

**DEPARTMENT OF FINANCE BILL ANALYSIS**

**AMENDMENT DATE:** April 29, 2010  
**POSITION:** Neutral  
**SPONSOR:** East Bay Community Law Center

**BILL NUMBER:** AB 2068  
**AUTHOR:** J. Hill

**BILL SUMMARY: Expungement Standards**

This bill would, under specified conditions such as demonstrated good behavior, allow a court to dismiss misdemeanor convictions for defendants not granted probation.

**FISCAL SUMMARY**

The Administrative Office of the Courts reports that there could be a nominal increase in workload for the courts, with a corresponding nominal fiscal impact. This is likely to be absorbable. Finance notes that if this expungement process is currently available for persons on probation, there should not be a significant workload difference and expects costs to be absorbable. Additionally, the bill would allow a court to order reimbursement from the defendant for its costs.

**COMMENTS**

Finance is fiscally neutral on this bill. Allowing a court to grant an expungement of the record of conviction for certain defendants convicted of misdemeanors should not result in significant costs or future budget requests by the Administrative Office of the Courts. It also appears consistent with existing law allowing for the court to allow the expungement of record of a conviction for defendants that have fulfilled the conditions of probation. There would be some specified exceptions to these provisions.

Under current law, when a defendant has fulfilled the conditions of probation, or under other conditions, the court can set aside the guilty verdict.

| Code/Department<br>Agency or Revenue<br>Type | SO | (Fiscal Impact by Fiscal Year) |           |                                    |           |    |           |  | Fund<br>Code |
|--|----|--------------------------------|-----------|------------------------------------|-----------|----|-----------|--|--------------|
|  | LA | (Dollars in Thousands)         |           |                                    |           |    |           |  |              |
|  | CO | PROP                           | 2009-2010 |                                    | 2010-2011 |    | 2011-2012 |  |              |
|  | RV | 98                             | FC        | FC                                 | FC        | FC |           |  |              |
| 0250/Jud Branch                              | SO | No                             |           | ----- No/Minor Fiscal Impact ----- |           |    |           |  | 0001         |

|                                       |      |  |      |
|---------------------------------------|------|--|------|
| Analyst/Principal<br>(0211) J. Osborn | Date | Assistant Program Budget Manager<br>Zlatko Theodorovic | Date |
|---------------------------------------|------|--|------|

|                            |      |
|----------------------------|------|
| Department Deputy Director | Date |
|----------------------------|------|

|                    |     |       |                            |
|--------------------|-----|-------|----------------------------|
| Governor's Office: | By: | Date: | Position Approved _____    |
|                    |     |       | Position Disapproved _____ |

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)