

1 [Supporting California State Assembly Bill No. 1076 (Ting) - Criminal Records: Automatic
2 Relief]

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3 **Resolution supporting California State Assembly Bill No. 1076, authored by Assembly**
4 **Member Phil Ting, to provide efficient arrest and conviction relief through the California**
5 **Department of Justice by automating the process for those who are already entitled to**
6 **record clearance relief under existing laws, and grant formerly-incarcerated persons**
7 **fair and earned opportunity to fully reintegrate into society.**

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9 WHEREAS, It has been estimated that the U.S. loses roughly \$65 billion per year in
10 terms of gross domestic product due to employment losses among people with criminal
11 records; and

12 WHEREAS, Eight million California residents have criminal convictions on their records
13 that hamper their ability to find housing, secure public benefits, gain admittance to college,
14 obtain licenses; and

15 WHEREAS, Individuals with criminal records face barriers in gaining employment,
16 making them more likely to reoffend; and

17 WHEREAS, These paper prisons perpetuate and reinforce the cycle of poverty and
18 crime, disproportionately impacting socio-economically disadvantaged communities, and in
19 particular, communities of color; and

20 WHEREAS, Existing law authorizes a person who was arrested and has successfully
21 completed a pre-filing diversion program, a person who has successfully completed a
22 specified drug diversion program, a person who has successfully completed a specified
23 deferred entry of judgment program, and a person who has suffered an arrest that did not
24 result in a conviction, under certain conditions, to petition the court to seal the person's arrest
25 record; and

1 WHEREAS, The arrest for the crime for which the defendant was diverted is deemed to
2 have never occurred if a defendant successfully completes certain diversion programs; and

3 WHEREAS, Current law imposes a burden on affected individuals to be made aware of
4 their eligibility and retain an attorney to proactively file the necessary petition; and

5 WHEREAS, This is a significant barrier to access for criminal justice record relief,
6 particularly for lower-income individuals, with it being estimated that less than 20 percent of
7 eligible people obtain record clearance; and

8 WHEREAS, Even if the current process could be made available to all those eligible,
9 the volume of petitions would demand resources higher than courts and prosecutors would be
10 able to provide; and

11 WHEREAS Under the current petition-base record clearance mode, each record costs
12 the state’s criminal justice system \$3,757, whereas an automated system would cost 4 cents
13 per record; and

14 WHEREAS, The San Francisco District Attorney’s Office has already cleared more
15 than 8,000 cases of marijuana-related convictions using automated record clearance
16 technology within less than a full year; and

17 WHEREAS, California State Assembly Bill No. 1076 would open doors to those facing
18 employment and housing barriers by automating the process of clearing an arrest or criminal
19 record for eligible individuals; and

20 WHEREAS, Its passing would promote positive criminal justice reform for a more
21 equitable justice system; therefore be it

22 RESOLVED, That the City and County of San Francisco supports California State
23 Assembly Bill No. 1076 and urges the Assembly and Senate to pass the bill; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
2 Board to send a copy of this resolution to the California State Assembly and the California
3 State Senate.

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