

SB 731 (Time Done) – FAQs

Why is SB 731 Important?

The public has been taught to think of people with past criminal records as “criminals” for life. This lasting label is not based on fact or experience but serves to enable treatment based on this status to continue indefinitely. Under current law, millions of Californians with past criminal records who have completed their sentences and parole or probation can never participate fully in society, even if they have no further involvement with the criminal justice system. Their conviction histories create numerous and often insurmountable obstacles to living full and productive lives. A few examples:

- Private landlords and public housing authorities may deny an application from persons with a past felony conviction.
- Persons with a past felony conviction may be prohibited from pursuing a career that requires a state license or certificate (examples of careers requiring a license are barber/cosmetologist, general contractor, dental assistant, nurse).
- Persons with a past felony conviction may be denied admission to college programs requiring state licensing after graduation, as well as student housing and student jobs.
- Persons with a past felony conviction are not eligible to receive payment for providing care to relatives from California’s In-Home Supportive Services (IHSS) program.

How Does SB 731 Change Existing Law?

- *Arrest Records:* Existing law provides that arrest records will be sealed automatically after a specified period where a person was arrested for a misdemeanor or lower level felony, and either criminal proceedings were not initiated, no conviction occurred, or the arrestee was acquitted. SB 731 extends this arrest record relief to felonies meeting the same conditions.
- *Conviction Records:* Existing law provides that conviction records will be sealed automatically after a specified period where a person is sentenced to probation and completes probation without revocation, or is convicted of an infraction or misdemeanor. SB 731 extends this conviction record relief to persons convicted of a felony (excluding a serious or violent felony, and a felony requiring sex offender registration), such that conviction records will be sealed four years after the person has completed all terms of incarceration, probation, parole, or any other post-release supervision.

Are There Exceptions to Automatic Sealing of Conviction Records Under SB 731?

A person is not eligible to have his or her conviction record automatically sealed where:

- The person is convicted of a serious or violent felony, or the person is required to register as a sex offender;
- The person is under active supervision by local, state or federal authorities;
- The person is currently serving a sentence for an offense or is the subject of pending criminal charges.

How Does SB 731 Address Public Safety Concerns?

The prosecutor, probation officer or Dept of Corrections may file a petition to prohibit automatic relief based on showing that it would pose a substantial threat to public safety. In addition, sealing a record does not affect:

- A person’s obligation to disclose a prior conviction in an application for employment as a peace officer or an application for public office;
- The ability of a criminal justice agency to access and use the records, or the ability of a prosecutor to use evidence of the prior conviction in a subsequent prosecution;
- Any privilege or benefit the person has forfeited as a result of the conviction, including owning or possessing a firearm, obtaining a driver’s license, or holding public office.

Which Groups Support SB 731?

A huge coalition of over 100 organizations supports SB 731, including Prosecutors Alliance California. Primary sponsors are Californians for Safety and Justice, Anti-Recidivism Coalition, Homeboy Industries, Legal Services for Prisoners with Children, and Los Angeles Regional Reentry Partnership.

Which Groups Oppose SB 731?

California Association of Licensed Investigators, Peace Officers Research Association of California (PORAC), California District Attorneys Association, California Board of Psychology, Alliance for Constitutional Sex Offense Laws, and Physician Assistant Board.