



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Rigel Robinson and Cheryl Davila
 Subject: Support for AB 1076 (Ting) - Automatic Relief of Criminal Records

RECOMMENDATION

Send a letter to Assemblymember Ting supporting AB 1076, which would make the withholding of disclosure of criminal records for certain eligible arrests and convictions automatic, instead of requiring the individual to petition the court.

BACKGROUND

Introduced on February 21, 2019 by Assemblymember Ting, AB 1076 proposes an addition to the California Penal Code that requires the Department of Justice to automatically grant relief from criminal records to certain persons who would qualify for relief if they filed a petition or motion with a court. Given that California law already lays out the conditions under which individuals are eligible for relief, including having completed certain diversion programs, having been arrested but not charged for some crimes, or having completed time served for certain infractions, the only fundamental change that this legislation introduces is the automatic nature of the approval.

Given that the current system for filing these relief petitions can often take considerable time, cost money to pursue, and that the process can be difficult to understand and navigate, changing the process to be automatic takes the burden off individuals that are already struggling under the justice system and streamlines it into an official process. This bill would affect “380,000 people currently incarcerated for crimes or awaiting trial and the millions more eligible going back in time,” and would help to reduce socioeconomic and racial discrimination by combatting prejudice in housing and hiring policy, since arrest and incarceration rates are disproportionately higher among the African American and Hispanic communities. The bill would support the rehabilitation of numerous past offenders by removing barriers that prevent them from productively contributing to society.

Arrest and incarceration records would still be available to law enforcement and considered when applying for some public service jobs such as police work, but would not be available through background checks to other employers, landlords, or colleges. As a safeguard, the bill would require the DOJ to notify the presiding court of the automatic relief, at which point the prosecuting attorney would be allowed to file a motion blocking it and requiring the individual to go through existing petition procedures for relief instead.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Courtney Baldwin, Intern

Attachments:

1: Bill Text - AB 1076

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1076

July 24, 2019

The Honorable Phil Ting
California State Assembly
State Capital
P.O. Box 942849
Sacramento, CA 94249

RE: AB 1076, Automatic Relief of Criminal Records by Assemblymember Ting
Support from the Berkeley City Council

Dear Assemblymember Ting:

The Council of the City of Berkeley officially expresses our support on AB 1076, automatic relief of criminal records. The Council recognizes that this bill is an important step in allowing successful rehabilitation of past offenders, and in combatting racial and socioeconomic discrimination in hiring and housing decisions.

As SF D.A. Gascon recently said, “When you remove the ability for people to participate fully in their community — employment, housing, education, other activities — you marginalize them until they’re left with no hope.” The City of Berkeley agrees with this sentiment and stands by AB 1076 as a vehicle for restoring hope to California citizens and communities still facing the repercussions of past arrests that were never prosecuted, or convictions for which they have already served time.

Making criminal record relief an automatic process takes the burden off individuals that are already struggling under the justice system and streamlines it into an official process, allowing for a kinder and more equitable framework for these citizens.

The Council thanks you and your office for your leadership on this important policy topic.

Sincerely,

Berkeley City Council
CC: Senator Nancy Skinner
Assembly Member Buffy Wicks

