

AMENDED IN SENATE MAY 20, 2021  
AMENDED IN SENATE APRIL 20, 2021  
AMENDED IN SENATE APRIL 5, 2021  
AMENDED IN SENATE MARCH 3, 2021

**SENATE BILL**

**No. 731**

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**Introduced by Senators Durazo and Bradford  
(Coauthors: Senators Skinner and Wiener)**

(Coauthors: Assembly Members Carrillo, Cristina Garcia, Gipson,  
Kalra, Lee, Medina, and Stone)

February 19, 2021

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An act to amend Sections 851.93, 1203.41, ~~1203.425~~, and ~~11105~~ and ~~1203.425~~ of the Penal Code, relating to criminal records.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Durazo. Criminal records: relief.

Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified.

This bill would make this relief available to a defendant who has been convicted of any felony.

Commencing July 1, 2022, existing law requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for specified automatic conviction and records of arrest relief without

requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 2021, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 2021, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would additionally make this conviction record relief available for a defendant ~~convicted~~ *convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole; parole, and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.*

~~Existing law directs the Attorney General to furnish state summary criminal history information, as defined, to specified individuals, organizations, and agencies when necessary for the execution of official duties or to implement a statute or regulation. Existing law also directs the Attorney General to disseminate federal criminal history information when specifically authorized and upon a showing of compelling need. Existing law makes the unauthorized furnishing of criminal history information a crime.~~

~~Commencing July 1, 2022, this bill would require the Attorney General to exclude records of arrest and conviction that were granted relief under specified provisions from state summary criminal history information, except as specified. By expanding the scope of a crime, this bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 851.93 of the Penal Code is amended to  
2 read:

3 851.93. (a) (1) On a monthly basis, the Department of Justice  
4 shall review the records in the statewide criminal justice databases,  
5 and based on information in the state summary criminal history  
6 repository, shall identify persons with records of arrest that meet  
7 the criteria set forth in paragraph (2) and are eligible for arrest  
8 record relief.

9 (2) A person is eligible for relief pursuant to this section, if the  
10 arrest occurred on or after January 1, 2021, and meets any of the  
11 following conditions:

12 (A) The arrest was for a misdemeanor offense and the charge  
13 was dismissed.

14 (B) The arrest was for a misdemeanor offense, there is no  
15 indication that criminal proceedings have been initiated, at least  
16 one calendar year has elapsed since the date of the arrest, and no  
17 conviction occurred, or the arrestee was acquitted of any charges  
18 that arose, from that arrest.

19 (C) (i) The arrest was for a felony offense not described in  
20 clause (ii), there is no indication that criminal proceedings have  
21 been initiated, at least three calendar years have elapsed since the  
22 date of the arrest, and no conviction occurred, or the arrestee was  
23 acquitted of any charges arising, from that arrest.

24 (ii) If the arrest was for an offense punishable by imprisonment  
25 in the state prison for eight years or more or by imprisonment  
26 pursuant to subdivision (h) of Section 1170 for eight years or more,  
27 there is no indication that criminal proceedings have been initiated,  
28 at least six years have elapsed since the date of the arrest, and no  
29 conviction occurred, or the arrestee was acquitted of any charges  
30 arising, from that arrest.

31 (D) The person successfully completed any of the following,  
32 relating to that arrest:

33 (i) A prefiling diversion program, as defined in subdivision (d)  
34 of Section 851.87, administered by a prosecuting attorney in lieu  
35 of filing an accusatory pleading.

1 (ii) A drug diversion program administered by a superior court  
2 pursuant to Section 1000.5, or a deferred entry of judgment  
3 program pursuant to Section 1000 or 1000.8.

4 (iii) A pretrial diversion program, pursuant to Section 1000.4.

5 (iv) A diversion program, pursuant to Section 1001.9.

6 (v) A diversion program described in Chapter 2.8 (commencing  
7 with Section 1001.20), Chapter 2.8A (commencing with Section  
8 1001.35), Chapter 2.81 (commencing with Section 1001.40),  
9 Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A  
10 (commencing with Section 1001.60), Chapter 2.9B (commencing  
11 with Section 1001.70), Chapter 2.9C (commencing with Section  
12 1001.80), Chapter 2.9D (commencing with Section 1001.81), or  
13 Chapter 2.92 (commencing with Section 1001.85), of Title 6.

14 (b) (1) The department shall grant relief to a person identified  
15 pursuant to subdivision (a), without requiring a petition or motion  
16 by a party for that relief if the relevant information is present in  
17 the department's electronic records.

18 (2) The state summary criminal history information shall  
19 include, directly next to or below the entry or entries regarding the  
20 person's arrest record, a note stating "arrest relief granted," listing  
21 the date that the department granted relief, and this section. This  
22 note shall be included in all statewide criminal databases with a  
23 record of the arrest.

24 (3) Except as otherwise provided in subdivision (d), an arrest  
25 for which arrest relief has been granted is deemed not to have  
26 occurred, and a person who has been granted arrest relief is released  
27 from any penalties and disabilities resulting from the arrest, and  
28 may answer any question relating to that arrest accordingly.

29 (c) On a monthly basis, the department shall electronically  
30 submit a notice to the superior court having jurisdiction over the  
31 criminal case, informing the court of all cases for which a  
32 complaint was filed in that jurisdiction and for which relief was  
33 granted pursuant to this section. Commencing on August 1, 2022,  
34 for any record retained by the court pursuant to Section 68152 of  
35 the Government Code, except as provided in subdivision (d), the  
36 court shall not disclose information concerning an arrest that is  
37 granted relief pursuant to this section to any person or entity, in  
38 any format, except to the person whose arrest was granted relief  
39 or a criminal justice agency, as defined in Section 851.92.

1 (d) Relief granted pursuant to this section is subject to all of the  
2 following conditions:

3 (1) Arrest relief does not relieve a person of the obligation to  
4 disclose an arrest in response to a direct question contained in a  
5 questionnaire or application for employment as a peace officer, as  
6 defined in Section 830.

7 (2) Relief granted pursuant to this section has no effect on the  
8 ability of a criminal justice agency, as defined in Section 851.92,  
9 to access and use records that are granted relief to the same extent  
10 that would have been permitted for a criminal justice agency had  
11 relief not been granted.

12 (3) This section does not limit the ability of a district attorney  
13 to prosecute, within the applicable statute of limitations, an offense  
14 for which arrest relief has been granted pursuant to this section.

15 (4) Relief granted pursuant to this section does not affect a  
16 person's authorization to own, possess, or have in the person's  
17 custody or control a firearm, or the person's susceptibility to  
18 conviction under Chapter 2 (commencing with Section 29800) of  
19 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect  
20 this authorization or susceptibility.

21 (5) Relief granted pursuant to this section does not affect any  
22 prohibition from holding public office that would otherwise apply  
23 under law as a result of the arrest.

24 (6) Relief granted pursuant to this section does not affect the  
25 authority to receive, or take adverse action based on, criminal  
26 history information, including the authority to receive certified  
27 court records received or evaluated pursuant to Section 1522,  
28 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
29 pursuant to any statutory or regulatory provisions that incorporate  
30 the criteria of those sections.

31 (e) This section does not limit petitions, motions, or orders for  
32 arrest record relief, as required or authorized by any other law,  
33 including, but not limited to, Sections 851.87, 851.90, 851.91,  
34 1000.4, and 1001.9.

35 (f) The department shall annually publish on the OpenJustice  
36 Web portal, as described under Section 13010, statistics for each  
37 county regarding the total number of arrests granted relief pursuant  
38 to this section and the percentage of arrests for which the state  
39 summary criminal history information does not include a  
40 disposition.

1 (g) This section shall be operative commencing July 1, 2022,  
2 subject to an appropriation in the annual Budget Act.

3 SEC. 2. Section 1203.41 of the Penal Code is amended to read:

4 1203.41. (a) If a defendant is convicted of a felony, the court,  
5 in its discretion and in the interests of justice, may order the  
6 following relief, subject to the conditions of subdivision (b):

7 (1) The court may permit the defendant to withdraw their plea  
8 of guilty or plea of nolo contendere and enter a plea of not guilty,  
9 or, if the defendant has been convicted after a plea of not guilty,  
10 the court shall set aside the verdict of guilty, and, in either case,  
11 the court shall dismiss the accusations or information against the  
12 defendant and the defendant shall thereafter be released from all  
13 penalties and disabilities resulting from the offense of which they  
14 have been convicted, except as provided in Section 13555 of the  
15 Vehicle Code.

16 (2) The relief available under this section may be granted only  
17 after the lapse of one year following the defendant's completion  
18 of the sentence, if the sentence was imposed pursuant to  
19 subparagraph (B) of paragraph (5) of subdivision (h) of Section  
20 1170, or after the lapse of two years following the defendant's  
21 completion of the sentence, if the sentence was imposed pursuant  
22 to subparagraph (A) of paragraph (5) of subdivision (h) of Section  
23 1170 or if the defendant was sentenced to the state prison.

24 (3) The relief available under this section may be granted only  
25 if the defendant is not on parole or under supervision pursuant to  
26 subparagraph (B) of paragraph (5) of subdivision (h) of Section  
27 1170, and is not serving a sentence for, on probation for, or charged  
28 with the commission of any offense.

29 (4) The defendant shall be informed, either orally or in writing,  
30 of the provisions of this section and of their right, if any, to petition  
31 for a certificate of rehabilitation and pardon at the time they are  
32 sentenced.

33 (5) The defendant may make the application and change of plea  
34 in person or by attorney, or by a probation officer authorized in  
35 writing.

36 (b) Relief granted pursuant to subdivision (a) is subject to all  
37 of the following conditions:

38 (1) In any subsequent prosecution of the defendant for any other  
39 offense, the prior conviction may be pleaded and proved and shall

1 have the same effect as if the accusation or information had not  
2 been dismissed.

3 (2) The order shall state, and the defendant shall be informed,  
4 that the order does not relieve them of the obligation to disclose  
5 the conviction in response to any direct question contained in any  
6 questionnaire or application for public office, for licensure by any  
7 state or local agency, or for contracting with the California State  
8 Lottery Commission.

9 (3) Dismissal of an accusation or information pursuant to this  
10 section does not permit a person to own, possess, or have in their  
11 custody or control any firearm or prevent their conviction under  
12 Chapter 2 (commencing with Section 29800) of Division 9 of Title  
13 4 of Part 6.

14 (4) Dismissal of an accusation or information underlying a  
15 conviction pursuant to this section does not permit a person  
16 prohibited from holding public office as a result of that conviction  
17 to hold public office.

18 (c) This section applies to any conviction specified in  
19 subdivision (a) that occurred before, on, or after January 1, 2021.

20 (d) A person who petitions for a change of plea or setting aside  
21 of a verdict under this section may be required to reimburse the  
22 court for the actual costs of services rendered, whether or not the  
23 petition is granted and the records are sealed or expunged, at a rate  
24 to be determined by the court not to exceed one hundred fifty  
25 dollars (\$150), and to reimburse the county for the actual costs of  
26 services rendered, whether or not the petition is granted and the  
27 records are sealed or expunged, at a rate to be determined by the  
28 county board of supervisors not to exceed one hundred fifty dollars  
29 (\$150), and to reimburse any city for the actual costs of services  
30 rendered, whether or not the petition is granted and the records are  
31 sealed or expunged, at a rate to be determined by the city council  
32 not to exceed one hundred fifty dollars (\$150). Ability to make  
33 this reimbursement shall be determined by the court using the  
34 standards set forth in paragraph (2) of subdivision (g) of Section  
35 987.8 and shall not be a prerequisite to a person's eligibility under  
36 this section. The court may order reimbursement in any case in  
37 which the petitioner appears to have the ability to pay, without  
38 undue hardship, all or any portion of the costs for services  
39 established pursuant to this subdivision.

1 (e) (1) Relief shall not be granted under this section unless the  
2 prosecuting attorney has been given 15 days' notice of the petition  
3 for relief. The probation officer shall notify the prosecuting attorney  
4 when a petition is filed, pursuant to this section, if the defendant  
5 was on mandatory supervision. The parole officer shall notify the  
6 prosecuting attorney when a petition is filed, pursuant to this  
7 section, if the defendant was on parole.

8 (2) It shall be presumed that the prosecuting attorney has  
9 received notice if proof of service is filed with the court.

10 (f) If, after receiving notice pursuant to subdivision (e), the  
11 prosecuting attorney fails to appear and object to a petition for  
12 dismissal, the prosecuting attorney shall not move to set aside or  
13 otherwise appeal the grant of that petition.

14 SEC. 3. Section 1203.425 of the Penal Code is amended to  
15 read:

16 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject  
17 to an appropriation in the annual Budget Act, on a monthly basis,  
18 the Department of Justice shall review the records in the statewide  
19 criminal justice databases, and based on information in the state  
20 summary criminal history repository and the Supervised Release  
21 File, shall identify persons with convictions that meet the criteria  
22 set forth in subparagraph (B) and are eligible for automatic  
23 conviction record relief.

24 (B) A person is eligible for automatic conviction relief pursuant  
25 to this section if they meet all of the following conditions:

26 (i) The person is not required to register pursuant to the Sex  
27 Offender Registration Act.

28 (ii) The person does not have an active record for local, state,  
29 or federal supervision in the Supervised Release File.

30 (iii) Based upon the information available in the department's  
31 record, including disposition dates and sentencing terms, it does  
32 not appear that the person is currently serving a sentence for an  
33 offense and there is no indication of pending criminal charges.

34 (iv) The conviction meets either of the following criteria:

35 (I) The conviction occurred on or after January 1, 2021, and  
36 meets either of the following criteria:

37 (ia) The defendant was sentenced to probation, and, based upon  
38 the disposition date and the term of probation specified in the  
39 department's records, appears to have completed their term of  
40 probation without revocation.



1 (ib) The defendant was convicted of an infraction or  
2 misdemeanor, was not granted probation, and, based upon the  
3 disposition date and the term specified in the department’s records,  
4 the defendant appears to have completed their sentence, and at  
5 least one calendar year has elapsed since the date of judgment.

6 (II) The conviction occurred on or after January 1, ~~1973~~, 2005,  
7 the defendant was convicted of a felony other than one for which  
8 the defendant completed probation without revocation, and based  
9 upon the disposition date and the sentence specified in the  
10 department’s records, appears to have completed all terms of  
11 incarceration, probation, mandatory supervision, postrelease  
12 supervision, and ~~parole~~. *parole, and a period of four years has*  
13 *elapsed since the date on which the defendant completed probation*  
14 *or supervision for that conviction and during which the defendant*  
15 *was not convicted of a new felony offense. This subclause does not*  
16 *apply to a conviction of a serious felony defined in subdivision (c)*  
17 *of Section 1192.7, a violent felony as defined in Section 667.5, or*  
18 *a felony offense requiring registration pursuant to Chapter 5.5*  
19 *(commencing with Section 290) of Title 9 of Part 1.*

20 (2) (A) Except as specified in subdivision (b), the department  
21 shall grant relief, including dismissal of a conviction, to a person  
22 identified pursuant to paragraph (1) without requiring a petition  
23 or motion by a party for that relief if the relevant information is  
24 present in the department’s electronic records.

25 (B) The state summary criminal history information shall  
26 include, directly next to or below the entry or entries regarding the  
27 person’s criminal record, a note stating “relief granted,” listing the  
28 date that the department granted relief and this section. This note  
29 shall be included in all statewide criminal databases with a record  
30 of the conviction.

31 (C) Except as otherwise provided in paragraph (4) and in Section  
32 13555 of the Vehicle Code, a person granted conviction relief  
33 pursuant to this section shall be released from all penalties and  
34 disabilities resulting from the offense of which the person has been  
35 convicted.

36 (3) Commencing July 1, 2022, and subject to an appropriation  
37 in the annual Budget Act, on a monthly basis, the department shall  
38 electronically submit a notice to the superior court having  
39 jurisdiction over the criminal case, informing the court of all cases  
40 for which a complaint was filed in that jurisdiction and for which

1 relief was granted pursuant to this section. Commencing on August  
2 1, 2022, for any record retained by the court pursuant to Section  
3 68152 of the Government Code, except as provided in paragraph  
4 (4), the court shall not disclose information concerning a conviction  
5 granted relief pursuant to this section or Section 1203.4, 1203.4a,  
6 1203.41, or 1203.42, to any person or entity, in any format, except  
7 to the person whose conviction was granted relief or a criminal  
8 justice agency, as defined in Section 851.92.

9 (4) Relief granted pursuant to this section is subject to the  
10 following conditions:

11 (A) Relief granted pursuant to this section does not relieve a  
12 person of the obligation to disclose a criminal conviction in  
13 response to a direct question contained in a questionnaire or  
14 application for employment as a peace officer, as defined in Section  
15 830.

16 (B) Relief granted pursuant to this section does not relieve a  
17 person of the obligation to disclose the conviction in response to  
18 a direct question contained in a questionnaire or application for  
19 public office, or for contracting with the California State Lottery  
20 Commission.

21 (C) Relief granted pursuant to this section has no effect on the  
22 ability of a criminal justice agency, as defined in Section 851.92,  
23 to access and use records that are granted relief to the same extent  
24 that would have been permitted for a criminal justice agency had  
25 relief not been granted.

26 (D) Relief granted pursuant to this section does not limit the  
27 jurisdiction of the court over a subsequently filed motion to amend  
28 the record, petition or motion for postconviction relief, or collateral  
29 attack on a conviction for which relief has been granted pursuant  
30 to this section.

31 (E) Relief granted pursuant to this section does not affect a  
32 person's authorization to own, possess, or have in the person's  
33 custody or control a firearm, or the person's susceptibility to  
34 conviction under Chapter 2 (commencing with Section 29800) of  
35 Division 9 of Title 4 of Part 6, if the criminal conviction would  
36 otherwise affect this authorization or susceptibility.

37 (F) Relief granted pursuant to this section does not affect a  
38 prohibition from holding public office that would otherwise apply  
39 under law as a result of the criminal conviction.

1 (G) Relief granted pursuant to this section does not affect the  
2 authority to receive, or take adverse action based on, criminal  
3 history information, including the authority to receive certified  
4 court records received or evaluated pursuant to Section 1522,  
5 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or  
6 pursuant to any statutory or regulatory provisions that incorporate  
7 the criteria of those sections.

8 (H) Relief granted pursuant to this section does not make eligible  
9 a person who is otherwise ineligible to provide, or receive payment  
10 for providing, in-home supportive services pursuant to Article 7  
11 (commencing with Section 12300) of Chapter 3 of Part 3 of  
12 Division 9 of the Welfare and Institutions Code, or pursuant to  
13 Section 14132.95, 14132.952, or 14132.956 of the Welfare and  
14 Institutions Code.

15 (I) In a subsequent prosecution of the defendant for any other  
16 offense, the prior conviction may be pleaded and proved and shall  
17 have the same effect as if the relief had not been granted.

18 (J) Relief granted pursuant to this section does not release the  
19 defendant from the terms and conditions of any unexpired criminal  
20 protective orders that have been issued by the court pursuant to  
21 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)  
22 of Section 273.5, subdivision (l) of Section 368, or subdivision  
23 (k) of Section 646.9. These protective orders shall remain in full  
24 effect until expiration or until any further order by the court  
25 modifying or terminating the order, despite the dismissal of the  
26 underlying accusation or information.

27 (5) This section shall not limit petitions, motions, or orders for  
28 relief in a criminal case, as required or authorized by any other  
29 law, including, but not limited to, Sections 1203.4, 1203.4a, 1016.5,  
30 and 1473.7.

31 (6) Commencing July 1, 2022, and subject to an appropriation  
32 in the annual Budget Act, the department shall annually publish  
33 statistics for each county regarding the total number of convictions  
34 granted relief pursuant to this section and the total number of  
35 convictions prohibited from automatic relief pursuant to  
36 subdivision (b), on the OpenJustice Web portal, as defined in  
37 Section 13010.

38 (b) (1) The prosecuting attorney, probation department, or the  
39 Department of Corrections and Rehabilitation may, no later than  
40 90 calendar days before the date of a person's eligibility for relief

1 pursuant to this section, file a petition to prohibit the department  
2 from granting automatic relief pursuant to this section, based on  
3 a showing that granting that relief would pose a substantial threat  
4 to the public safety.

5 (2) The court shall give notice to the defendant and conduct a  
6 hearing on the petition within 45 days after the petition is filed.

7 (3) At a hearing on the petition pursuant to this subdivision, the  
8 defendant, the probation department, the Department of Corrections  
9 and Rehabilitation, the prosecuting attorney, and the arresting  
10 agency, through the prosecuting attorney, may present evidence  
11 to the court. Notwithstanding Sections 1538.5 and 1539, the hearing  
12 may be heard and determined upon declarations, affidavits, police  
13 investigative reports, copies of state summary criminal history  
14 information and local summary criminal history information, or  
15 any other evidence submitted by the parties that is material,  
16 reliable, and relevant.

17 (4) The prosecutor, probation department, or Department of  
18 Corrections and Rehabilitation has the initial burden of proof to  
19 show that granting conviction relief would pose a substantial threat  
20 to the public safety. In determining whether granting relief would  
21 pose a substantial threat to the public safety, the court may consider  
22 any relevant factors including, but not limited to, either of the  
23 following:

24 (A) Declarations or evidence regarding the offense for which a  
25 grant of relief is being contested.

26 (B) The defendant's record of arrests and convictions.

27 (5) If the court finds that the prosecutor, probation department,  
28 or the Department of Corrections and Rehabilitation, has satisfied  
29 the burden of proof, the burden shifts to the defendant to show that  
30 the hardship of not obtaining relief outweighs the threat to the  
31 public safety of providing relief. In determining whether the  
32 defendant's hardship outweighs the threat to the public safety, the  
33 court may consider any relevant factors including, but not limited  
34 to, either of the following:

35 (A) The hardship to the defendant that has been caused by the  
36 conviction and that would be caused if relief is not granted.

37 (B) Declarations or evidence regarding the defendant's good  
38 character.

39 (6) If the court grants a petition pursuant to this subdivision,  
40 the court shall furnish a disposition report to the Department of

1 Justice pursuant to Section 13151, stating that relief pursuant to  
2 this section was denied, and the department shall not grant relief  
3 pursuant to this section.

4 (7) A person denied relief pursuant to this section may continue  
5 to be eligible for relief pursuant to Section ~~1203.4~~ or ~~1203.4a~~.  
6 *1203.4, 1203.4a, or 1203.41*. If the court subsequently grants relief  
7 pursuant to one of those sections, the court shall furnish a  
8 disposition report to the Department of Justice pursuant to Section  
9 13151, stating that relief was granted pursuant to the applicable  
10 section, and the department shall grant relief pursuant to that  
11 section.

12 (c) At the time of sentencing, the court shall advise a defendant,  
13 either orally or in writing, of the provisions of this section and of  
14 the defendant's right, if any, to petition for a certificate of  
15 rehabilitation and pardon.

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, April 20, 2021. (JR11)**