

**First Regular Session  
Seventy-Seventh General Assembly  
STATE OF SAN ANDREAS**

**REENGROSSED**

LLS NO. 26-0712.03 Robin Bass x2314

**HOUSE BILL 26-007**

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**SENATE SPONSORSHIP**

**Forbes**

**HOUSE SPONSORSHIP**

**Enriquez, Schneider, Spencer, Vasquez**

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**House Committees**

Judiciary

**Senate Committees**

Not assigned

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**A BILL FOR AN ACT**

**CONCERNING THE SEALING OR EXPUNGEMENT OF JUVENILE CRIMINAL RECORDS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)*

This bill establishes a uniform statewide process allowing certain juvenile records to be sealed or expunged after an individual has successfully completed all court-ordered requirements. The bill is intended to support rehabilitation and reduce long-term barriers to education, employment, and housing for individuals who committed offenses as juveniles and have demonstrated compliance with court sentences.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

Under the bill, individuals who have completed all terms of their sentence and remained free of new offenses for a specified period may petition the court to have their juvenile records sealed. Sealed records are no longer publicly accessible but may remain available to courts and law enforcement for limited purposes authorized by law.

The bill also allows individuals whose records have been sealed to later petition for expungement following an additional period of lawful behavior. Expungement results in the destruction or permanent removal of the record, allowing the individual to lawfully state that the offense did not occur in most circumstances.

Certain serious offenses, including homicide and felony sexual offenses, are excluded from automatic eligibility. The legislation also directs the Judicial Branch and Department of Law to implement procedures for automatic sealing of eligible nonviolent juvenile records once court sentences are completed.

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**1** *Be it enacted by the General Assembly of the State of San*  
**2** *Andreas:*  
**3** **SECTION 1. SHORT TITLE.** This Act shall be known and may  
**4** be cited as the “Juvenile Records Act.” **SECTION 2.**  
**5** **LEGISLATIVE DECLARATION.** The General Assembly finds  
**6** and declares that: The General Assembly hereby finds and  
**7** declares that: (a) The juvenile justice system is intended to  
**8** promote rehabilitation, accountability, and successful  
**9** reintegration into society. (b) Juvenile records may create  
**10** long-term barriers to education, employment, housing, and  
**11** military service, even after a young person has successfully  
**12** completed all court-ordered obligations. (c) Individuals who have  
**13** complied with court sentences and demonstrated rehabilitation  
**14** should have a meaningful opportunity to move forward without  
**15** the lasting stigma of a juvenile record. (d) Providing a clear and  
**16** consistent process for sealing or expungement of eligible juvenile  
**17** records promotes public safety by encouraging rehabilitation and  
**18** reducing recidivism. (e) It is the intent of the General Assembly to

1 establish uniform standards for the sealing and expungement of  
2 juvenile records upon successful completion of court  
3 requirements, while preserving access for limited law  
4 enforcement and judicial purposes where necessary. **SECTION 3.**  
5 **DEFINITIONS.** For purposes of this Act, unless the context  
6 otherwise requires: (a) “Juvenile record” means any law  
7 enforcement, court, detention, probation, or diversion record  
8 relating to an offense committed while the individual was under  
9 eighteen years of age. (b) “Sealing” means restricting access to a  
10 record so that it is not publicly accessible but may be viewed by  
11 courts or law enforcement for limited purposes as provided by  
12 law. (c) “Expungement” means the destruction or permanent  
13 removal of a record such that it is treated as though it never  
14 occurred. (d) “Completed sentence” means full compliance with  
15 all court-ordered requirements, including probation, restitution,  
16 treatment programs, fines, and community service. **SECTION 4.**  
17 **ELIGIBILITY FOR RECORD SEALING.** (a) A person shall be  
18 eligible to petition the court for sealing of a juvenile record if: (I)  
19 The individual has completed all terms of the court-imposed  
20 sentence; (II) No new criminal or delinquent offenses have  
21 occurred for a period of twelve months following completion of  
22 the sentence; and (III) The offense is not excluded under  
23 subsection (c) of this section. (b) Upon a finding that the  
24 individual has complied with all requirements and that sealing is  
25 consistent with public safety, the court shall order the record  
26 sealed. (c) The following offenses are not eligible for automatic  
27 sealing under this Act: (I) Offenses involving homicide; (II)  
28 Felony sexual offenses; (III) Offenses requiring registration as a  
29 sex offender under state law. (d) Notwithstanding subsection (a)  
30 of this section, sealing of an eligible juvenile record shall occur  
31 automatically upon verification by the court that the individual  
32 has completed all terms of the sentence and has remained free of  
33 new criminal or delinquent offenses for the period specified in

1 subsection (a)(II) of this section. A petition shall not be required  
2 unless eligibility cannot be determined through existing court or  
3 law enforcement records. (e) In determining whether sealing is  
4 consistent with public safety, the court shall apply a rebuttable  
5 presumption that successful completion of all court-ordered  
6 requirements demonstrates rehabilitation. **SECTION 5.**  
7 **EXPUNGEMENT OF CERTAIN JUVENILE RECORDS.** (a) A  
8 person whose juvenile record has been sealed may petition for  
9 expungement after an additional period of three years without a  
10 new criminal or delinquent offense. (b) The court shall grant  
11 expungement upon finding that: (I) The individual has remained  
12 law-abiding; (II) All restitution obligations have been satisfied, or  
13 the court finds that nonpayment results primarily from financial  
14 hardship despite documented good-faith effort toward  
15 compliance; and (III) Expungement serves the interests of justice  
16 and rehabilitation. (c) Upon expungement, all agencies shall  
17 destroy or permanently delete records subject to the order, except  
18 statistical data that does not identify the individual. (d) Upon  
19 receipt of a petition for expungement, the court shall issue a ruling  
20 within forty-five days unless good cause is shown. Failure of the  
21 court to act within the required period shall result in the petition  
22 being deemed granted by operation of law. (e) Eligible sealed  
23 juvenile records shall be automatically eligible for expungement  
24 upon expiration of the waiting period where eligibility can be  
25 verified through court records without petition. **SECTION 6.**  
26 **EFFECT OF SEALING OR EXPUNGEMENT.** (a) A person  
27 whose record has been sealed or expunged shall be restored, in the  
28 eyes of the law, to the status occupied before the arrest or  
29 adjudication and may lawfully state for all purposes that the  
30 underlying offense, arrest, or adjudication did not occur, except  
31 where disclosure is expressly required by state or federal law. (I)  
32 Employment with a law enforcement agency; (II) Judicial or  
33 prosecutorial positions; or (III) Situations otherwise required by

1 state or federal law; (IV) No public institution of higher  
2 education, housing authority, or state licensing agency shall deny  
3 opportunity solely on the basis of a sealed juvenile record. (b)  
4 Sealed records may be accessed by courts and law enforcement  
5 only for sentencing, investigation, or background checks  
6 authorized by law. (c) No state agency, political subdivision, or  
7 contractor shall disclose, sell, transfer, or otherwise disseminate  
8 sealed or expunged juvenile record information to any private data  
9 broker, background check company, or commercial entity. Any  
10 record disclosed in violation of this subsection shall be deemed  
11 unlawfully released and subject to immediate removal. (d) Upon  
12 sealing or expungement of a juvenile record, any corresponding  
13 public school disciplinary record arising solely from the  
14 underlying offense shall also be sealed unless retention is required  
15 by federal law. (e) Any private entity knowingly retaining or  
16 disseminating sealed or expunged juvenile record information  
17 shall be subject to civil penalties not exceeding five thousand  
18 dollars per violation. **SECTION 7. AUTOMATIC SEALING**  
19 **FOR CERTAIN OFFENSES.** (a) The Department of Law, in  
20 coordination with the Judicial Branch, shall develop procedures  
21 for automatic sealing of all eligible juvenile records, including  
22 misdemeanor and nonviolent felony offenses, within sixty days  
23 after completion of the sentence when eligibility requirements are  
24 met. (b) Individuals shall not be required to pay a filing fee for  
25 automatic sealing under this subsection. (c) No filing fee,  
26 administrative fee, or court cost shall be assessed for any petition  
27 seeking sealing or expungement of a juvenile record under this  
28 Act. (d) Upon sealing or expungement of a juvenile record, the  
29 court shall provide written notice to all agencies known to possess  
30 the record and shall require confirmation of compliance within  
31 fifteen days, unless the agency demonstrates technical  
32 impossibility. (e) Within thirty days of determining that an  
33 individual has satisfied eligibility requirements for sealing or

1 expungement, the court shall provide written or electronic notice  
2 to the individual informing them of eligibility and explaining  
3 available rights under this Act. (f) The Judicial Branch shall  
4 establish a secure electronic notification system to automatically  
5 transmit sealing or expungement orders to all law enforcement  
6 agencies, detention facilities, prosecutors, and authorized record  
7 holders. **SECTION 8. RULEMAKING AUTHORITY.** The  
8 Judicial Branch and the Department of Law may promulgate rules  
9 necessary to implement this Act. **SECTION 9. PROGRAM**  
10 **REVIEW AND REPORTING.** (a) Beginning two years after  
11 enactment, the Judicial Branch shall submit an annual public  
12 report including: (I) Number of records sealed; (II) Number  
13 expunged; (III) Average processing time; (IV) Demographic and  
14 geographic trends; and (V) Implementation challenges. (b)  
15 Personally identifying information shall not be disclosed.  
16 **SECTION 10. SEVERABILITY.** If any provision of this Act or  
17 its application is held invalid, such invalidity shall not affect other  
18 provisions which may be given effect without the invalid  
19 provision. **SECTION 11. EFFECTIVE DATE.** This Act shall take  
20 effect after the 90-day period after final adjournment of the  
21 Seventy-Seventh general assembly.