



AB 1706

LEGISLATIVE REPORT

June 1, 2023

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Executive Summary

Assembly Bill (AB) 1706 (Chapter 387, Statutes of 2022) requires the California Department of Justice (Department), in consultation with the Judicial Council of California, to produce a quarterly joint progress report to the Legislature regarding the status of AB 1793 (Chapter 993, Statutes of 2018) implementation. This report serves as the second of six quarterly reports that will be submitted to the legislature.

AB 1793, Cannabis Convictions: Resentencing Act, required the Department, on or before July 1, 2019, to review the records in the state summary criminal history information database and to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). The Department was also required to notify the prosecution of all cases in their jurisdiction that are eligible for recall or dismissal of a sentence, dismissal and sealing, or redesignation.

The tables and graphs provided in this report summarize data as of April 6, 2023.

Background

Proposition 64 (AUMA, 2016) was passed by the voters of California in 2016. AUMA regulates the cultivation, manufacturing, distribution, testing, retail sale, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Pursuant to Health and Safety Code (HSC), section 11362.1, as amended by the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), an individual 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to eight grams of concentrated cannabis. Additionally, AUMA authorized individuals who had been convicted under specified statutes and who would not have been guilty of an offense, or would have been guilty of a lesser offense, under AUMA had it been in effect at the time of the offense to petition for the recall or dismissal of a sentence, dismissal and sealing of a conviction, or redesignation as a misdemeanor or infraction (HSC, § 11361.8, subds. [a], [e]).

The Governor signed AB 1793, the Cannabis Convictions: Resentencing Act, on September 30, 2018. In addition to the aforementioned petition procedure, AB 1793 created a process of automatic record clearance. Specifically, it required the Department on or before July 1, 2019, to review the records in the state summary criminal history information database to identify past convictions that were potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to AUMA. Once these potentially eligible convictions were determined, the Department was required to notify the appropriate prosecuting agency of all cases in their jurisdiction that may have been eligible for recall or dismissal of a sentence, dismissal and sealing, or redesignation.

The prosecution was required to review all cases identified by the Department and determine whether to challenge the resentencing, dismissal and sealing, or redesignation on or before July 1, 2020. These challenges were authorized when the prosecution determined that the person did not meet the eligibility requirements or presented an unreasonable risk to public safety. The prosecution was required to notify the court about its determination in every case identified by the Department. If the prosecution determined that it would challenge a particular resentencing, dismissal and sealing, or redesignation, it was required to further notify the public defender. The court was empowered to automatically reduce or dismiss the conviction pursuant to AUMA if the prosecution did not challenge a case by July 1, 2020.

The courts were authorized to adjudicate whether a conviction should be reduced, dismissed, or sealed pursuant to AUMA. Once a determination was made, the court was required to notify the Department of the disposition. AB 1793 did not specify a date by which the court was required to do so.

Once this information was received by the Department, it was required to modify the state summary criminal history information database in conformance with the recall or dismissal of the sentence, dismissal and sealing, or redesignation and to post specified information on its Internet Web site. However, AB 1793's implementation was inconsistent across the state, with California's criminal justice system administered across 58 counties.

To bolster existing implementation efforts of AB 1793, the Governor signed AB 1706, Cannabis Crimes: Resentencing, on September 18, 2022. If a sentence was not challenged by July 1, 2020, AB 1706 required the court to issue an order recalling or dismissing the sentence, dismissing and sealing, or redesignating the conviction no later than March 1, 2023, and required the court to update its records accordingly and to notify the Department. It also required the Department, on or before July 1, 2023, to complete the update of the state summary criminal history information database, and ensure that inaccurate state summary criminal history is not disseminated, as specified. The Department was also required to conduct an awareness campaign so that individuals who may be eligible for relief become aware of methods to verify updates to their criminal history. AB 1706 specified that a conviction, arrest, or other proceeding that has been sealed pursuant to these provisions was deemed never to have occurred. It also required, until June 1, 2024, that the Department, in consultation with the Judicial Council of California, produce a quarterly joint progress report to the Legislature.

AB 1793 and AB 1706 At a Glance

On or before July 1, 2019, AB 1793 required the Department to review the records in the state summary criminal history information database and to identify past convictions that are potentially eligible for recall or dismissal, dismissal and sealing, or redesignation pursuant to AUMA (see HSC § 11361.9).

Additionally AB 1793:

1. Required the Department to notify the relevant prosecuting agency of all cases in their jurisdiction that are potentially eligible for recall or dismissal of a sentence, dismissal and sealing, or redesignation.
2. Required the prosecution to, on or before July 1, 2020, review all cases and determine whether to challenge the resentencing, dismissal and sealing, or redesignation.
3. Authorized the prosecution to challenge the resentencing, dismissal and sealing, or redesignation if the person did not meet the eligibility requirements or presented an unreasonable risk to public safety.
4. Required the prosecution to notify the public defender and the court when they were challenging a particular resentencing, dismissal and sealing, or redesignation.
5. Required the prosecution to notify the court when they were not challenging a particular resentencing, dismissal and sealing, or redesignation.
6. Required the court to automatically reduce or dismiss the conviction pursuant to AUMA if there was no challenge by the prosecution.
7. Required the court to notify the Department to modify the state summary criminal history information database, once the court determined that a conviction should be resentenced, dismissed and sealed, or redesignated
8. Required the Department to post general information on its website.

Beginning March 1, 2023, AB 1706 required the Department in consultation with Judicial Council of California to submit quarterly joint progress reports to the Legislature.

Additionally AB 1706:

1. Required the courts to update their records and report all cannabis convictions that have been recalled, dismissed, redesignated, or sealed pursuant to AUMA to the Department no later than March 1, 2023.
2. Required the Department to ensure that all of the records in the state summary criminal history information database that have been recalled, dismissed, sealed or redesignated pursuant to AUMA have been updated no later than July 1, 2023.
3. Required the Department to conduct an awareness campaign regarding record changes for specified cannabis convictions.

4. Required the Judicial Council of California and the Department to submit quarterly joint progress reports to the Legislature on the status of cases recalled, dismissed, sealed and redesignated, starting March 1, 2023, until June 30, 2024.

Mandated Report Content

General Information on HSC section 11361.9 (AB 1793)

HSC section 11361.9, subdivision (e) mandates that “The Department of Justice shall post general information on its internet website about the recall or dismissal of sentences, dismissal and sealing, or redesignation authorized in this section.”

As of June 28, 2019, the Department provided every county prosecuting agency with state summary criminal history information for any individual that had a past conviction, in their county that was potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to AUMA. The Department has continued to support prosecuting agency and court efforts. Some of the ways that the Department is supporting this efforts include:

- Holding virtual webinars with courts, prosecuting agencies, and the Judicial Council of California to explain AB 1793 and AB 1706. Discussing roles, responsibilities, mandated timeframes, and processes.
- Publishing Information Bulletin 21-10-CJIS “Assembly Bill (AB) 1793 Cannabis Convictions: Resentencing” (December 08, 2021) (<https://oag.ca.gov/system/files/media/21-10-cjis.pdf>).
- Developing and sharing reports with courts and prosecuting agencies of cases that are still potentially eligible for relief.
- Developing a new technology solution to process bulk AB 1793 related court dispositions using the reports DOJ shared with courts and prosecuting agencies.
- Calling and emailing courts and prosecuting agencies to offer assistance, gather status updates, and address questions or concerns.

The Department also published general information on the Attorney General’s website (<https://oag.ca.gov/fingerprints/record-review/ab1793>) that described how individuals could request personal criminal history information to verify the updates. The site also contains information about contacting prosecuting agencies or public defenders offices for information about the status of the prosecuting agency’s review of any potentially eligible cases.

HSC section 11361.9, subdivision (h): Quarterly Progress Report (AB 1706)

AB 1706 amended HSC section 11361.9, subdivision (h) to mandate that “Beginning March 1, 2023, and until June 1, 2024, the Department of Justice, in consultation with the Judicial Council, shall submit quarterly joint progress reports to the Legislature”

Counts of Convictions

Pursuant to HSC section 11361.9, subdivision (h)(1), this report includes the “total number of cases recalled, dismissed, resentenced, sealed, and redesignated in each county, and the status of the department’s update to the state summary criminal history database.”

Pursuant to HSC section 11361.9, subdivision (h)(3), this report also includes “the number of past convictions in the state summary criminal history database that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Section 11361.8.”

Table 1: List of past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Section 11361.8 as of April 6, 2023.

| County | Past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of July 2019) | Past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of April 6, 2023) | Past convictions that received either recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of April 6, 2023) |
|---------------|--|--|---|
| ALAMEDA | 10,007 | 2,080 | 7,927 |
| ALPINE | 39 | 0 | 39 |
| AMADOR | 296 | 204 | 92 |
| BUTTE | 1,448 | 24 | 1,424 |
| CALAVERAS | 338 | 11 | 327 |
| COLUSA | 298 | 10 | 288 |
| CONTRA COSTA | 3,407 | 180 | 3,227 |
| DEL NORTE | 358 | 127 | 231 |
| EL DORADO | 1,047 | 133 | 914 |
| FRESNO | 3,575 | 271 | 3,304 |
| GLENN | 381 | 57 | 324 |
| HUMBOLDT | 1,658 | 647 | 1,011 |
| IMPERIAL | 1,767 | 1,509 | 258 |
| INYO | 225 | 3 | 222 |
| KERN | 3,832 | 421 | 3,411 |
| KINGS | 698 | 176 | 522 |
| LAKE | 654 | 0 | 654 |
| LASSEN | 252 | 90 | 162 |
| LOS ANGELES | 70,097 | 2,226 | 67,871 |
| MADERA | 1,052 | 87 | 965 |

| | | | |
|-----------------|--------|-------|--------|
| MARIN | 608 | 372 | 236 |
| MARIPOSA | 286 | 19 | 267 |
| MENDOCINO | 1,468 | 15 | 1,453 |
| MERCED | 946 | 3 | 943 |
| MODOC | 141 | 18 | 123 |
| MONO | 90 | 0 | 90 |
| MONTEREY | 1,797 | 11 | 1,786 |
| NAPA | 834 | 248 | 586 |
| NEVADA | 691 | 182 | 509 |
| ORANGE | 14,355 | 4,052 | 10,303 |
| PLACER | 1,430 | 321 | 1,109 |
| PLUMAS | 187 | 72 | 115 |
| RIVERSIDE | 8,164 | 81 | 8,083 |
| SACRAMENTO | 6,755 | 769 | 5,986 |
| SAN BENITO | 340 | 9 | 331 |
| SAN BERNARDINO | 11,121 | 3,717 | 7,404 |
| SAN DIEGO | 29,074 | 190 | 28,884 |
| SAN FRANCISCO | 7,804 | 4 | 7,800 |
| SAN JOAQUIN | 3,822 | 1,564 | 2,258 |
| SAN LUIS OBISPO | 1,229 | 0 | 1,229 |
| SAN MATEO | 2,688 | 20 | 2,668 |
| SANTA BARBARA | 1,834 | 15 | 1,819 |
| SANTA CLARA | 10,193 | 813 | 9,380 |
| SANTA CRUZ | 1,552 | 72 | 1,480 |
| SHASTA | 2,022 | 1 | 2,021 |
| SIERRA | 69 | 1 | 68 |
| SISKIYOU | 560 | 0 | 560 |
| SOLANO | 2,210 | 125 | 2,085 |
| SONOMA | 3,303 | 7 | 3,296 |
| STANISLAUS | 2,448 | 29 | 2,419 |
| SUTTER | 303 | 23 | 280 |
| TEHAMA | 1,020 | 45 | 975 |
| TRINITY | 658 | 345 | 313 |
| TULARE | 2,665 | 42 | 2,623 |
| TUOLUMNE | 593 | 124 | 469 |

| | | | |
|--------------|----------------|---------------|----------------|
| VENTURA | 1,732 | 5 | 1,727 |
| YOLO | 846 | 20 | 826 |
| YUBA | 383 | 8 | 375 |
| TOTAL | 227,650 | 21,598 | 206,052 |

Counts of Cases Challenged

Pursuant to HSC section 11361.9, subdivision (h)(2), this report includes “Status of cases challenged by the prosecution, and all relevant statistical information regarding the disposition of the challenged cases in each county.”

The following data was reported to the Department by either the county court or the prosecuting agency. If a county has Not Reported (NR) to the Department the number of convictions that have been challenged, a NR notation has been made. Table 2 reflects a 40% increase in the number of counties reporting data to the Department regarding challenged cases.

Table 2: List of past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Section 11361.8 as of April 6, 2023.

| County | Past convictions challenged by the prosecution (As of April 6, 2023) |
|---------------|---|
| ALAMEDA | 0 |
| ALPINE | 0 |
| AMADOR | NR |
| BUTTE | 13 |
| CALAVERAS | 0 |
| COLUSA | 9 |
| CONTRA COSTA | 0 |
| DEL NORTE | 10 |
| EL DORADO | 0 |
| FRESNO | 261 |
| GLENN | NR |
| HUMBOLDT | 0 |
| IMPERIAL | NR |
| INYO | NR |
| KERN | 192 |
| KINGS | 12 |
| LAKE | 0 |
| LASSEN | NR |
| LOS ANGELES | 1,904 |
| MADERA | 120 |
| MARIN | NR |
| MARIPOSA | NR |
| MENDOCINO | NR |

| | |
|-----------------|----|
| MERCED | 0 |
| MODOC | 5 |
| MONO | 0 |
| MONTEREY | 0 |
| NAPA | 61 |
| NEVADA | NR |
| ORANGE | 22 |
| PLACER | 13 |
| PLUMAS | NR |
| RIVERSIDE | NR |
| SACRAMENTO | 1 |
| SAN BENITO | NR |
| SAN BERNARDINO | 0 |
| SAN DIEGO | 0 |
| SAN FRANCISCO | 0 |
| SAN JOAQUIN | 0 |
| SAN LUIS OBISPO | 0 |
| SAN MATEO | 20 |
| SANTA BARBARA | 0 |
| SANTA CLARA | NR |
| SANTA CRUZ | 0 |
| SHASTA | NR |
| SIERRA | 0 |
| SISKIYOU | 0 |
| SOLANO | NR |
| SONOMA | NR |
| STANISLAUS | 33 |
| SUTTER | 19 |
| TEHAMA | 10 |
| TRINITY | NR |
| TULARE | 29 |
| TUOLUMNE | NR |
| VENTURA | 0 |
| YOLO | 21 |
| YUBA | 5 |

Status of Public Awareness Campaign

Pursuant to HSC section 11361.9, subdivision (h)(4), the report shall include “the status of the department’s public awareness campaign to provide notification to impacted individuals.”

AB 1706 amended HSC section 11361.9, subdivision (e) to mandate that “the department shall conduct an awareness campaign about the recall or dismissal of sentences, dismissal and sealing, or redesignation authorized in this section, so that individuals that may be impacted by this process are informed of the process pursuant to Article 5 (commencing with Section 11120) of Chapter 1 of Title 1 of Part 4 of the Penal Code, to request their criminal history information to verify the updates or how to contact the courts, prosecution, or public defenders’ offices to assist in verifying the updates.”

As of April 6, 2023, the Department’s public awareness campaign has been focused on general information available to the public on the Attorney General’s website and working with prosecuting agencies and courts who perform the recall or dismissal of a sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8. The Department has started identifying contact information for county public defenders offices in preparation for public awareness collaborations, which will be reported on in future reports to the Legislature.

Disclaimers about this Report

The data published in this report reflects the most current analysis work performed by the Department and may differ from other data previously provided by the Department. The Department is constantly striving to improve processes; the changes in data are a product of those improvements.

Appendix A: Section 11361.9 of the Health and Safety Code

(a) On or before July 1, 2019, the Department of Justice shall review the records in the state summary criminal history information database and shall identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Section 11361.8. The department shall notify the prosecution of all cases in their jurisdiction that are eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation.

(b) The prosecution shall have until July 1, 2020, to review all cases and determine whether to challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation.

(c) (1) The prosecution may challenge the resentencing of a person who is still serving a sentence pursuant to this section when the person does not meet the criteria established in Section 11361.8.

(2) The prosecution may challenge the dismissal and sealing or redesignation of a person pursuant to this section who has completed their sentence for a conviction when the person does not meet the criteria established in Section 11361.8.

(3) On or before July 1, 2020, the prosecution shall inform the court and the public defender's office in their county when they are challenging a particular recall or dismissal of sentence, dismissal and sealing, or redesignation. The prosecution shall inform the court when they are not challenging a particular recall or dismissal of sentence, dismissal and sealing, or redesignation.

(4) The public defender's office, upon receiving notice from the prosecution pursuant to paragraph (3), shall make a reasonable effort to notify the person whose resentencing or dismissal is being challenged.

(d) (1) If the prosecution did not challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation of a conviction on or before July 1, 2020, the conviction shall be deemed unchallenged, recalled, dismissed, and redesignated, as applicable, and the court shall issue an order, recalling or dismissing the sentence, dismissing and sealing, or redesignating the conviction in each case pursuant to Section 11361.8 no later than March 1, 2023.

(2) On or before March 1, 2023, the court shall update its records in accordance with this section, and shall report all convictions that have been recalled, dismissed, redesignated, or sealed to the Department of Justice for adjustment of the state summary criminal history information database.

(3) On or before July 1, 2023, the Department of Justice shall ensure that all of the records in the state summary criminal history information database that have been recalled, dismissed, sealed, or redesignated pursuant to this section have been updated, and shall ensure that inaccurate state summary criminal history is not disseminated. For those individuals whose state summary criminal history information was disseminated pursuant to Section 11105 of the Penal Code in the 30 days prior to an update based on this section, and the requesting entity is still entitled to receive the state summary criminal history information, the Department of Justice shall provide a subsequent notice to the entity.

(e) The Department of Justice shall post general information on its internet website about the recall or dismissal of sentences, dismissal and sealing, or redesignation authorized in this section. The department shall conduct an awareness campaign about the recall or dismissal of sentences, dismissal and sealing, or redesignation authorized in this section, so that individuals that may be impacted by this process are informed of the process pursuant to Article 5 (commencing with Section 11120) of Chapter 1 of Title 1 of Part 4 of the Penal Code, to request their criminal history information to verify the updates or how to contact the courts, prosecution, or public defenders' offices to assist in verifying the updates. If an individual requests their criminal history information to verify updates to their criminal history made pursuant to this section, the department may provide a one-time fee waiver of its fees under Section 11123 of the Penal Code for processing and responding to the request.

(f) A conviction, arrest, or other proceeding that has been ordered sealed pursuant to Section 11361.8, is deemed never to have occurred, and the person may reply accordingly to any inquiry about the events.

(g) Courts that have previously eliminated court records covered by this article pursuant to Sections 68152 and 68153 of the Government Code are compliant with the provisions of subdivision (c) of Section 11361.5. Courts that have previously eliminated court records covered by this article pursuant to Sections 68152 and 68153 of the Government Code shall report to the Department of Justice, in a manner prescribed by the Department of Justice, that the relevant records have been destroyed and that the records are otherwise reduced, dismissed, or sealed in accordance with this section.

(h) Beginning March 1, 2023, and until June 1, 2024, the Department of Justice, in consultation with the Judicial Council, shall submit quarterly joint progress reports to the Legislature that include, but are not limited to, all of the following information:

(1) Total number of cases recalled, dismissed, resentenced, sealed, and redesignated in each county, and the status of the department's update to the state summary criminal history database.

(2) Status of cases challenged by the prosecution, and all relevant statistical information regarding the disposition of the challenged cases in each county.

(3) The number of past convictions in the state summary criminal history database that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Section 11361.8.

(4) The status of the department's public awareness campaign to provide notification to impacted individuals.

(i) It is the intent of the Legislature that persons who are currently serving a sentence or who proactively petition for a recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Section 11361.8 be prioritized for review.

Appendix B: List of Offenses

Table 3: List of offenses used by the Department to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8.

| Offense Code Description | Charge Level * |
|--|----------------|
| 11357(C) HS-POSS MARIJUANA OVER 28.5 GRAMS | M |
| 11357(B) HS-POSS MARIJUANA 28.5- GRAMS | M |
| 11357(A) HS-POSSESS CONCENTRATED CANNABIS | M |
| 11357(B) HS-POSS MARIJUANA 28.5- GRAMS | I |
| 11357 HS-POSSESS MARIJUANA/HASHISH | F |
| 11357(A) HS-POSSESS MARIJUANA/HASHISH | F |
| 11357(A) HS-POSSESS CONCENTRATED CANNABIS | F |
| 11357(C) HS-POSS MARIJUANA OVER 1 OZ/28.5 GRM | M |
| 11357(B) HS-POSSESS MARIJUANA UNDER 1 OZ | M |
| 11357 HS-POSSESS MARIJUANA/HASHISH | M |
| 11357(D) HS-POSS MARIJ:SPECIFIC CIRCUMSTANCES | M |
| 11357(E) HS-POSS MARIJ:SPECIFIC CIRCUMSTANCES | M |
| 11358 HS-PLANT/CULTIVATE/ETC MARIJUANA/HASH | F |
| 11358(A) HS-PLANT/CULTIVATE/ETC MARIJ/HASHISH | F |
| 11358(B) HS-PLANT/CULTIVATE MARIJUANA W/PRIOR | F |
| 11359 HS-POSSESS MARIJUANA FOR SALE | F |
| 11359(A) HS-POSSESS MARIJUANA/HASH FOR SALE | F |
| 11360(B) HS-GIVE/TRNSP/ETC MARIJUANA 28.5-GRAM | M |
| 11360 HS-SELL/TRANSPORT/ETC MARIJUANA/HASH | F |
| 11360(A) HS-SELL OR TRANSPORT MARIJUANA/HASH | F |
| 11360(B) HS-SELL/TRANSPORT MARIJUANA W/PRIOR | F |
| 11360(C) HS-GIVE/TRANSPORT ETC MARIJUANA | M |
| 11360(B) HS-GIVE/TRANSPORT/ETC MARIJUANA | M |
| 11360(A) HS-SELL/TRANS/ETC MARIJ/HASH | F |
| 11360(B) HS-GIVE/TRANSP MARIJUANA UNDER 1 OZ | M |
| 11360(A) HS-GIVE/ETC MARIJ OVER 1 OZ/28.5 GRM | F |
| 11360(A) HS-SELL/FURNISH/ETC MARIJUANA/HASH | F |

* Charge Level designates if the offense is tabled as a Felony (F), Misdemeanor (M), or Infraction (I).

Appendix C: Demographic Data Visualizations

Figure 1: Count of Subjects Eligible for or Granted Relief, Breakdown by Race

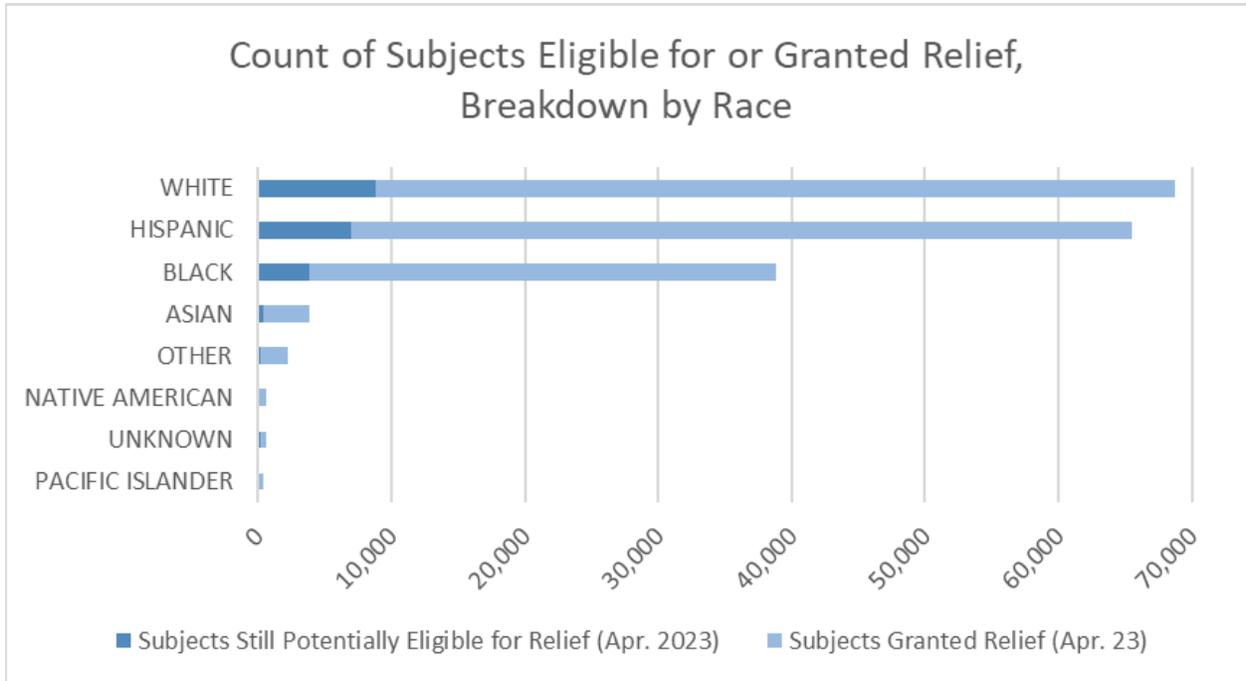


Figure 2: Count of Subjects Eligible for or Granted Relief, Breakdown by Gender

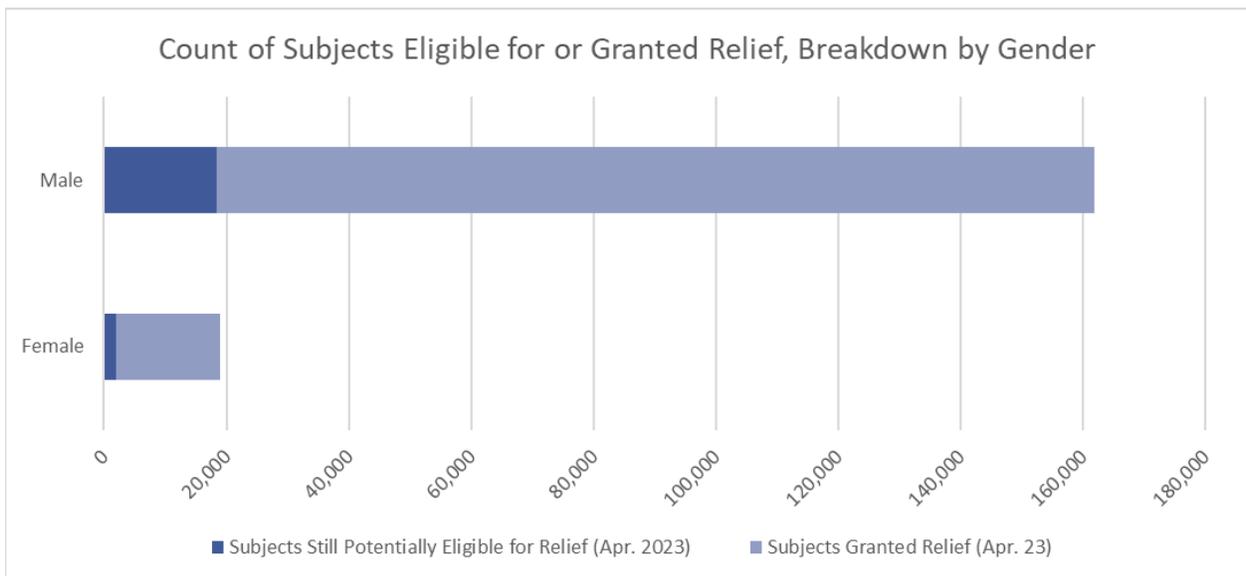
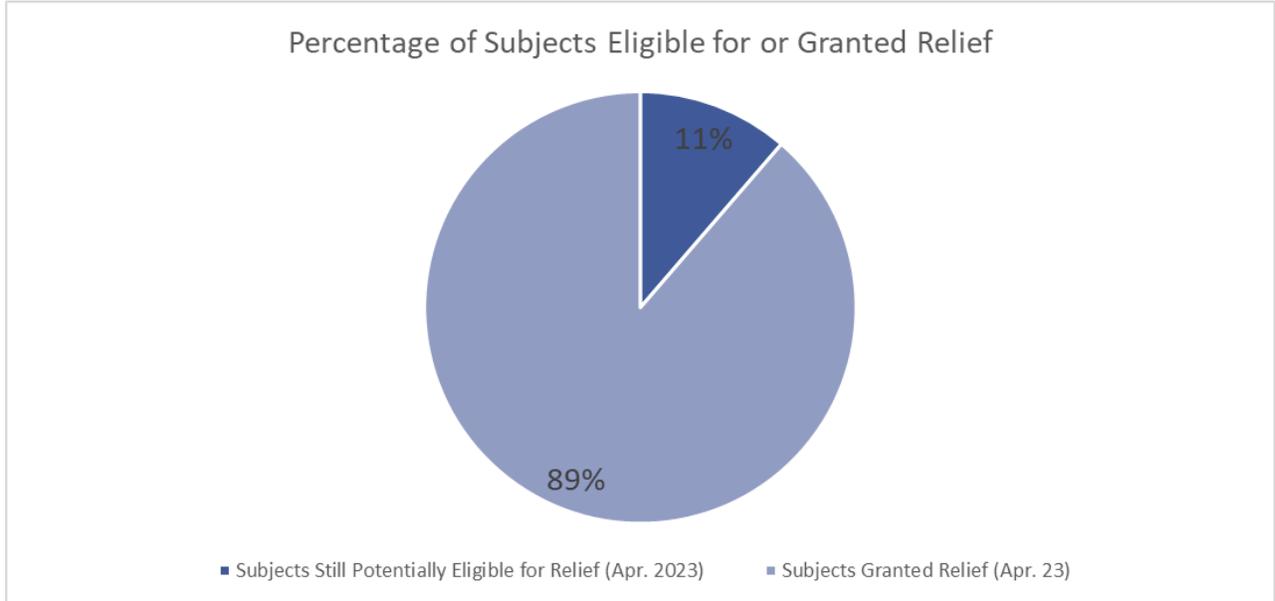


Figure 3: Percentage of Subjects Eligible for or Granted Relief



Appendix D: Counts of Subjects

Table 4: As of April 6, 2023, count of subjects with past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8.

| County | Subjects with past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of July 2019) | Subjects with past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of April 6, 2023) | Subjects with past convictions that received either recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of April 6, 2023) |
|---------------|--|--|---|
| ALAMEDA | 7,222 | 1,991 | 5,231 |
| ALPINE | 36 | 0 | 36 |
| AMADOR | 238 | 195 | 43 |
| BUTTE | 1,201 | 24 | 1,177 |
| CALAVERAS | 269 | 11 | 258 |
| COLUSA | 246 | 10 | 236 |
| CONTRA COSTA | 2,412 | 172 | 2,240 |
| DEL NORTE | 304 | 125 | 179 |
| EL DORADO | 856 | 126 | 730 |
| FRESNO | 2,938 | 266 | 2,672 |
| GLENN | 304 | 55 | 249 |
| HUMBOLDT | 1,147 | 620 | 527 |
| IMPERIAL | 1,610 | 1,467 | 143 |
| INYO | 201 | 3 | 198 |
| KERN | 3,051 | 414 | 2,637 |
| KINGS | 597 | 171 | 426 |
| LAKE | 511 | 0 | 511 |
| LASSEN | 210 | 87 | 123 |
| LOS ANGELES | 54,858 | 1,906 | 52,952 |
| MADERA | 871 | 84 | 787 |
| MARIN | 492 | 359 | 133 |
| MARIPOSA | 242 | 19 | 223 |
| MENDOCINO | 1,092 | 15 | 1,077 |
| MERCED | 774 | 3 | 771 |
| MODOC | 110 | 17 | 93 |

| | | | |
|-----------------|----------------|---------------|-----------------|
| MONO | 77 | 0 | 77 |
| MONTEREY | 1,407 | 10 | 1,397 |
| NAPA | 660 | 237 | 423 |
| NEVADA | 556 | 173 | 383 |
| ORANGE | 11,895 | 3,901 | 7,994 |
| PLACER | 1,134 | 313 | 821 |
| PLUMAS | 156 | 69 | 87 |
| RIVERSIDE | 6,724 | 81 | 6,643 |
| SACRAMENTO | 5,072 | 734 | 4,338 |
| SAN BENITO | 273 | 9 | 264 |
| SAN BERNARDINO | 8,939 | 3,577 | 5,362 |
| SAN DIEGO | 25,929 | 189 | 25,740 |
| SAN FRANCISCO | 5,222 | 4 | 5,218 |
| SAN JOAQUIN | 2,740 | 1,385 | 1,355 |
| SAN LUIS OBISPO | 1,011 | 0 | 1,011 |
| SAN MATEO | 2,081 | 20 | 2,061 |
| SANTA BARBARA | 1,498 | 14 | 1,484 |
| SANTA CLARA | 7,716 | 797 | 6,919 |
| SANTA CRUZ | 1,164 | 70 | 1,094 |
| SHASTA | 1,655 | 1 | 1,654 |
| SIERRA | 56 | 1 | 55 |
| SISKIYOU | 493 | 0 | 493 |
| SOLANO | 1,720 | 125 | 1,595 |
| SONOMA | 2,118 | 7 | 2,111 |
| STANISLAUS | 1,928 | 29 | 1,899 |
| SUTTER | 243 | 23 | 220 |
| TEHAMA | 804 | 43 | 761 |
| TRINITY | 545 | 338 | 207 |
| TULARE | 2,310 | 42 | 2,268 |
| TUOLUMNE | 455 | 122 | 333 |
| VENTURA | 1,448 | 5 | 1,443 |
| YOLO | 674 | 20 | 654 |
| YUBA | 340 | 8 | 332 |
| TOTAL | 180,835 | 20,487 | 160, 348 |

Appendix E: Status Update

The “DOJ Processing” counts reflect the number of transactions received and being processed by the Department. By July 1, 2023, the Department is on track to complete processing all transactions that were received by March 1, 2023. There may be multiple transactions for a single case. Therefore, processing individual transactions does not necessarily reduce every eligible conviction. The Department also anticipates that most of these transactions will have been completed by the time this report is submitted to the Legislature.

The “Court Deemed Case Ineligible” counts reflect the number of cases that courts have identified as not eligible for further updates. Courts are not planning to provide the Department with any updates on these cases.

The “Transferred to Another Jurisdiction” counts reflect the number of cases that courts have identified as having been transferred to another county. The Department will continue working with both the transferring and receiving counties to ensure these cases are addressed.

The “Case Not Found in Court System” counts reflect the number of cases that courts have identified as not being in their case management systems. Some cases that cannot be found may be due to the age of cases, the practice of purging eligible cases from court databases, or court case management system migrations and data conversions. Courts will not be able to provide the Department with any updates on these cases.

Table 5: Status Update

| County | DOJ Processing | Court Deemed Case Ineligible | Transferred to Another Jurisdiction | Case Not Found in Court System |
|--------------|----------------|------------------------------|-------------------------------------|--------------------------------|
| ALAMEDA | 3,943 | 0 | 0 | 0 |
| ALPINE | 0 | 0 | 0 | 0 |
| AMADOR | 2 | 0 | 0 | 0 |
| BUTTE | 0 | 0 | 2 | 0 |
| CALAVERAS | 0 | 0 | 0 | 0 |
| COLUSA | 0 | 0 | 0 | 0 |
| CONTRA COSTA | 0 | 0 | 0 | 0 |
| DEL NORTE | 0 | 0 | 0 | 0 |
| EL DORADO | 442 | 0 | 0 | 0 |
| FRESNO | 1 | 0 | 0 | 0 |
| GLENN | 0 | 0 | 0 | 0 |
| HUMBOLDT | 151 | 0 | 0 | 0 |
| IMPERIAL | 0 | 0 | 0 | 0 |
| INYO | 0 | 0 | 0 | 0 |
| KERN | 219 | 0 | 0 | 0 |
| KINGS | 0 | 0 | 0 | 0 |

| | | | | |
|-----------------|-------|-----|----|-----|
| LAKE | 1 | 0 | 0 | 0 |
| LASSEN | 0 | 0 | 0 | 0 |
| LOS ANGELES | 3 | 0 | 0 | 0 |
| MADERA | 23 | 0 | 0 | 0 |
| MARIN | 0 | 0 | 0 | 0 |
| MARIPOSA | 0 | 3 | 13 | 2 |
| MENDOCINO | 0 | 0 | 0 | 0 |
| MERCED | 7 | 0 | 0 | 0 |
| MODOC | 0 | 0 | 0 | 0 |
| MONO | 0 | 0 | 0 | 0 |
| MONTEREY | 0 | 0 | 0 | 0 |
| NAPA | 32 | 0 | 0 | 0 |
| NEVADA | 0 | 0 | 0 | 0 |
| ORANGE | 1,124 | 100 | 0 | 33 |
| PLACER | 2 | 0 | 32 | 273 |
| PLUMAS | 0 | 0 | 0 | 0 |
| RIVERSIDE | 580 | 14 | 50 | 0 |
| SACRAMENTO | 1 | 0 | 0 | 0 |
| SAN BENITO | 1 | 0 | 0 | 0 |
| SAN BERNARDINO | 3,083 | 0 | 0 | 0 |
| SAN DIEGO | 1 | 0 | 0 | 0 |
| SAN FRANCISCO | 652 | 0 | 0 | 0 |
| SAN JOAQUIN | 1 | 0 | 0 | 0 |
| SAN LUIS OBISPO | 8 | 0 | 0 | 0 |
| SAN MATEO | 7 | 0 | 0 | 0 |
| SANTA BARBARA | 6 | 0 | 0 | 0 |
| SANTA CLARA | 2 | 0 | 0 | 0 |
| SANTA CRUZ | 276 | 0 | 0 | 0 |
| SHASTA | 2 | 0 | 0 | 0 |
| SIERRA | 0 | 0 | 0 | 0 |
| SISKIYOU | 0 | 0 | 0 | 0 |
| SOLANO | 1 | 0 | 0 | 0 |
| SONOMA | 0 | 0 | 0 | 0 |
| STANISLAUS | 1 | 0 | 23 | 0 |
| SUTTER | 0 | 0 | 0 | 0 |
| TEHAMA | 0 | 0 | 0 | 0 |
| TRINITY | 0 | 0 | 0 | 0 |
| TULARE | 3 | 0 | 0 | 0 |
| TUOLUMNE | 1 | 0 | 0 | 0 |
| VENTURA | 1 | 0 | 0 | 0 |
| YOLO | 1 | 0 | 0 | 0 |

| | | | | |
|-------|---------------|------------|------------|------------|
| YUBA | 14 | 0 | 0 | 0 |
| TOTAL | 10,592 | 117 | 120 | 308 |

