

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on December 10–11, 2026

Judicial Council–Sponsored Legislation: Procedures for Sealing Arrest Records (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected

Pen. Code §§ 851.92, 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97

Effective Date

January 1, 2028

Date of Report

September 16, 2026

Recommended by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Contact

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Report Type

Action Required

Executive Summary

The Criminal Law Advisory Committee recommends that the Judicial Council sponsor legislation amending several Penal Code statutes to improve consistency in how arrest records are sealed when a person successfully completes diversion.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council sponsor legislation, effective January 1, 2028, to:

1. Amend Penal Code section 851.92(a), which applies when an arrest record is sealed under specified Penal Code sections, to apply to Penal Code sections 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97, and to an arrest that is deemed to have never occurred due to

successful completion of a statutorily granted diversion program where the authorizing statute mandates or permits sealing of the record.

2. Amend Penal Code section 851.92(d), which defines terms used in specified Penal Code sections, to apply to Penal Code sections 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97, and to an arrest that is deemed to have never occurred due to successful completion of a statutorily granted diversion program and the authorizing statute mandates or permits sealing of the record.
3. Amend Penal Code sections 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97 to state that a court may order records pertaining to an arrest on which diversion was based be sealed as described in Penal Code section 851.92, and to state that a divertee must be advised that a criminal justice agency may access and use sealed records as described in section 851.92.

The proposed amendments are attached at pages 7–14.

Relevant Previous Council Action

The Judicial Council has taken no previous action on this issue.

Analysis/Rationale

California law provides for arrest record sealing under a variety of circumstances. For example, a person whose arrest did not result in a conviction may affirmatively petition the court to have their arrest records sealed if they meet certain eligibility requirements.¹ Additionally, upon successful completion of certain forms of diversion, the arrest on which the diversion is based is “deemed to have never occurred,” and the court is authorized to issue an order to seal records under Penal Code section 851.92 pertaining to the arrest.²

Section 851.92, in turn, describes procedural requirements that apply when an arrest record is sealed under the arrest sealing and diversion statutes cited earlier, such as providing copies of the sealing order to law enforcement agencies and directing the agencies to update their records to indicate that the record is sealed.³ The statute also states that sealed arrest records cannot be disclosed except to the person whose arrest was sealed or an authorized criminal justice agency—but criminal justice agencies are generally authorized to access and use sealed arrest records to the same extent as if the arrest had not been sealed.⁴ Lastly, section 851.92 provides that unauthorized dissemination of a sealed arrest is subject to a civil penalty.⁵

¹ See Pen. Code, § 851.91. All further references are to the Penal Code unless otherwise specified.

² See §§ 851.87 (pretrial diversion), 851.90 (drug diversion), 1000.4 (pretrial drug diversion), 1001.9 (misdemeanor diversion), 1001.36 (mental health diversion), and 1001.83 (primary caregiver diversion).

³ § 851.92(b)(1)–(4).

⁴ § 851.92(b)(5) & (6).

⁵ § 851.92(c).

Concurrently, there exist several other diversion statutes that can also result in an arrest being “deemed to have never occurred” but which do not reference section 851.92 or otherwise specify whether an arrest sealing order is required or to whom copies of any arrest sealing order must be provided.⁶ As a result, it is not clear whether courts should issue an arrest sealing order upon the defendant’s successful completion of these forms of diversion—and if so, whether the court can or should provide a copy of the order to law enforcement agencies. It appears that some courts will simply advise the defendant of the statutory language,⁷ while others issue sealing orders like those issued under section 851.92.

A threshold question is whether the two categories of diversion statutes described above (i.e., those that reference the sealing procedures outlined in section 851.92 and those that do not) should be understood as functionally providing the same form of arrest record relief. The committee believes that they do, given that each of the diversion statutes similarly provides that (1) the arrest is deemed to have never occurred; (2) the person may thereafter state that they were not arrested, except that the arrest must be disclosed in response to a direct question contained in a questionnaire or application for a peace officer position as defined in section 830; (3) the arrest cannot, without the person’s permission, be used in any way that could result in the denial of any employment, license (except under sections 851.87 and 851.90), benefit, or certificate; and (4) the California Department of Justice must disclose the arrest in response to any peace officer application request.⁸

Generally, the distinction between the categories is that after stating that the arrest is deemed to have never occurred, some of the statutes have the following additional language: “and the court may issue an order to seal the records pertaining to the arrest as described in section 851.92.” Additionally, these statutes state that the court must advise the defendant that regardless of the defendant’s successful completion of a statutorily authorized diversion program, an order to seal arrest records has no effect on a criminal justice agency’s ability to access and use those sealed records and information regarding sealed arrests, as described in section 851.92.⁹

Given that one set of diversion statutes includes a cross-reference to section 851.92, while the other set does not, it could be argued that the omissions were intentional. However, because the diversion statutes across both categories provide substantially the same form of arrest record relief, the committee did not identify any obvious reason why some include a cross-reference to

⁶ See §§ 1001.33(a) (cognitive developmental disabilities diversion), 1001.55(a) (misdemeanor offender diversion), 1001.75(a) (parental diversion), 1001.80(k) (military diversion), 1001.97(a) (court-initiated misdemeanor diversion).

⁷ See §§ 1001.33(a) & (b), 1001.55(a) & (b), 1001.75(a) & (b), 1001.80(k) & (l), 1001.97(a) & (b) (defendant may indicate in response to a question concerning their prior criminal record that they were not arrested for the offense, except for specified peace officer–related inquiries; records pertaining to an arrest resulting in successful completion of a diversion program shall not, without the defendant’s consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate).

⁸ See §§ 851.87(a) & (b), 851.90(a) & (b), 1000.4(a) & (b), 1001.9(a) & (b), 1001.36(h)–(j), 1001.83(g)–(i), 1001.33(a) & (b), 1001.55(a) & (b), 1001.75(a) & (b), 1001.80(k) & (l), 1001.97(a) & (b).

⁹ See §§ 851.87(c), 851.90(c), 1000.4(d), 1001.9(c), 1001.36(j)(2), 1001.83(i)(2).

the sealing procedures in section 851.92, while others do not. Adding a cross-reference to section 851.92 to the diversion statutes that do not currently have one would promote consistency in arrest record relief.

The committee was concerned that these inconsistencies could arise again if a future diversion statute states that an arrest is deemed to have never occurred but does not cross-reference section 851.92. In response, the committee recommends including a catchall provision applying the procedures in section 851.92 to future diversion statutes that deem an arrest to never have occurred due to successful completion of diversion and the authorizing statute mandates or permits sealing of the record.

The proposal

The committee recommends adding a reference to section 851.92 and an advisement about access to the sealed records by a criminal justice agency to the diversion statutes that do not currently include one: sections 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97. The committee further recommends amending section 851.92 to specify that its provisions and definitions apply when an arrest sealing order is made (1) under the aforementioned diversion statutes, or (2) when an arrest on which diversion was imposed is deemed to have never occurred due to successful completion of a statutorily granted diversion program and the authorizing statute mandates or permits sealing of the record.

Policy implications

The proposal promotes consistency in arrest record sealing procedures based on successful completion of diversion. The proposal is consistent with *The Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposal circulated for comment from May 6 to June 12, 2026. Five comments were received, with three commenters in agreement and one commenter agreeing if modified. The Alameda County Public Defenders did not indicate a position. The committee appreciates the time taken by commenters to respond to this proposal. All comments received, and the committee's responses, are provided in the attached chart of comments at pages 15–26.

The committee requested specific comment on whether to amend proposed language in section 851.92(a) and (d) to clarify its applicability when an “arrest upon which diversion was imposed is deemed to have never occurred,” matching the existing language in section 1001.97 on court-initiated misdemeanor diversion. Existing language in sections 1001.33, 1001.55, 1001.75, and 1001.80 use “arrest upon which diversion was based.” The committee asked whether section 851.92 should reference “arrest upon which diversion was based” rather than “arrest upon which diversion was imposed.” Three commenters preferred “based,” and the committee recommends updating the proposal accordingly.

Alameda County Public Defenders raised several substantive comments, which are discussed below.

Changes to existing statutory language

The Alameda County Public Defenders suggested replacing the term “seal” in the statutes, stating that the relief provided does not actually seal records and may confuse those seeking relief. The committee declines to replace the term “seal,” as it is used in the existing statutory language, as well as in other statutes that are not included in this legislative proposal, such as sections 851.90 and 851.91.

The commenter also requested that the process for obtaining record sealing be clarified, such as whether courts can seal records on their own motion or if a request is required. The committee notes that similar language exists in sections 851.87, 851.90, 1000.4, and 1001.9, which are outside the scope of this legislative proposal. Therefore, further clarification of the process is not included in the proposal.

Legislative history of diversion statutes

The Alameda County Public Defenders commented on whether the legislative history of the diversion statutes without reference to section 851.92 indicates that a stronger form of relief was intended. The legislative history on Assembly Bill 3234 (Stats. 2020, ch. 334), which enacted sections 1001.95–1001.97, does not address whether court-ordered misdemeanor diversion was intended to provide a different form of relief than diversion statutes referencing section 851.92.

Similarly, the legislative history of Senate Bill 393 (Stats. 2017, ch. 680), which enacted section 851.92, does not discuss why diversion under sections 1001.33, 1001.55, 1001.75, and 1001.80, which all existed at the time, were not included. However, the legislative history does indicate that section 851.92 was intended to provide “one universal, thorough system,” “resolve understandable confusion on how a sealing should be accomplished by providing a definitive and universal process,” and eliminate inefficiencies in the system.¹⁰ The committee intends for this legislative proposal to do the same.

The Alameda County Public Defenders further asked whether the legislative history of statutes like section 1001.97 indicate the Legislature intended them to be priorable. The committee clarified that the proposal does not address priorability.

Licensing and state bar membership

The Alameda County Public Defenders inquired how the proposal impacts access and use of sealed arrest records by licensing agencies under Business and Professions Code section 492¹¹

¹⁰ Sen. Judiciary Com., Analysis on Sen. Bill 393 (2017–2018 Reg. Sess.), April 24, 2017, p. 7.

¹¹ Under Business and Professions Code section 492, successful completion of diversion does not prohibit specified licensing agencies from taking disciplinary action against a licensee or denying a license for professional misconduct, notwithstanding that evidence of misconduct may be recorded in a record pertaining to an arrest.

and state bar membership. The proposal is limited to extending the provisions of section 851.92 and does not address licensing or state bar membership.

Alternatives considered

The committee considered different variations of the catchall provision, aiming to balance consistency in court procedures for substantially similar types of relief while not getting ahead of the legislative process. The committee initially discussed including a provision applying section 851.92 procedures anytime an arrest on which diversion is imposed is deemed to have never occurred due to successful completion of a statutorily granted diversion program. This was intended to address diversion statutes where a cross-reference to section 851.92 seemed inadvertently left out, as with the five diversion statutes addressed in this proposal. However, the legislative language in the diversion statutes that include a reference to section 851.92 states that the “arrest is deemed to have never occurred *and* the court *may* issue an order to seal the records pertaining to the arrest as described in section 851.92.” (Emphasis added.) The committee discussed how this language could be interpreted as giving courts the discretion to order sealing, rather than mandating it, and that the proposed catchall could get ahead of the legislative process by mandating sealing. To resolve this concern, the committee added an additional provision stating that the authorizing statute mandates or permits sealing of the record.

Fiscal and Operational Impacts

One court indicated that the proposed change would result in cost savings by reducing the number of petitions filed to seal arrest records following successful completion of diversion under statutes not currently referencing the procedures in section 851.92. Another court noted that the proposal may not result in quantifiable cost savings but may reduce the risk of procedural errors and questions from court staff. The courts noted that the legislation would require updates to case management systems and docket codes, and training.

Attachments and Links

1. Pen. Code, §§ 851.92, 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97, at pages 7–14
2. Chart of comments, at pages 15–26

Sections 851.92, 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97 of the Penal Code are proposed to be amended, effective January 1, 2028, to read:

§ 851.92

(a)

This section applies when an arrest record is sealed pursuant to Sections 851.87, 851.90, 851.91, 1000.4, 1001.33, 1001.55, 1001.75, 1001.80, and 1001.9, and 1001.97, or when an arrest upon which diversion was based is deemed to have never occurred due to successful completion of a statutorily granted diversion program and the authorizing statute mandates or permits sealing of the record.

(b)

When the court issues an order to seal an arrest, the sealing shall be accomplished as follows:

- (1) The court shall provide copies of the order and a report on the disposition of the arrest, as follows:
 - (A) Upon issuing the order, the court shall provide a copy to the person whose arrest was sealed and to the prosecuting attorney.
 - (B) Within 30 days of issuing the order, the court shall forward a copy of the order to the law enforcement agency that made the arrest, to any other law enforcement agency that participated in the arrest, and to the law enforcement agency that administers the master local summary criminal history information that contains the arrest record for the sealed arrest.
 - (C) Within 30 days of issuing the order, the court shall furnish a disposition report to the Department of Justice indicating that relief has been ordered and providing the section of the Penal Code under which that relief was granted and the date that relief was granted.
 - (D) A sealing order made pursuant to this subdivision shall not be forwarded to the Department of Justice to be included or notated in the department's manual or electronic fingerprint image or criminal history record systems. Any sealing order made pursuant to this subdivision and received by the Department of Justice shall not be processed by the department.
- (2) The arrest record shall be updated, as follows:
 - (A) The local summary criminal history information shall include, directly next to or below the entry or entries regarding the sealed arrest, a note stating "arrest sealed" and providing the date that the court issued the

order, and the section pursuant to which the arrest was sealed. This note shall be included in all master copies of the arrest record, digital or otherwise.

- (B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the sealed arrest, a note stating “arrest relief granted,” providing the date that the court issued the order and the section of the Penal Code pursuant to which the relief was granted. This note shall be included in all master copies of the arrest record, digital or otherwise.
 - (3) A police investigative report related to the sealed arrest shall, only as to the person whose arrest was sealed, be stamped “ARREST SEALED: DO NOT RELEASE OUTSIDE THE CRIMINAL JUSTICE SECTOR,” and shall note next to the stamp the date the arrest was sealed and the section pursuant to which the arrest was sealed. The responsible local law enforcement agency shall ensure that this note is included in all master copies, digital or otherwise, of the police investigative report related to the arrest that was sealed.
 - (4) Court records related to the sealed arrest shall, only as to the person whose arrest was sealed, be stamped “ARREST SEALED: DO NOT RELEASE OUTSIDE OF THE CRIMINAL JUSTICE SECTOR,” and shall note next to the stamp the date of the sealing and the section pursuant to which the arrest was sealed. This stamp and note shall be included on all master court dockets, digital or otherwise, relating to the arrest.
 - (5) Arrest records, police investigative reports, and court records that are sealed under this section shall not be disclosed to any person or entity except the person whose arrest was sealed or a criminal justice agency. Nothing shall prohibit disclosure of information between criminal history providers.
 - (6) Notwithstanding the sealing of an arrest, a criminal justice agency may continue, in the regular course of its duties, to access, furnish to other criminal justice agencies, and use, including, but not limited to, by discussing in open court and in unsealed court filings, sealed arrests, sealed arrest records, sealed police investigative reports, sealed court records, and information relating to sealed arrests, to the same extent that would have been permitted for a criminal justice agency if the arrest had not been sealed.
- (c)

Unless specifically authorized by this section, a person or entity, other than a criminal justice agency or the person whose arrest was sealed, who disseminates information relating to a sealed arrest is subject to a civil penalty of not less than

five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500) per violation. The civil penalty may be enforced by a city attorney, district attorney, or the Attorney General. This subdivision does not limit any existing private right of action. A civil penalty imposed under this section shall be cumulative to civil remedies or penalties imposed under any other law.

(d)

As used in this section, ~~and~~ Sections 851.87, 851.90, 851.91, 1000.4, 1001.33, 1001.55, 1001.75, 1001.80, and 1001.9, and 1001.97, or when an arrest on which diversion was based is deemed to have never occurred due to successful completion of a statutorily granted diversion program and the authorizing statute mandates or permits sealing of the record, all of the following terms have the following meanings:

- (1) “Arrest record” and “record pertaining to an arrest” mean information about the arrest or detention that is contained in either of the following:
 - (A) The master, or a copy of the master, local summary criminal history information, as defined in subdivision (a) of Section 13300.
 - (B) The master, or a copy of the master, state summary criminal history information as defined in subparagraph (A) of paragraph (2) of subdivision (a) of Section 11105.
- (2) “Court records” means records, files, and materials created, compiled, or maintained by or for the court in relation to court proceedings, and includes, but is not limited to, indexes, registers of actions, court minutes, court orders, court filings, court exhibits, court progress and status reports, court history summaries, copies of state summary criminal history information and local summary criminal history information, and any other criminal history information contained in any of those materials.
- (3) “Criminal history provider” means a person or entity that is not a criminal justice agency and that provides background screening services or criminal history information on identified individuals to the public or to those outside the criminal justice sector upon request, charge, or pursuant to a contractual agreement or that aggregates into databases that are open to the public or to those outside the criminal justice sector upon request or charge, or pursuant to a contractual agreement, that are not created or maintained by a criminal justice agency, criminal history information on identified individuals. For the purposes of this paragraph, a criminal history provider includes an investigative consumer reporting agency, as defined in Section 1786.2 of the Civil Code, a consumer credit reporting agency, as defined in Section 1785.3

of the Civil Code, and a consumer reporting agency, as defined in Section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

- (4) “Criminal justice agency” means an agency at any level of government that performs, as its principal function, activities relating to the apprehension, prosecution, defense, adjudication, incarceration, or correction of criminal suspects and criminal offenders. A criminal justice agency includes, but is not limited to, any of the following:
 - (A) A court of this state.
 - (B) A peace officer, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.
 - (C) A district attorney.
 - (D) A prosecuting city attorney.
 - (E) A city attorney pursuing civil gang injunctions pursuant to Section 186.22a, drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code or Section 11571 of the Health and Safety Code, or a city attorney or county counsel pursuing gun violence restraining orders pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6.
 - (F) A probation officer.
 - (G) A parole officer.
 - (H) A public defender or an attorney representing a person, or a person representing themselves, in a criminal proceeding, a proceeding to revoke parole, mandatory supervision, or post release community supervision, or in a proceeding described in Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3.
 - (I) An expert, investigator, or other specialist contracted by a prosecuting attorney or defense attorney to accomplish the purpose of the prosecution, defense, or representation in the criminal proceeding.
 - (J) A correctional officer.
- (5) “Police investigative report” means intelligence, analytical, and investigative reports and files created, compiled, and maintained by a law enforcement criminal justice agency and relating to a potential crime, violation of the law, arrest, detention, prosecution, or law enforcement investigation.

§ 1001.33 (cognitive developmental disabilities diversion)

(a)

Any record filed with the Department of Justice shall indicate the disposition in those cases diverted pursuant to this chapter. Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred, and the court may order those records pertaining to the arrest to be sealed as described in Section 851.92. The divertee may indicate in response to any question concerning ~~his or her~~ their prior criminal record that ~~he or she was~~ they were not arrested or diverted for the offense, except as specified in subdivision (b). A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

(b)

The divertee shall be advised that, regardless of ~~his or her~~ the divertee's successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve ~~him or her~~ the divertee of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

(c)

The divertee shall be advised that, regardless of the divertee's successful completion of diversion, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

§ 1001.55 (misdemeanor offender diversion)

(a)

Any record filed with the Department of Justice shall indicate the disposition in those cases diverted pursuant to this chapter. Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred, and the court may order those records pertaining to the arrest to be sealed as described in Section 851.92. The divertee may indicate in response to any question concerning ~~his or her~~ their prior criminal record that ~~he or she was~~ they were not arrested or diverted for the offense, except as specified in subdivision (b). A record pertaining to an arrest resulting in successful completion

of a diversion program shall not, without the divertee's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

(b)

The divertee shall be advised that, regardless of ~~his or her~~ the divertee's successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve ~~him or her~~ the divertee of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

(c)

The divertee shall be advised that, regardless of the divertee's successful completion of diversion, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

§ 1001.75 (parental diversion)

(a)

Any record filed with the Department of Justice shall indicate the disposition in those cases diverted pursuant to this chapter. Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred, and the court may order those records pertaining to the arrest to be sealed as described in Section 851.92. The divertee may indicate in response to any question concerning ~~his or her~~ their prior criminal record that ~~he or she was~~ they were not arrested or diverted for that offense, except as specified in subdivision (b). A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way that would result in the denial of any employment, benefit, license, or certificate.

(b)

The divertee shall be advised that, regardless of ~~his or her~~ the divertee's successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve ~~him or her~~ the divertee of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

(c)

The divertee shall be advised that, regardless of the divertee's successful completion of diversion, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

§ 1001.80 (military diversion)

(a)–(j) * * *

(k)

A record filed with the Department of Justice shall indicate the disposition of those cases diverted pursuant to this chapter. Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred, and the court may order those records pertaining to the arrest to be sealed as described in Section 851.92. The defendant may indicate in response to a question concerning their prior criminal record that they were not arrested or diverted for the offense, except as specified in subdivision (l). A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the defendant's consent, be used in a way that could result in the denial of any employment, benefit, license, or certificate.

(l)

The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (k), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer as defined in Section 830.

(m)

The defendant shall be advised that, regardless of their successful completion of diversion, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

~~(m)~~(n) * * *

~~(n)~~(o) * * *

~~(o)~~(p) * * *

~~(p)~~(q) * * *

§ 1001.97 (court-initiated misdemeanor diversion)

(a)

Upon successful completion of the terms, conditions, or programs ordered by the court pursuant to Section 1001.95, the arrest upon which diversion was imposed shall be deemed to have never occurred, and the court may order those records pertaining to the arrest to be sealed as described in Section 851.92. The defendant may indicate in response to any question concerning their prior criminal record that they were not arrested. A record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

(b)

The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (a), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Section 830.

(c)

The defendant shall be advised that, regardless of their successful completion of diversion, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

LEG26-01 Chart of Comments

Judicial Council–Sponsored Legislation: Procedures for Sealing Arrest Records (amend Penal Code sections 851.92, 1001.33, 1001.55, 1001.75, 1001.80, and 1001.97)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Alameda County Public Defenders by Sadie Wathen, Supervising Clean Slate Attorney	[Clarifying and formatting amendments in italics] Position: Not indicated	The committee appreciates the comments.
Alameda County Public Defenders (continued)	<i>Comment #1:</i> We are worried about the use of the word seal here (and in PC 851.91, the relevant order, etc.) in part because of this language of 851.91 (see below). We often have people come to our clinics confused as to why the relief has limitations if it is “sealed.” (e) If the court grants a petition pursuant to this section, the court shall do all of the following: (1) Furnish a disposition report to the Department of Justice, pursuant to Section 13151, stating that relief was granted under this section. (2)(A) Issue a written ruling and order to the petitioner, the prosecuting attorney, and to the law enforcement agency that made the arrest that states all of the following: (B) The record of arrest has been sealed as to petitioner, the arrest is deemed not to have occurred, the petitioner may answer any question relating to the sealed arrest accordingly, and the petitioner is released from all penalties and disabilities resulting from the arrest, except as provided in Section 851.92 and as follows: (i) The sealed arrest may be pleaded and proved in any subsequent prosecution of the petitioner for any other offense, and shall have the same effect as if it had not been sealed.	The committee declines to revise the term “seal,” as it is used in the existing statutory language, as well as in other statutes that are not included in this legislative proposal, such as Penal Code sections 851.90 and 851.91.

Commenter	Comment	Committee Response
	(ii) The sealing of an arrest pursuant to this section does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission. (iii) The sealing of an arrest pursuant to this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility. (iv) The sealing of an arrest pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.	
Alameda County Public Defenders (continued)	<i>Comment #2, in reference to page 1 of the invitation to comment stating "upon successful completion of certain forms of diversion, the arrest upon which the diversion is based is 'deemed to have never occurred,' and the court is authorized to issue an order to seal records under Penal Code section 851.92 pertaining to the arrest":</i> We believe at least some courts are having people file PC 851.91s and then issuing CR-410 orders (which, as mentioned in a comment below, seem to include some language of 851.91, which may need to be changed to specify that it only applies to 851.91s?)	No response required.
Alameda County Public Defenders (continued)	Will the Judicial Council be creating new forms as needed? Clarity around what the petition process entails/what should be filed/included in an order would be helpful from the Judicial Council, especially where the	The committee may consider developing new or revised forms to reflect updated legislation as time and resources allow.

Commenter	Comment	Committee Response
	statute says “the court may issue an order,” since in many instances with respect to diversions no mechanism is discussed.	
Alameda County Public Defenders (continued)	<i>Comment #3, in reference to page 2 of the invitation to comment stating that “[Penal Code section 851.92] also states that sealed arrest records cannot be disclosed except to the person whose arrest was sealed or an authorized criminal justice agency—but criminal justice agencies are generally authorized to access and use sealed arrest records to the same extent as if the arrest had not been sealed”:</i> Just to clarify - does this mean even after, for instance, successful completions of PC 1001.95 misdo diversion?	The proposal would extend the disclosure exceptions of section 851.92 to misdemeanor diversion under Penal Code section 1001.95, as well as diversion under sections 1001.33, 1001.55, 1001.75, and 1001.80.
Alameda County Public Defenders (continued)	Here is the language of PC 1001.97: § 1001.97. Status of arrest following completion of conditions; disclosure of arrest (a) Upon successful completion of the terms, conditions, or programs ordered by the court pursuant to Section 1001.95, the arrest upon which diversion was imposed shall be deemed to have never occurred. The defendant may indicate in response to any question concerning their prior criminal record that they were not arrested. A record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court shall not, without the defendant’s consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate. (b) The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (a), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Section 830.	No response required.

Commenter	Comment	Committee Response
Alameda County Public Defenders (continued)	<i>Comment #4:</i> Should there/will there be a separate order for the diversion statutes that reference 851.92 since it appears the current CR-410 references at least some language not found in 851.92 without specifying that such language only applies to 851.91s: Petitioner may answer any question relating to the sealed arrest as though it did not happen, and petitioner is released from all penalties and disabilities resulting from the arrest, except as follows: Law enforcement agency report number: Prosecuting agency report number: Court case number: Other: The sealed arrest may be pleaded and proved in any later prosecution of the petitioner for any other offense, and will have the same effect as if it had not been sealed. The sealing of an arrest under this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility. The sealing of an arrest under this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.	The committee may consider developing new or revised forms to reflect updated legislation as time and resources allow.
Alameda County Public Defenders (continued)	<i>Comment #5:</i> Again, if this legislation is adopted, will the Judicial Council be creating any/all related petitions/orders?	The committee may consider developing new or revised forms to reflect updated legislation as time and resources allow.

Commenter	Comment	Committee Response
Alameda County Public Defenders (continued)	<i>Comment #6, in response to page 2 of the invitation to comment stating that “It appears that some courts will simply advise the defendant of the statutory language, while others issue sealing orders like those issued under section 851.92”:</i> Unfortunately, we think many are just using the CR-410 order which has limitations that we only see in PC 851.91 (e.g., prohibitions for holding public office a limitation we do not see specified in PC 851.92).	The committee may consider developing new or revised forms to reflect updated legislation as time and resources allow.
Alameda County Public Defenders (continued)	<i>Comment #6, in response to page 2 of the invitation to comment stating that “A threshold question is whether the two categories of diversion statutes described above (i.e., those that reference the sealing procedures outlined in section 851.92 and those that do not) should be understood as functionally providing the same form or arrest record relief”:</i> To clarify, the two categories of diversion statutes described does not reference PC 851.91, correct? Because of the differences in limitations we have outlined, we do not want people conflating PC 851.91 and the relief outlined in the various diversion statutes.	This reference does not include Penal Code section 851.91.
Alameda County Public Defenders (continued)	Did the Judicial Council review the legislative history, of, for example PC 1001.95 and rule out that it was intended to be a stronger form of relief than anything citing 851.92? § 1001.97. Status of arrest following completion of conditions; disclosure of arrest (a) Upon successful completion of the terms, conditions, or programs ordered by the court pursuant to Section 1001.95, the arrest upon which diversion was imposed shall be deemed to have never occurred. The defendant may indicate in response to any question concerning their prior criminal record that they were not arrested. A record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court shall not, without the defendant’s consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.	The legislative history on Assembly Bill 3234 (Stats. 2020, ch. 334), which enacted Penal Code section 1001.95-1001.97, does not address whether court-ordered misdemeanor diversion was intended to provide a different form of relief than diversion statutes referencing section 851.92. Additionally, the legislative history of Senate Bill 393 (Stats. 2017, ch. 680), which enacted section 851.92, does not discuss why diversion under sections 1001.33, 1001.55, 1001.75, 1001.80, which all existed at the time, were not included. The legislative history does indicate that section 851.92 was intended to provide “one universal, thorough system” and “resolve understandable confusion on how a sealing should be accomplished by providing a definitive and universal process,” and eliminating

Commenter	Comment	Committee Response
	(b) The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (a), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Section 830.	inefficiencies in the system (Sen. Judiciary Com., Analysis on Sen. Bill 393 (2017-2018 Reg. Sess.), April 24, 2017, p. 9.). The committee intends for this legislative proposal to do the same.
Alameda County Public Defenders (continued)	<i>Comment #7, in response to page 2 of the invitation to comment, stating “A threshold question is whether the two categories of diversion statutes described above (i.e., those that reference the sealing procedures outlined in section 851.92 and those that do not) should be understood as functionally providing the same form of arrest record relief. The committee believes that they do, given that each of the diversion statutes similarly provides that (1) the arrest is deemed to have never occurred; (2) the person may thereafter state that they were not arrested, except that the arrest must be disclosed in response to a direct question contained in a questionnaire or application for a peace officer position as defined in section 830; (3) the arrest cannot, without the person’s permission, be used in any way that could result in the denial of any employment, license (except under sections 851.87 and 851.90), benefit, or certificate; and (4) the California Department of Justice must disclose the arrest in response to any peace officer application request. Generally, the distinction between the categories is that after stating that the arrest is deemed to have never occurred, some of the statutes have the following additional language: ‘and the court may issue an order to seal the records pertaining to the arrest as described in section 851.92’”:</i> What about BP 492 at least for licensees? What about the state bar?	The proposal does not address Business and Professions Code section 492 and the state bar and is limited to extending the provisions of section 851.92.
Alameda County Public Defenders (continued)	<i>Comment #8, in response to page 3 of the invitation to comment stating that “Given that one set of diversion statutes includes a cross-reference to section 851.92, while the other set does not, it could be argued that the omissions were intentional. However, because the diversion statutes</i>	The proposal does not address prioritability.

Commenter	Comment	Committee Response
	<i>across both categories provide substantially the same form of arrest record relief, the committee did not identify any obvious reason why some included a cross-reference to the sealing procedures in section 851.92, while others do not.”</i> Does the legislative history of statutes like 1001.97 indicate they intended them to be priorable? § 1001.97. Status of arrest following completion of conditions; disclosure of arrest (a) Upon successful completion of the terms, conditions, or programs ordered by the court pursuant to Section 1001.95, the arrest upon which diversion was imposed shall be deemed to have never occurred. The defendant may indicate in response to any question concerning their prior criminal record that they were not arrested. A record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate. (b) The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (a), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Section 830.	
Alameda County Public Defenders (continued)	<i>Comment #9:</i> The use of the word “sealed” in statutes (and corresponding Judicial Council forms) that have carve outs can be misleading to petitioners. If there are any carve outs, it seems partial sealing is a more apt description.	The committee declines to revise the term “seal,” as it is used in the existing statutory language, as well as in other statutes that are not included in this legislative proposal, such as Penal Code sections 851.90 and 851.91.

Commenter	Comment	Committee Response
Alameda County Public Defenders (continued)	<i>Comment #10, in response to using “imposed” rather than “based” in section 851.92(a):</i> We think was based might make more sense.	The committee agrees with the comment.
Alameda County Public Defenders (continued)	<i>Comment #11, in response to proposed amendments to Penal Code section 1001.97(a) stating that the court may order records pertaining to the arrest to be sealed as described in Section 851.92:</i> Are there any references to a process - pertaining to petitions/orders where a court “may” order sealing? Does it require someone to file/request or can the court do it on its own? Seems like if they are looking for more consistency there should be a clear process for how/when this is applied, especially where it’s permissive.	Existing statutory language in Penal Code sections 851.87, 851.90, 1000.4, and 1001.9 also state that a court may order records pertaining to the arrest to be sealed as described in section 851.92, and are not included in this legislative proposal. Accordingly, clarifying this process is beyond the scope of this proposal.
Orange County Bar Association by Shirin Forootan, President	Position: Agree Clarifies several statutes to affirm the ability to seal records of conviction after completing diversion. 1. Does the proposal appropriately address the stated purpose? YES	The committee appreciates the comments.
Orange County Bar Association (continued)	2. The proposal includes language in Penal Code section 851.92(a) and (d) to apply when an “arrest upon which diversion was imposed is deemed to have never occurred,” similar to existing language in Penal Code section 1001.97 on court-initiated diversion. Existing language in Penal Code sections 1001.33, 1001.55, 1001.75, and 1001.80 use “arrest upon which diversion was based” instead of “imposed.” Should the proposed amendments to section 851.92 use “based” rather than “imposed” as well? YES	The committee agrees with the comment.
San Diego County District Attorney’s Office	Position: Agree Agree with proposed changes	The committee appreciates the comment.

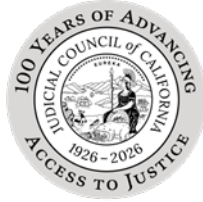
Commenter	Comment	Committee Response
by Emmaline Campbell, Deputy District Attorney		
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California’s “ITC LEG26-01 Judicial Council–Sponsored Legislation: Procedures for Sealing Arrest Records,” the Court agrees the proposal appropriately addresses the stated purpose. The proposal would ensure consistency in the sealing of arrest records and specified criminal record relief across all the various code sections related to diversion relief, and where successful completion of diversion is intended to provide that the arrest is “deemed to have never occurred.”	The committee appreciates the comments.
Superior Court of Los Angeles County (continued)	The Court believes the proposed amendments to section 851.92 should use “based,” because it is more technically accurate. Diversion is usually an agreement by the parties, justice parties, and/or the Court based on an arrest and not just imposed.	The committee agrees with the comment.
Superior Court of Los Angeles County (continued)	From an operations perspective, the proposed change would result in cost savings by reducing the number of petitions filed to seal arrests following the dismissal of diversion types not currently referenced under Penal Code 851.92. This reduction would also decrease the associated workload, including staff time, judicial research, and court hearings.	No response required.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to update its case management system, including macros, sealing event codes and Arrest Disposition Reporting functionalities. This is necessary to accurately reflect sealing orders associated with the specified diversion statutes. Corresponding operational materials, such as Quick Reference Guides, procedures, and supplemental job aids, would require revision to align with the updated processes. Additionally, forms and informational materials related to petitions to seal arrest records may need to be amended to ensure statutory and procedural consistency. Finally, comprehensive training for staff and management would be necessary to	No response required.

Commenter	Comment	Committee Response
	support uniform application of the revised requirements and to mitigate implementation risks.	
Superior Court of Los Angeles County (continued)	A two-month implementation period would be difficult to comply with from an operations perspective given the scope of required system configuration changes, testing, procedural revisions, and training. The proposal would work for courts of different sizes. However, its impact would be greater in large courts where reductions in sealing-petition filings and associated staff processing hours would result in more substantial operational efficiencies.	The committee understands based on this comment that implementing any changes within a two month period could be difficult. However, the committee does not recommend a special implementation cycle based on this feedback.
Superior Court of Orange County by Nevely Herrera, Operations Analyst I	Position: Agree if modified	The committee appreciates the comments.
Superior Court of Orange County (continued)	Does the proposal appropriately address the stated purpose? The proposal addresses its stated purpose of attempting to improve consistency in how arrest records are sealed when a defendant successfully completes a diversion program. By adding cross-references to section 851.92 in the five additional diversion statutes, it may promote uniformity as to how sealing of diversion records will be processed. Adding the proposed advisement in each diversion statute may further promote the proposal's uniformity in ensuring information provided to defendants is consistent.	No response required.
Superior Court of Orange County (continued)	The proposal includes language in Penal Code section 851.92(a) and (d) to apply when an "arrest upon which diversion was imposed is deemed to have never occurred," similar to existing language in Penal Code section 1001.97 on court-initiated diversion. Existing language in Penal Code sections 1001.33, 1001.55, 1001.75, and 1001.80 use "arrest upon which diversion was based" instead of "imposed." Should the proposed amendments to section 851.92 use "based" rather than "imposed" as well? The proposed modifications to section 851.92 are intended to promote consistency. The proposed amendments to section 851.2 should use "based" rather than "imposed" since this is the language	The committee agrees with the comment.

Commenter	Comment	Committee Response
	that is used in most of the affected diversion statutes. Additionally, using “imposed” has connotations that the diversion was applied to the arrest as a condition which is not necessarily the case.	
Superior Court of Orange County (continued)	The advisory committee also seeks comments from courts on the following cost and implementation matters: • Would the proposal provide cost savings? If so, please quantify. The proposal may not provide quantifiable cost savings. The proposal may reduce the risk of procedural errors and questions from staff	No response required.
Superior Court of Orange County (continued)	• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation of modifications made by the proposal may require modifications to docket codes associated with the five affected diversion statutes. Additionally, internal procedures may need to be reviewed to update the stamping workflow as the procedures outlined in section 851.92 have expanded. A current process exists for processing sealed cases; staff training may consist of an overview of how section 851.92 will be cross-referenced in the five additional diversion statutes.	No response required.
Superior Court of Orange County (continued)	• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? For courts that already have an existing process/workflow in place with the diversion statutes that currently cross-reference section 851.92, two months from Judicial Council approval may provide sufficient time for implementation.	No response required.
Superior Court of Orange County (continued)	• How well would this proposal work in courts of different sizes? The proposal seeks to provide procedural consistency which may reduce ambiguity for courts of different sizes. This proposal may	No response required.

Commenter	Comment	Committee Response
	work well in courts that currently have sealing workflows and copy distribution processes, like Orange County Superior Court.	

DRAFT



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on December 11, 2026

Topic Area: 2027 Legislative Priorities

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

January 1, 2027

Recommended by

Legislation Committee
Hon. Stacy Boulware Eurie, Chair

Date of Report

October 8, 2026

Report Type

Action Required

Contact

Cory T. Jasperson, 916-323-3121

Executive Summary

Each year, the Judicial Council adopts legislative priorities to further key council objectives in the upcoming legislative year. The Legislation Committee recommends that the Judicial Council consider an approach similar to last year's for the 2027 legislative year to include continued stable and reliable funding to address increased costs; continued advancement of remote access to the courts while balancing due process; funding for judgeships statewide and judicial officers in counties with the greatest need; availability of verbatim records of court proceedings; language access and the growing interpreter shortage; operational efficiencies in the courts; and increased security resources to safeguard personnel, the public, and court systems from physical and cyber threats.

Recommendation

The Legislation Committee recommends that the Judicial Council, effective January 1, 2027, approve the following legislative priorities for 2027:

1. Continue to advocate for sufficient funding, including for:
 - a. Stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and
 - b. Sufficient resources to improve physical access to the courts by keeping courts open; expanding access by increasing the ability of court users to conduct branch business online; increasing security to safeguard personnel, the public, and court systems from physical and cyber threats; strengthening programs and services; and continuing to implement innovations in programs and services;
2. Continue to seek funding for judgeships overall and particularly for judicial officers in counties with the greatest need;
3. Continue to sponsor or support legislation to protect the personal security of current and former judicial officers and their families;
4. Continue to sponsor or support legislation to improve judicial branch operational efficiencies, including cost-saving and cost-recovery measures as well as the ability to conduct proceedings, in whole or in part, using remote technology in order to expand safe and reliable access to justice;
5. Continue to promote the availability of verbatim records of court proceedings by working collaboratively to address court reporter shortages and exploring innovations in technology;
6. Continue to sponsor or support legislation to address the growing court interpreter shortage to provide meaningful access to justice by ensuring participants understand court proceedings accurately.
7. Seek legislative authorization, if needed and authorized by the Judicial Council in 2027, for the disposition of unused courthouses in fair market value transactions, with the proceeds to be directed to the State Court Facilities Construction Fund (the successor fund of the Immediate and Critical Needs Account) established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature; and
8. Delegate to the Legislation Committee the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation (state and federal), administrative rules or regulations, and proposals by other bodies or agencies after evaluating input from council advisory bodies, council staff, and the courts, provided that the input is consistent with the council's established policies and precedents.

Relevant Previous Council Action

The council has taken a variety of actions over the past years related to the above recommendations. A summary of recent key actions in these areas follows.

Budget

In 2009 and 2010, the council adopted as a key legislative priority to advocate for sufficient funding for the judicial branch to allow the courts to meet their constitutional and statutory obligations and provide appropriate and necessary services to the public. In 2011, the council advocated against further budget reductions and for sufficient resources to allow trial courts to reopen closed courts and restore critical staffing, programs, and services that were reduced or eliminated in the preceding several years. Another priority for 2012 was to advocate for a combination of solutions to restore funding for a portion of the funding eliminated from the branch budget since 2008.

In 2013, the council adopted a priority of advocating to achieve budget stability for the judicial branch, including advocating against further budget reductions and for sufficient resources to allow courts to reopen closed courthouses; restore court facility construction and maintenance projects; and restore critical staff, programs, and services that were reduced or eliminated in the preceding four years.

Annually since 2014, the council has included similar priorities to achieve budget stability for the judicial branch, including advocating for:

- Sufficient fund balances to allow courts to manage cash flow challenges;
- Provision of stable and reliable funding for courts to address annual cost increases in baseline operations;
- Sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, and to expand access by increasing the ability of court users to conduct branch business online; and
- Restoration of programs and services that were reduced or eliminated in the preceding few years.

Following several years of steady increases in operational and facility funding, the Budget Act of 2024 was the first budget since the Great Recession that included cuts to the trial courts and the entire judicial branch. Overall, the trial courts took an initial \$97 million cut, which was subsequently reduced by \$42 million to an ongoing \$55 million, and additionally offered up over \$100 million in budget solutions by deferring spending or returning unspent funds.

The Budget Act of 2025 included some restoration of funds to allow the Judicial Council to maintain access to justice through critical programs and services provided by California's court system, including \$42 million ongoing for partial restoration of the initial \$97 million reduction for trial courts included in the Budget Act of 2024; \$40 million ongoing for increased trial court operational costs; \$20 million one time for the judicial branch to implement Proposition 36, which authorized felony charges and increased sentences for certain drug and crime thefts; and \$6.3 million ongoing for court-appointed counsel programs for the Supreme Court and Courts of Appeal.

In the current year (Budget Act of 2026) additional funding was provided to support key legislative priorities of the judicial branch. Budget actions included: \$70 million ongoing to help the trial courts address increases in operational costs; \$99.9 million to begin funding 13 new judgeships in the trial courts over five years; \$20 million in each of the next two fiscal years (\$40 million total) to address rising costs for court interpreter services; an additional \$30 million one-time to continue implementation of Proposition 36; \$11 million ongoing for court-appointed counsel programs for the Supreme Court and Courts of Appeal; and \$1.9 billion for a comprehensive infrastructure package that includes much-needed deferred maintenance and capital outlay projects in court facilities.

For the upcoming year, the branch must advocate for protecting the resources needed to sustain the progress that has been made and help the judicial branch keep pace with increased operational costs and facilities needs, and mitigate reductions to core programs and services to serve the public and support access to justice.

The 2027 legislative priorities for overall branch operational and facilities needs are intended to be broad and high level. Specific funding requests in the form of budget change proposals for the Supreme Court, Courts of Appeal, superior courts, judicial branch facilities program, and Judicial Council were previously approved at the July 17, 2026, council meeting¹ and have been submitted to the Department of Finance for consideration in the fiscal year (FY) 2027–28 Governor’s Proposed Budget.

Judgeships and subordinate judicial officer conversions

Government Code section 69614(c)(1) and (3) requires the Judicial Council to provide an update to the Legislature and Governor every even-numbered year on the factually determined need for new judgeships in the California superior courts and to report on the conversion of certain vacant subordinate judicial officer (SJO) positions to judgeships.

Based on the 2022 Judicial Needs Assessment, 17 courts needed new judgeships for a total need of 98 full-time equivalent judicial officers. Due to the COVID-19 pandemic, the planned judicial officer time study and workload caseweights update that was originally scheduled to commence in 2023 will not be conducted until 2025. As a result, the 2024 Judicial Needs Assessment has been delayed² until the time study results can be finalized.

¹ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch Budget: Fiscal Year 2027–28 Budget Change Proposals for Supreme Court, Courts of Appeal, Superior Courts, Judicial Branch Facilities Program, and Judicial Council* (June 17, 2026), <https://jcc.legistar.com/View.ashx?M=F&ID=15658212&GUID=206297FB-5F78-4220-9BC4-7265B343391E>.

² Judicial Council of Cal., *Deferral of California Superior Courts Judicial Needs Assessment Report* (Oct. 31, 2024), courts.ca.gov/sites/default/files/courts/default/2024-12/20241031-governor-newsom_prottem-mcguire-speaker-rivas-delayed-judicial-needs-assessment-report.pdf.

2022 Judicial Needs Assessment

Court	Authorized and Funded Judicial Positions*	2022 Assessed Judicial Need	Number of Judgeships Needed[†] (B – A)	Percentage Judicial Need Over AJP (C / A)
Tehama	4.3	5.6	1	23%
Lake	4.7	5.5	1	21%
Humboldt	8.0	9.3	1	13%
Shasta	13.0	14.9	1	8%
Orange	144.0	145.3	1	1%
Madera	10.3	12.3	2	19%
Kings	10.6	13.0	2	19%
Placer	15.5	17.5	2	13%
Merced	13.0	15.1	2	15%
Stanislaus	26.0	28.1	2	8%
Tulare	25.0	28.6	3	12%
Sacramento	77.5	82.2	4	5%
San Joaquin	35.5	41.8	6	17%
Fresno	53.0	60.0	7	13%
Kern	47.0	58.8	11	23%
Riverside	89.0	111.7	22	25%
San Bernardino	100.0	130.5	30	30%
Total			98	

The Judicial Council has sponsored numerous bills to authorize and fund additional judgeships. In 2005, the council sponsored Senate Bill 56 (Dunn; Stats. 2006, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. Full funding was provided in the Budget Act of 2007, and judges were appointed to each of the 50 judgeships created by SB 56.

In 2007, the council secured the second set of 50 new judgeships (Assem. Bill 159 (Jones); Stats. 2007, ch. 722), with funding for appointments to begin in June 2008. However, due to budget constraints, the funding was delayed until July 2009, allowing the state to move the fiscal impact from FY 2007–08 to FY 2009–10. The Governor included funding for the second set of judgeships in the proposed Budget Act of 2009, but the funding ultimately was made subject to what was labeled the “federal stimulus trigger.” This trigger was “pulled,” and the funding for the new judgeships and various other unrelated items made contingent on the trigger—a specified threshold of federal stimulus funding—was not provided.

Almost every year from 2005 to 2023, the Judicial Council has sponsored one or more bills to obtain funding for new judgeships (see the table below), including successful legislation in 2023 (Sen. Bill 75 (Roth); Stats. 2023, ch. 482) to authorize an additional 26 judgeships that were made subject to appropriation.

Judicial Council–Sponsored Legislation to Authorize or Fund Additional Judgeships

Year	Bill No.	Author	Purpose	Result
2008	SB 1150	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2009	SB 377	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2011, 2012	AB 1405	Committee on Judiciary	Authorize third set of new judgeships	Did not move forward
2014	SB 1190	Jackson	Authorize third set of new judgeships*	Held in Senate Appropriations Committee
2015	SB 229	Roth	Fund 12 of 50 previously authorized judgeships†	Vetoed by Governor Brown
2016	SB 1023	Committee on Judiciary	Fund 12 of 50 previously authorized judgeships†	Held in Senate Appropriations Committee
2016	AB 2341	Obernolte	Reallocate judgeships‡	Held in Senate Appropriations Committee
2017	SB 38	Roth	Authorize judgeships	Held in Assembly Appropriations Committee
2017	SB 39	Roth	Reallocate judgeships	Held in Senate Appropriations Committee
2017	AB 414	Medina	Reallocate judgeships	Did not move forward
2019	SB 16	Roth	Fund 25 of 50 previously authorized judgeships**	Held in Senate Appropriations Committee
2023	SB 75	Roth	Authorize 26 additional judgeships subject to appropriation	Signed by the Governor (Stats. 2023, ch. 482)

* SB 1190 also sought to secure funding for the second set of 50 new judgeships approved in 2007 but not yet funded.

† SB 229 sought to appropriate \$5 million for the funding.

‡ Specifically, AB 2341 sought to reallocate up to five vacant judgeships from courts with more authorized judgeships than their assessed judicial need to courts with fewer judgeships than their assessed judicial need. The allocation of the vacant judgeships would be based on a methodology approved by the Judicial Council and under criteria contained in Government Code section 69614(b).

** Although SB 16 was held in the Senate Appropriations Committee, that same year the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23) provided \$30.4 million in funding for 25 judgeships, leaving unfunded the remaining 23 of the 50 judgeships authorized in 2007 (Assem. Bill 159 (Jones); Stats. 2007, ch. 722).

Additional Judgeships Authorized and Funded in the Budget Act

Year	Bill No.	Author	Purpose	Result
2017	AB 103	Committee on Budget	Reallocate vacant judgeships (2 each from Alameda and Santa Clara Counties) to Riverside and San Bernardino Counties	Signed by the Governor (Stats. 2017, ch. 17)
2018	SB 847	Committee on Budget and Fiscal Review	Budget trailer bill: Added 2 new judgeships to the Superior Court of Riverside County; added 1 new justice to the Fourth Appellate District, Div. 2 (Riverside/San Bernardino)	Signed by the Governor (Stats. 2018, ch. 45)
2018	SB 840	Committee on Budget and Fiscal Review	Budget Act of 2018, appropriated \$2.9 million for 2 new judgeships in the Superior Court of Riverside County; appropriated \$1.2 million for the new justice and staff in the Fourth Appellate District as authorized in the budget trailer bill (Sen. Bill 847)	Signed by the Governor (Stats. 2018, ch. 29)
2019	AB 74	Ting	Budget Act of 2019, appropriated \$30.4 million for 25 previously unfunded judgeships	Signed by the Governor (Stats. 2019, ch. 23)
2022	SB 154	Skinner	Budget Act of 2022, appropriated \$39.1 million for the remaining 23 previously unfunded judgeships*	Signed by the Governor (Stats. 2022, ch. 43)
2026	SB 111	Laird	Budget Act of 2026, appropriated \$99.9 million to fund facility and salary costs for 13 of the 26 judgeships authorized by SB 75 over a 5-year period	Signed by the Governor (Stats. 2026, ch. 21)
* This action fully funds the last remaining unfunded judgeships from the second set of 50 new judgeships (Assem. Bill 159 (Jones); Stats. 2007, ch. 722).				

Regarding subordinate judicial officer conversions, existing law allows the Judicial Council to convert a total of 162 SJO positions, upon vacancy, to judgeships. The statute caps the number that may be converted each year at 16 and requires the council to seek legislative ratification to exercise its authority to convert positions in any given year. For the past several years, that legislative ratification took the form of language included in the annual Budget Act. The council converted the maximum 16 positions in each fiscal year from 2006–07 through 2010–2011, 20 in FY 2011–12,³ 13 in FY 2012–13, 11 in FY 2013–14, 9 in FY 2014–15, 11 in FY 2015–16, 6 in both FY 2016–17 and FY 2017–18, 15 in FY 2018–19, and 1 in both FY 2019–20 and FY 2020–21. There were no conversions in FY 2021–22, FY 2022–23, and FY 2023–24, and there have not been any conversions in FY 2025–26 or 2026–27 as of October 1, 2026.

³ The total number of conversions in FY 2011–12 exceeded 16 because of the enactment of Senate Bill 405 (Stats. 2011, ch. 705), which increased the number of allowable conversions in specific circumstances for that fiscal year.

Additionally, legislation enacted in 2010 (Assem. Bill 2763; Stats. 2010, ch. 690) expedites conversions by authorizing up to 10 additional conversions per year if the conversion results in a judge being assigned to a family or juvenile law assignment previously presided over by an SJO. This legislation requires that the ratification for these additional 10 positions be secured through legislation separate from the annual Budget Act. Since 2011, the Judicial Council has sponsored the following legislation to secure ratification of these additional SJO conversions:

- Senate Bill 405 (Stats. 2011, ch. 705)
- Assembly Bill 1403 (Stats. 2013, ch. 510)
- Assembly Bill 2745 (Stats. 2014, ch. 311)
- Assembly Bill 1519 (Stats. 2015, ch. 416)
- Assembly Bill 2882 (Stats. 2016, ch. 474)
- Assembly Bill 1692 (Stats. 2017, ch. 330)

In total, 157 of the 162 authorized SJO positions have been converted; only 5 remain.

Court reporter shortage

Courts across California are experiencing a persistent shortage of court reporters to capture verbatim records. This is especially problematic in court proceedings where electronic recording (ER) is not authorized by current California law.⁴ This statutory restriction limiting the use of ER when a court reporter is unavailable has been in effect since 1975.

Between April 1, 2023, and March 31, 2025, more than 2 million family, probate, and unlimited civil hearings were held in California courts with *no* verbatim record. The absence of a verbatim record makes it nearly impossible for individuals to appeal their case. The California Supreme Court, in a 2018 opinion, stated the lack of a verbatim record will “frequently be fatal” to a litigant’s ability to have an appeal decided on the merits.⁵

Despite ongoing funding provided by the Legislature and widespread use of incentives to recruit and retain court reporters, many courts continue to lose court reporters faster than they can hire them and faster than the state can license them. To meet minimum requirements,⁶ it is estimated that California courts need up to an additional 428 full-time court reporters.⁷ However, the number of court reporters licensed by the California Court Reporters Board is not keeping pace with the need.

⁴ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁵ *Jameson v. Desta* (2018) 5 Cal.5th 594, 622.

⁶ Covering all case types where a court reporter is required or electronic recording is not authorized.

⁷ “Need” is calculated by applying the Resource Assessment Study estimate of court reporter need by multiplying the assessed judicial need for each included case type by a factor of 1.25, except for civil unlimited and estates and trusts, which are multiplied by a factor of 0.625.

Year	New Licenses Issued
FY 2015–16	72
FY 2016–17	75
FY 2017–18	86
FY 2018–19	32
FY 2019–20	66
FY 2020–21	39
FY 2021–22	35
FY 2022–23	68
FY 2023–24	123
FY 2024-25	227

While the increasing trend in licensees has continued—likely due to the 2022 statutory authorization for voice writers to be licensed—there is still a 25 percent decline in the total number of licensees since 2009-10 (a loss of over 2,800 reporters) and, according to 2022–2023 data from the Court Reporters Board, nearly half of licensees received their initial license more than 30 years ago and could be approaching retirement—suggesting the pool of licensed court reporters available to fill vacant positions will continue to shrink.

Shrinking workforce of California licensed court reporters⁸

The shortage of court reporters threatens access to justice for court users, especially Californians who cannot afford to pay for their own court reporter.

In the 2023–24 legislative session, the Judicial Council supported Senate Bill 662 (Rubio), which sought to remove statutory restrictions and authorize ER in all civil cases when a court reporter was unavailable. The bill received unanimous approval in both the Senate Judiciary Committee and the Senate Business, Professions, and Economic Development Committee but was ultimately held under submission without a vote in the Senate Appropriations Committee and failed to advance. SB 662 was supported by a broad coalition of legal aid and attorney groups but opposed by labor.

In the 2025–26 legislative session, the Judicial Council adopted an oppose-unless-amended position on Assembly Bill 882 (Papan) that expands ER authority but only to a limited number of litigants for a very limited amount of time—until January 1, 2028—while at the same time placing overly burdensome restrictions on the courts’ ability to utilize that authority and on the public’s ability to access a record of their proceedings. The bill was approved by the Assembly and but was never heard in the Senate Judiciary Committee and thus died.

⁸ Department of Consumer Affairs Data Portal, www.dca.ca.gov/data/annual_license_stats.shtml.

Other recent court reporter-related legislation

Assembly Bill 1520 (Low; Stats. 2019, ch. 463) prohibited the Court Reporters Board from issuing a certificate for the practice of shorthand reporting by means of voice writing or voice recognition technology, and stated the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing or voice recognition technology. (The Judicial Council did not take a position on the bill but was in contact with the Court Reporters Board during the trajectory of the bill when it actually *required* voice writing technology. The language *prohibiting* voice writing was a very late gut and amend on the Senate floor.)

The Budget Act of 2021 (Stats. 2021, ch. 240) appropriated \$30 million (ongoing) to be allocated by the Judicial Council in a manner that ensures all courts receive funds to increase the number of court reporters in family law and civil law cases without supplanting existing expenditures in these areas and appropriated \$7 million for the Judicial Council to establish a methodology to allocate a share of resources to all courts to cover the costs associated with increased transcript rates.

Budget Control Language: ([SB 170, Stats. 2021, ch. 240](#)) effective immediately on Sept. 23, 2021:

0250-101-0932—For local assistance, Judicial Branch, payable from the Trial Court Trust Fund	2,937,770,000
Schedule:	
(1) 0150010-Support for Operation of Trial Courts	2,317,300,000

Provisions:

- 30 Of the funds appropriated in Schedule (1), \$30,000,000 shall be allocated by the Judicial Council in a manner that ensures all courts are allocated **funds to be utilized exclusively to increase the number of court reporters in family law and civil law cases**. This funding shall not supplant existing trial court expenditures on court reporters in family law and civil law cases.
- 31 Of the funds appropriated in Schedule (1), \$7,000,000 shall be available for the Judicial Council to establish a methodology to allocate a share of resources to all courts to cover the costs associated with the increased transcript rates.

Assembly Bill 177 (Committee of Budget) required the Judicial Council to convene a working group for the purpose of recommending a statewide framework for remote civil court proceedings due to the Legislature on or before January 1, 2023, that addresses equal and fair access to justice and considers and makes recommendations on court reporter availability and

future workforce. It increased the statutory transcript rates (to go along with the \$7 million augmentation in the Budget Act). Also, it required the Judicial Council, on or before January 1, 2024, to report to the Legislature recommendations to increase uniformity in transcription rate expenditures in California and required the council to work in collaboration with key stakeholder groups, including the California Court Reporters Association, exclusively recognized employee organizations representing court reporters, and the Court Reporters Board of California. (The Judicial Council did not take a formal position on AB 177 but was supportive of and participated in negotiations on the language that resulted in the two allocations and the working group.)

Senate Bill 241 (Umberg) expanded authority of the Court Reporters Board to permit and regulate out-of-state deposition reporters and required, if the court conducts a trial, in whole or in part, through the use of remote technology, the official reporter or official reporter pro tempore to be physically present in the courtroom.

Senate Bill 154 (Committee of Budget) maintained the \$30 million ongoing appropriation but altered the budget control language, effective immediately on June 27, 2022:

0250-101-0932—For local assistance, Judicial Branch, payable from the Trial Court Trust Fund	3,236,930,000
Schedule:	
(1) 0150010-Support for Operation of Trial Courts	2,555,989,000

Provisions:

- 30 Of the amount appropriated in Schedule (1), \$30,000,000 shall be allocated by the Judicial Council in a manner that ensures all courts are allocated funds to be utilized to exclusively increase the number of official court reporters in family and civil law cases. **This funding may be used for recruitment and retention purposes, filling existing vacancies, converting part-time positions to full-time positions, increasing salary schedules, and providing signing and retention bonuses to enable trial courts to compete with private employers in the labor market.** This funding shall not supplant existing trial court expenditures on court reports in family law and civil law cases. **Any unspent funds shall revert to the General Fund.**

Assembly Bill 156 (Committee on Budget), among other things, repealed the voice writing prohibition imposed by AB 1520 that prohibited the Court Reporters Board of California from issuing certificates for the practice of shorthand reporting by means of voice writing or voice recognition technology, defined voice writing and expanded the definition of the practice of shorthand reporting to include the making, by means of written symbols or abbreviations by voice writing of a verbatim record and the accurate transcription thereof, as specified, and made conforming changes to related provisions. It required the board to treat certificate holders equally regardless of the method of qualification and prohibits public employers from differentiating

among certificate holders based upon the method of qualification. Further, it required the board to indicate on each certificate whether the certificate holder met the examination requirements through the use of stenography, voice writing, or both, as specified.

Senate Bill 189 (Committee on Budget and Fiscal Review), among other things, authorized electronic reporting in administrative law proceedings if a stenographic reporter is unavailable and upon finding of good cause by the administrative law judge.

Assembly Bill 3252 (Berman) extended the operation of the Court Reporters Board of California from January 1, 2025, to January 1, 2029; included the phrase “voice writer” in the list of terms indicating shorthand reporter certification; requires applicants for licensure and renewal to provide a valid email address; and authorized the licensure of applicants who pass the national dictation exam in lieu of the California dictation exam, as specified. It also requires a shorthand reporter to state their full name and certificate number on the record prior to commencing a proceeding.

Assembly Bill 2783 (Committee on Judiciary) allows court reporter applicants who successfully complete the Registered Professional Reporter certification administered through the National Court Reporters Association to satisfy the requirement to pass the Dictation/Transcription portion of the California examination. It also extends the authority for courts to pilot remote court reporting in specified California counties: Alameda, Contra Costa, Los Angeles, Mendocino, Monterey, Orange, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Clara, Tulare, and Ventura.

Interpreter Shortage

California is the most linguistically diverse state in the U.S., with over 200 languages spoken. It is estimated that approximately 6.4 million Californians (17.2%) speak English less than “very well.” Court interpreters provide meaningful access to justice by ensuring all participants understand court proceedings accurately.

Although California has the largest court interpreter workforce in the nation, the number of interpreter employees in the courts has been steadily decreasing.

In fiscal year 2022-23, Spanish was the most frequently interpreted language in courts, followed by Mandarin, Vietnamese, and Cantonese. The number of interpreted events in Spanish that year was 377,070, but only 1,310 Spanish interpreters were available, highlighting the critical need for more interpreters.

To further increase language access, the judicial branch launched a five-year pilot program to hire more court interpreter employees (as required by Senate Bill 101; Budget Act of 2023 (Stats. 2023, ch. 12)):

- The program dedicated \$6.8 million in funding made available from the Budget Act of 2023.
- Participants who successfully complete pilot program requirements, pass all required exams, and enroll with the Judicial Council are eligible for employment with the court.
 - Cohort 1 began January 1, 2025 in 19 courts with 110 participants.
 - Cohort 2 began on January 1, 2026 in 16 courts with 100 participants.
 - There will be four cohorts in total and the pilot ends June 30, 2029.

Disposition of vacant courthouses

In December 2015, the Judicial Council approved sponsorship of a proposal to authorize the disposition of the San Pedro Courthouse, with proceeds of its sale to be placed in the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund.

In February 2016, the Judicial Council authorized and approved the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County in fair market value transactions, with proceeds from those sales treated in the same manner as in the final form of legislative authorization for disposition of the San Pedro Courthouse. The Judicial Council sponsored the legislation authorizing disposition of the San Pedro Courthouse (Assem. Bill 1900 (Jones-Sawyer); Stats. 2016, ch. 510, codified at Gov. Code, § 70395).

In December 2016, the Judicial Council authorized and approved the sale of the Clovis, Firebaugh, and Reedley courthouses in Fresno County and the Avenal and Corcoran courthouses in Kings County, with proceeds from those sales directed to ICNA. The Judicial Council sponsored Senate Bill 403 (Canella; Stats. 2017, ch. 358) authorizing the sale of the Avenal, Chico, Clovis, Corcoran, Corning, Firebaugh, and Reedley courthouses.

In September 2017 and May 2018, respectively, the Judicial Council authorized the sale of the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles, with proceeds from those sales directed to ICNA. The authorizing legislation, Assembly Bill 2309 (Bloom; Stats. 2018, ch. 536), was signed by the Governor on September 19, 2018.

In 2023, the Judicial Council sponsored Assembly Bill 959 (McCarty), which authorized the sale of the Plumas/Sierra Regional, Gordon D. Schaber (Sacramento), Modesto Main, and Ceres courthouses. That legislation was held on the suspense file in the Senate Appropriations Committee.

In 2024, the Judicial Council sponsored Assembly Bill 2988 (McCarty) authorizing the sale of the Gordon D. Schaber Courthouse (Sacramento) and Assembly Bill 3282 (Committee on Judiciary) authorizing the sale of the Plumas/Sierra Regional, Modesto Main, and Ceres courthouses. AB 2988 was signed by the Governor (Stats. 2024, ch. 973), and AB 3282 was vetoed.

In 2025, the budget trailer bill for the courts, Assembly Bill 136 (Committee on Budget), was amended to include section 5, which authorizes the sale of the Plumas/Sierra Regional, Modesto Main, and Ceres courthouses. AB 136 was signed by the Governor (Stats. 2025, ch. 11).

Efficiencies

In April 2012, to address the budget crisis faced by the branch, the Judicial Council approved for sponsorship 17 legislative proposals for trial court operational efficiencies, cost recovery, and new revenue. An additional six efficiency proposals were approved for sponsorship in April 2013. Several noncontroversial and relatively minor measures were successfully enacted into law, while several remaining efficiencies were rejected by the Legislature,⁹ including one seeking to eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.¹⁰ The Budget Act of 2019 included \$13.901 million in FY 2019–20 and \$2.929 million in FY 2020–21 to support the increased workload for the trial courts as a result of the enactment of AB 1793 (Stats. 2018, ch. 993), which requires sentence modification of past cannabis conviction cases under the Control, Regulate, and Tax Adult Use of Marijuana Act of 2016, also known as Proposition 64.

In 2025, the council worked with the Department of Finance and the Legislature to eliminate obsolete and duplicative statutory reporting requirements, consolidate reporting timelines to align with when information is available, and clarify that reports on cash flow loans to the trial courts are only required when such a loan is made. These changes were included in Assembly Bill 136 (Stats. 2025, ch. 11, the courts trailer bill) and ensure that courts and the council are not required to compile duplicative information and that reports that are submitted to the Legislature provide relevant information on current topics of legislative concern.

In 2026, the council sponsored two legislative proposals to promote efficiencies in trial court operations both of which were signed into law by the Governor. Senate Bill 1427 (Stats. 2026, ch. 160), the Public Safety omnibus bill included provisions to clarify reporting requirements on collection of court-ordered debt to align with court practices. Assembly Bill 2789 (Stats. 2026, ch. 118) modernized the requirements to provide notice of child custody mediation to allow for less costly and more effective means of providing notice

⁹ See Attachment A for a list of efficiency and cost-recovery measures approved and rejected by the Legislature.

¹⁰ Health & Saf. Code, § 11361.5.

Remote proceedings

Since the April 2020 adoption of Emergency Rule 5 during the COVID pandemic, the Judicial Council has been advocating for courts to have broad authority to allow for remote appearances in civil and criminal matters as an option for court users. In 2026, the statutory authority for remote appearances in civil and criminal proceedings was extended until January 1, 2032 providing five years of ongoing authority for remote proceedings. Maintaining this authority remains an ongoing priority.

The council is required to submit its annual report on remote technology use in civil and criminal matters to the Legislature by December 31, covering the period from September 1, 2024, through August 31, 2025. During this timeframe, superior courts reported over 1 million civil and 475,000 criminal remote proceedings. User experience surveys from more than 44,000 participants revealed that technical difficulties were rare, with only 1.7 percent reporting audio issues and 0.9 percent experiencing visual problems. These findings align with previous surveys showing that users report positive experiences with remote proceedings more than 95 percent of the time.

The remote option helps preserve access to justice for many Californians and vulnerable court users. It reduces time and expense for court users when they would otherwise lose time from school or work and would incur travel, childcare, and parking costs for routine hearings and appearances. For example, participants in collaborative justice court programs and diversion programs—which meet on a more frequent basis—especially benefit from the ability to appear remotely. Participants are not in custody, and remote appearances allow them to participate in court proceedings while not interrupting programming, schooling, or work obligations. Remote proceedings are also helpful to the many justice partners (behavioral health experts, probation, etc.) that help participants successfully graduate.

It is important to note that participating remotely in proceedings is always optional, and courts cannot require a person to appear remotely.

Courts and the Legislature have and are continuing to invest in the technology to make this happen, and it is critical that the judicial branch and the public have confidence in the permanence of this authority to safeguard those investments and ensure that courts are using technology to improve access to justice for all Californians.

Judicial security

The Judicial Council has consistently supported legislation aimed at protecting the privacy of judges and the protection of their home address information because it promotes judicial independence and integrity. Judges must feel that they and their families are secure from threats of violence or other harm in order to fairly adjudicate the many contentious and high-conflict cases that come before them. The Judicial Council has supported numerous bills to protect the safety of judicial officers. These bills include the following:

- Assembly Bill 2322 (Daly; Stats. 2018, ch. 914), which required the Department of Motor Vehicles, upon request, to make a retired judge or court commissioner's home address confidential for the rest of his or her life and for any surviving spouse or child for three years following the death of the judge or court commissioner.
- Assembly Bill 2299 (Feuer), proposed in 2012, which would have authorized county assessors to redact the names of judges from property records. (This bill died in the Senate in the face of opposition from the press and real estate interests.)
- Assembly Bill 32 (Lieu; Stats. 2009, ch. 403), which requires the removal of personal information of judges and other officials from the internet within 48 hours of a written demand and permits employers or professional organizations to assert the rights of the official in removing the personal information from the internet.
- Senate Bill 506 (Poochigian; Stats. 2005, ch. 466), which provided confidentiality of voter registration information to public safety officials, state and federal judges, and court commissioners.
- Assembly Bill 2905 (Spitzer; Stats. 2004, ch. 248), which added judges and court commissioners to the types of employees for whom a governmental employer must pay the moving and relocation expenses when it is necessary to move because of an employment-related credible threat against his or her life, or the life of an immediate family member.

In the 2024 legislative session, the Judicial Council supported¹¹ Assembly Bill 1785 (Pacheco), which was sponsored by the California Judges Association and signed by the Governor. AB 1785 closes an existing loophole in the law and helps to ensure that judges' home address information is kept confidential by amending Government Code section 7928.205 to prohibit the public posting of the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual.

The Judicial Council also supported¹² Assembly Bill 2281 (Soria) to make it a crime for a person to assault a judge or former judge of a tribal court in retaliation for or to prevent the performance of their official duties, as specified. AB 2281 was approved by the Assembly but ultimately held under submission in the Senate Appropriations Committee.

In the 2025 legislative session, the Judicial Council supported¹³ Assembly Bill 343 (Pacheco; Stats. 2025, ch. 142), which adds retired judges and children's counsel in family or dependency proceedings to the existing disclosure exemptions under the California Public Records Act to

¹¹ Judicial Council of Cal., Assembly Bill 1785 (Pacheco), as amended May 29, 2024—Request for Signature (Sept. 5, 2024), courts.ca.gov/sites/default/files/courts/default/2024-10/ga-position-letter-23-24-assembly-ab1785-pacheco.pdf.

¹² Judicial Council of Cal., Assembly Bill 2281 (Soria), as introduced—Support (June 3, 2024), courts.ca.gov/sites/default/files/courts/default/2024-10/ga-position-letter-23-24-assembly-ab2281-soria.pdf.

¹³ Judicial Council of Cal., Assembly Bill 343 (Pacheco), as introduced—Support (Mar. 27, 2025), courts.ca.gov/system/files/file/ga-position-letter-25-26-assembly-ab343-pacheco.pdf.

protect personal information, such as residence addresses and personal telephone numbers. The Judicial Council again supported¹⁴ Assembly Bill 32 (Soria) to make it a crime for a person to assault a judge or former judge of a tribal court in retaliation for or to prevent the performance of their official duties, as specified. The bill also clarified that a tribal judge of a federally recognized California Indian tribe can request to make their records confidential. AB 32 was held under submission in the Assembly Appropriations Committee.

In the 2026 legislative session, the Judicial Council supported¹⁵ Assembly Bill 2235 (Pacheco) which would have established the Judicial Home Security Act, creating a Judicial Home Security Program administered by the Attorney General's Office. It would have authorized judicial officers to use an alternate mailing address in place of their home address on all public records, including by the County Assessor and Recorder offices as a substitute for the program participant's situs address on real property deeds, real estate records, and any other records containing the home address of a program participant. Assembly Bill 2235 was held under submission in the Senate Appropriations Committee.

Legislation Committee authority

Rule 10.12(a) of the California Rules of Court authorizes the Legislation Committee to act for the council by:

- (1) Taking a position on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and Judicial Council staff, and any other input received from the courts, provided that the position is consistent with the council's established policies and precedents;
- (2) Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and Judicial Council staff, and any other input received from the courts; and
- (3) Representing the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas.

Policy implications

The mission of the Judicial Council includes providing leadership for improving the quality of justice and advancing the consistent, independent, impartial, and accessible administration of justice. Among the guiding principles underlying this mission is a commitment to meeting the

¹⁴ Judicial Council of Cal., Assembly Bill 32 (Soria), as introduced—Support (Mar. 13, 2025), courts.ca.gov/system/files/file/ga-position-letter-25-26-assembly-ab32-soria.pdf.

¹⁵ Judicial Council of Cal., Assembly Bill 2235 (Pacheco), as amended April 9, 2026—Support (June 8, 2026), courts.ca.gov/system/files/file/ga-position-letter-25-26-assembly-ab2235-pacheco_1.pdf

needs of the public. This includes reinvestment in our justice system to preserve and improve access to justice, which Californians expect and deserve.

Further, Chief Justice Patricia Guerrero has emphasized the need for access, fairness, and equal justice in the courts, including the effective use of technology, as well as a stable judicial branch budget that can continue to make public access to justice a reality in all 58 counties. The proposed 2026 legislative priorities are consistent with these goals.

Comments

Public comments were not solicited for this proposal because the recommendations are within the Judicial Council's purview to approve without circulation.

Alternatives considered

No alternatives were considered.

Fiscal and Operational Impacts

The public expects and deserves access to California's courts. Providing timely access to high-quality justice is the primary objective of the council's strategic plan. The key to the success of this plan is a robust investment in the courts. Adoption of the proposed legislative priorities will allow Judicial Council staff to support the overarching goals of the strategic plan.

The recommendations support many of the judicial branch's other strategic plan goals, including Goal I, Access, Fairness, Diversity, and Inclusion, by seeking to secure funding to provide access to the courts for all Californians and being responsive to the state's cultural and ethnic diversity; Goal II, Independence and Accountability, by seeking to secure sufficient judicial branch resources to ensure accessible, safe, efficient, and effective services to the public; and Goal IV, Quality of Justice and Service to the Public, by seeking funding to continue critical programs to meet the needs of court users.

Attachments and Links

1. Attachment A: Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature

Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature

Approved by the Legislature

Senate Bill 75 (Stats. 2013, ch. 31), a trailer bill of the Budget Act of 2013, includes the following efficiency/cost-recovery proposals:

ATTACHMENT A

- Increase the statutory fee from \$10 to \$15 for a clerk to mail service of a claim and order on a defendant in small claims actions.
- Prohibit the Franchise Tax Board and the State Controller from conditioning submission of court-ordered debt to the Tax Intercept Program on the court or county providing the defendant's social security number, while still allowing the social security number to be released if the Franchise Tax Board believes it would be necessary to provide accurate information.
- Increase the fee from \$20 to \$50 for exemplification of a record or other paper on file with the court.
- Modify the process for evaluating the ability of a parent or guardian to reimburse the court for the cost of court-appointed counsel in dependency matters.

Assembly Bill 619 (Stats. 2013, ch. 452) revised the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund to conform to the existing statute governing interest and penalties for late payments to the Trial Court Trust Fund by using the Local Agency Investment Fund rate.

Assembly Bill 648 (Stats. 2013, ch. 454) clarified language from the prior year that created a new \$30 fee for court reporters in civil proceedings lasting one hour or less.

Assembly Bill 1004 (Stats. 2013, ch. 460) allowed magistrates' signatures on arrest warrants to be in the form of digital signatures.

Assembly Bill 1293 (Stats. 2013, ch. 382) established a new \$40 probate fee for filing a request for special notice in certain proceedings.

Assembly Bill 1352 (Stats. 2013, ch. 274) streamlined court records retention provisions.

Senate Bill 378 (Stats. 2013, ch. 150) provided that an electronically digitized copy of an official record of conviction is admissible to prove a prior criminal act.

Senate Bill 843 (Stats. 2016, ch. 33), commencing January 1, 2017, and until January 1, 2021, granted a defendant six peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and reduced the number of peremptory challenges that may be exercised separately by a defendant who is jointly tried from four to two in cases in which the maximum term of imprisonment is one year or less. Required the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on the reduction in the number of peremptory challenges.

Assembly Bill 2232 (Stats. 2016, ch. 74) corrected drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses.

ATTACHMENT A

Rejected by the Legislature

- ***Administrative assessment for maintaining records of convictions under the Vehicle Code.*** Clarify that courts are required to impose the \$10 administrative assessment for *each conviction* of a violation of the Vehicle Code, not just upon a “subsequent” violation.
- ***Audits.*** Defer required audits until trial courts and the Judicial Council receive specified funding to cover the cost of the audits.
- ***Bail bond reinstatement.*** Authorize courts to charge a \$65 administrative fee to reinstate a bail bond after it has been revoked.
- ***Collections.*** Allow courts to retain and distribute collections rather than transferring collected funds to county treasuries with distribution instructions.
- ***Court costs for deferred entry of judgment.*** Clarify that the court can recoup its costs in processing a request or application for diversion or deferred entry of judgment.
- ***Court reporter requirement in nonmandated case types (Sen. Bill 1313; 2014 (Nielsen)).*** Repeal Government Code sections 70045.1, 70045.2, 70045.4, 70045.75, 70045.77, 70045.8, 70045.10, 70046.4, 70050.6, 70056.7, 70059.8, 70059.9, and 70063 to eliminate the unfunded mandate that the enumerated courts (Superior Courts of Butte, El Dorado, Lake, Mendocino, Merced, Modoc, Mono, Monterey, Nevada, San Luis Obispo, Solano, Tehama, Trinity, and Tuolumne Counties) use court reporters in specified nonmandated case types.
- ***Destruction of records relating to possession or transportation of marijuana.*** Eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.
- ***File search fee for commercial purposes.*** Allow courts to charge a \$10 fee to commercial enterprises, except media outlets that use the information for media purposes, for any file, name, or information search request.
- ***Marijuana possession infractions.*** Amend Penal Code section 1000(a) to exclude marijuana possession, per Health and Safety Code section 11357(b), from eligibility for deferred entry of judgment.
- ***Notice of mediation.*** Amend Family Code section 3176 to eliminate the requirement for service by certified, return receipt requested, postage-prepaid mail for notice of mediation, and clarify that the court is responsible for sending the notice.
- ***Notice of subsequent DUI.*** Repeal Vehicle Code section 23622(c) to eliminate the court’s responsibility to provide notification of a subsequent DUI to courts that previously convicted the defendant of a DUI.

ATTACHMENT A

- ***Penalty assessments.*** Revise and redirect the \$7 penalty assessment from court construction funds to the State Court Facilities Construction Fund.
- ***Preliminary hearing transcripts.*** Clarify that preliminary hearing transcripts must be produced only when a defendant is held to answer the charge of homicide.
- ***Sentencing report deadlines (Assem. Bill 1214; 2015 (Achadjian)/Assem. Bill 2129; 2016 (Lackey)).*** Amend Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.
- ***Trial by written declaration (Assem. Bill 2871; 2016 (Obernolte)).*** Eliminate the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.
- ***Monetary sanctions against jurors (Assem. Bill 2101; 2016 (Gordon)).*** Amend Code of Civil Procedure section 177.6 to add jurors to the list of persons subject to sanctions.