



JUDICIAL COUNCIL OF CALIFORNIA
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Director, Governmental Affairs

March 30, 2021

Hon. Reginald Byron Jones-Sawyer Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Assembly Bill 898 (Lee), as introduced – Support/Sponsor
Hearing: Assembly Public Safety Committee – April 6, 2021

Dear Assembly Member Jones-Sawyer, Sr.:

The Judicial Council is pleased to support and sponsor AB 898, which requires notification between receiving and transferring courts of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases. In doing so, AB 898 helps to ensure the accuracy of court records when requests are made for criminal records and that eligible individuals benefit from any automatic record relief statutes enacted by the Legislature.

In 2018 and 2019, the Legislature passed significant automatic record relief bills, which transferred the burden of seeking record relief from a defendant-petitioner to government agencies. AB 1793 (Bonta Stats. 2018, ch. 993) provided automatic relief for marijuana convictions under Proposition 64. AB 1076 (Ting; Stats. 2019, ch. 578) required the Department of Justice (DOJ) to grant automatic record relief to individuals who have completed probation without revocation and are not currently serving a sentence for any offense. A court may not disclose information concerning a conviction granted automatic record relief or a dismissal under this legislation except in limited circumstances.

Because DOJ has disposition information only from the county of conviction (the transferring court), if a probation transfer case is granted automatic relief in the transferring court and the

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receiving court is not notified, the receiving court may have inaccurate publicly accessible conviction documents in its case file. This inaccurate information could hamper the ability of individuals eligible for relief to obtain employment and housing, among other things.

AB 898 addresses this issue by requiring probation transfers to be reported to DOJ and the DOJ, in turn, to provide notification of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases between receiving courts and transferring courts. As a result, AB 898 helps ensure the accuracy of court records and that the eligible individuals receive the record relief contemplated by existing criminal record relief statutes.

For these reasons the Judicial Council sponsors and supports AB 898.

Should you have any questions or require additional information, please contact Sharon Reilly in our office at 916-323-3121.

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

cc: Members, Assembly Public Safety Committee
Hon. Alex Lee, Member of the Assembly
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Ms. Angie Wei, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California