

SB 731 –Time Done
(Durazo and Bradford)
(Coauthors: Kamlager, Skinner,Wiener)
(Coauthors: Assembly Members Carrillo, Cristina Garcia, Gipson, Kalra, Lee,
Medina, and Stone)

SB 731 (Time Done) is life-changing legislation that would address the thousands of barriers to reintegration faced by people who have paid their debt to society by creating a mechanism to seal arrest and conviction records after a person has fully completed their sentence.

The Problem:

One in five Californians – approximately eight million people – have a past arrest or conviction on their record. These individuals face over 4,800 California policies that limit their access to basic necessities such as jobs, housing, and education, resulting in chronic unemployment or underemployment, economic insecurity, and extreme poverty for them and their families.

Moreover, the limitations resulting from old criminal records go beyond economics. They undermine an individual’s dignity and interfere with their exercise of family and civic responsibility. A person with an arrest or conviction history may be unable to work in education or healthcare, coach their child’s sports teams, join their Homeowners’ Association board, adopt a child, or care for an elderly grandparent.

California currently maintains an individual’s criminal records until that person reaches 100 years of age. As a result, the effects of a past arrest or conviction can last a lifetime. In addition, these effects are disproportionately felt by people of Color.

This situation is not only damaging to the directly-impacted individuals and their families. It is also damaging to the California economy. A report produced by Californians for Safety and Justice and UNITE-LA reveals that California loses an estimated \$20 billion in yearly gross domestic product due to the widespread unemployment and underemployment of people whose opportunities are limited by past convictions.

The current remedies under California law are inadequate to address this problem. The primary remedy, “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. Currently, there is NO record-shielding relief for the millions of people with felonies that resulted in prison terms.

In addition, expungement provides only partial relief. Convictions that have been “expunged” continue to show up on the Department of Justice background checks that are required for jobs in state government or in regulated fields. Similarly, the additional remedies of Certificates of Rehabilitation and Pardons are not designed to shield old convictions from background checks; most criminal records can still be seen with a simple online courthouse search.

As State Senator Elena Durazo, one of SB 731’s principal authors, has noted, “The completion of a prison sentence should pave the way for a complete return to participate fully in society. But for millions of Californians, their conviction history turns into a lifelong sentence of limited access to employment, housing, education, and the ability to live a full, normal life and provide for their families.”

The Solution:

SB 731 creates a structured process for sunseting arrest and conviction records:

- Arrest records would automatically be sealed if no conviction has occurred within the assigned time period depending on the offense. Relief would also be granted to those who successfully completed a pretrial diversion program, and thus were not convicted of a crime.
- Conviction records would automatically be sealed two years after the completion of incarceration and post-release supervision, provided that the individual has neither a new conviction nor pending criminal charges during that time.
- Individuals on the sex offender registry would not be eligible to have their conviction records sealed. If they are removed from the registry, they would be eligible for relief.
- Sealing would not remove certain restrictions, such as the prohibition on those with a felony conviction possessing a gun, and prior conviction records would still be available to courts, prosecutors and law enforcement.
- The District Attorney, Probation Department, and the California Department of Corrections and Rehabilitation can object to relief in individual cases where they believe it would pose a danger to the public. A court would then rule on the objection.

Jewish Values

The concept of *teshuvah* is central to Judaism. While generally translated as “repentance,” *teshuvah* also means “return.” The Rabbis believed that once a person has performed *teshuvah*, their transgressions should be set aside. According to the Rambam, a person who has done *teshuvah* can look back at the person they were before and say, “I am not the person who did these deeds” (Mishnah Torah, Hilkhoh Teshuvah, 2:4).

However, as Rabbi Jill Jacobs observed in discussing the barriers faced by those who have been convicted and completed their terms, “Rather than encourage and believe in *teshuvah*, our current system seems designed to make *teshuvah* virtually impossible.” (Rabbi Jill Jacobs, *There Shall be No Needy*, p. 212.) Under SB 731, a person who has served the penalty for their wrongdoing would truly be able to do *teshuvah* and fully return to their families and communities.

Sponsors

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