any person who has had an accusatory pleading against him or her dismissed  
5 by a judge pursuant to California Penal Code Section 1203.4 or 1203.4a and has not been  
6 convicted of a felony or a misdemeanor since the accusatory pleading against him or her was  
7 dismissed, after five years have passed from the date in which an accusatory pleading against  
8 him or her has been dismissed, may petition the court for an order to seal and destroy the record  
9 of conviction and other official records in the case, including records of arrests resulting in the  
10 criminal proceeding and records relating to other offenses charged in the accusatory pleading,  
11 whether the petitioner was acquitted or charges were dismissed.

12  
13 (b) If the court finds the petitioner is not then serving a sentence for any offense, on  
14 probation for any offense, or charged with the commission of any offense, and it appears that the  
15 interests of justice would be served, the court, in its discretion, shall order the clerk of the court,  
16 the Department of Justice, and any law enforcement agency which arrested the petitioner or  
17 participated in the arrest of the petitioner to seal their record of conviction and other official  
18 records in the case, including records of arrests resulting in the criminal proceeding and records  
19 relating to other offenses charged in the accusatory pleading, whether the petitioner was  
20 acquitted or charges were dismissed, and the court order to seal and destroy the records, for three  
21 years from the date of the order and thereafter to destroy their record of conviction and other  
22 official records in the case, including records of arrests resulting in the criminal proceeding and  
23 records relating to other offenses charged in the accusatory pleading, whether the petitioner was  
24  
25  
26

1 acquitted or charges were dismissed, and the court order to seal and destroy such records. The  
2 court shall also order the law enforcement agency which arrested the petitioner and the clerk of  
3 the court, the Department of Justice to request the destruction of any record of conviction and  
4 other official records in the case, including records of arrests resulting in the criminal proceeding  
5 and records relating to other offenses charged in the accusatory pleading, whether the petitioner  
6 was acquitted or charges were dismissed which they have given to any local, state, or federal  
7 agency, person or entity. Each state or local agency, person or entity within the State of  
8 California receiving such a request shall destroy its record of conviction and other official  
9 records in the case, including records of arrests resulting in the criminal proceeding and records  
10 relating to other offenses charged in the accusatory pleading, whether the petitioner was  
11 acquitted or charges were dismissed and the request to destroy the records. The court shall give  
12 to the petitioner a copy of any court order concerning the sealing and destruction of the records  
13 and inform the petitioner that he or she may thereafter state that he or she was not arrested or  
14 convicted for any charge sealed and destroyed by the order. Thereafter the conviction, arrest, or  
15 other proceeding shall be deemed not to have occurred, and the petitioner may answer  
16 accordingly any question relating to their occurrence. The petitioner may indicate in response to  
17 any question from a Federal, State, County, or Local/City/Town government agency, department,  
18 or office, or private company or person concerning the petitioner's prior criminal record that the  
19 petitioner was not detained, arrested, convicted, imprisoned, or placed on probation for a charge  
20 that has been sealed and destroyed by the order.

21  
22 (c) This section applies to convictions that occurred before, as well as those that occur  
23 after, the effective date of this section.

24  
25 (d) This section shall not apply to offenses for which registration is required under  
26 Section 290.

27  
28 (e) A person who petitions for an order sealing a record under this section may be  
29 required to reimburse the court for the actual cost of services rendered, whether or not the  
30 petition is granted and the records are sealed or expunged, at a rate to be determined by the court  
31 not to exceed one hundred twenty dollars (\$120). Ability to make this reimbursement shall be  
32 determined by the court using the standards set forth in paragraph (2) of subdivision (g) of  
33 Section 987.8 and shall not be a prerequisite to a person's eligibility under this section. The court  
34 may order reimbursement in a case in which the petitioner appears to have the ability to pay,  
35 without undue hardship, all or any portion of the cost for services established pursuant to this  
36 subdivision.

37  
38 (f) Relief shall not be granted under this section unless the prosecuting attorney has been  
39 given 15 days' notice of the petition for relief. It shall be presumed that the prosecuting attorney  
40 has received notice if proof of service is filed with the court.

41  
42 (g) If, after receiving notice pursuant to subdivision (f), the prosecuting attorney fails to  
43 appear and object to the petition, the prosecuting attorney may not move to set aside or otherwise  
44 appeal the grant of that petition.

45  
46 (h) The Department of Justice shall furnish forms to be utilized by persons applying for  
47 the destruction of their records pursuant to this chapter.

1 SECTION 2. Subdivision (s) of Section 11105 of Article 3 of Chapter 1 of Title 1 of Part 4 of  
2 the Penal Code is added to read:

3  
4 (s) Whenever state summary criminal history information or federal level criminal history  
5 information is furnished pursuant to this chapter, the Department of Justice shall not disseminate  
6 the following:

7  
8 (1) Any information of a conviction to which records have been ordered by a court to be  
9 sealed and destroyed pursuant to section 1212 of the penal code.

10  
11 (2) Any other official information in a case to which records have been ordered by a court  
12 to be sealed and destroyed pursuant to section 1212 of the penal code.

13  
14 (3) Any information of arrests resulting in the criminal proceeding to which records have  
15 been ordered by a court to be sealed and destroyed pursuant to section 1212 of the penal code.

16  
17 (4) Any information relating to other offenses charged in the accusatory pleading,  
18 whether the petitioner was acquitted or charges were dismissed, to which records have been  
19 ordered by a court to be sealed and destroyed pursuant to section 1212 of the penal code.

20  
21 SECTION 3. SEVERABILITY

22  
23 The provisions of this act are severable. If any provision of this act or its application is  
24 held invalid, that invalidity shall not affect other provisions or applications that can be given  
25 effect without the invalid provision or application.



# Expungement Reform Movement

955 Deep Valley Drive #3991, Rolling Hills Estates, CA 90274

[www.ExpungementReform.com](http://www.ExpungementReform.com)

Blessed are those whose lawless deeds are forgiven,  
and whose sins are covered (Romans 4:7).



The Church of My Faith in God has established The Expungement Reform Movement to propose a resolution that would permit people who have had or those who wish to have expungements the ability to petition the court to have an arrest and conviction record resulting in an expungement sealed after five years from the date of their expungement and destroyed three years after the sealing of an expungement in the similar fashion as the California Penal Code Section 851.8 permits individuals to petition to have their arrest records sealed and destroyed prior to conviction. The proposal also seeks to modify California Penal Code Section 11105 to restrict disclosure of an arrest and conviction that has been dismissed pursuant to California Penal Code Section 1203.4. We have estimated the cost of this movement from human resources to campaign expenses to be at a minimum of \$2 million. We desperately need your help.

We appreciate any and all denominations and types of payment cash, check, cashier's check, money orders, and credit or debit cards. Please, support our cause by making a donation today.

**Let each of you look out not for your own interests, but also for the interests of others (Philippians 2:4).**

## MAKE A DONATION & SUPPORT THE MOVEMENT!

↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓ CUT HERE ↓  
I want to help by donating  \$10.00     \$20.00     \$50.00     \$100.00     \$ \_\_\_\_\_

NAME: \_\_\_\_\_

COMPANY: \_\_\_\_\_

PHONE: (\_\_\_\_) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

Please make checks, cashier's checks, and money orders out to:

### THE CHURCH OF MY FAITH IN GOD

You may also submit Donations online via PayPal at [www.ExpungementReform.com](http://www.ExpungementReform.com)

Let each one do just as he or she has purposed in his or her heart;  
not grudgingly or under compulsion, for God loves a cheerful giver (2 Corinthians 9:7).



# The Church of My Faith in God

955 Deep Valley Drive #3991, Rolling Hills Estates, CA 90274

[www.MyFaithInGod.org](http://www.MyFaithInGod.org)

**The Just Shall Live By Faith**



If we confess our sins, he is faithful and just to forgive us our sins and to cleanse us of all unrighteousness (1 John 1:9).