Governor Signs Daly Bill Eliminating Fees for Sealing of Juvenile Court Records

Sealing Records Helps Ensure That Past Mistakes Won’t Hold People Back from Jobs or Housing

Sacramento – Governor Gavin Newsom has signed a measure by Assemblymember Tom Daly (D – Anaheim) that will eliminate the $150 fee for Californians seeking to petition a court to seal a juvenile record.

Assembly Bill (AB) 1394 prohibits a superior court or probation department from charging a fee to an applicant who files a petition to request that their juvenile court records be sealed.

“A juvenile court record creates barriers and limits opportunities for many individuals,” Assemblymember Daly said. “When employers and landlords conduct background checks on applicants, a juvenile record can be used as a basis for denial. Additionally, because payment does not guarantee expungement, the $150 fee deters some individuals from even filing a petition.

“Sealing records is the best way to ensure that past mistakes will not hinder an individual's future opportunities,” Daly added. “I thank the Governor for his support in eliminating the fee, which has stood as an obstacle to rehabilitation. Once individuals are able to get their records expunged, they have increased opportunities for obtaining employment and securing housing.”

Prior to AB 1394, California law allowed individuals younger than 26 years of age who have been involved in the juvenile justice system to request sealing of their juvenile records at no cost. A person may have their juvenile delinquency court records sealed by petitioning the court five years or more after the court's jurisdiction has terminated over the adjudged ward, or after the minor appeared before a probation officer or law enforcement officer, or, upon petition, at any time after the person has reached the age of 18 years.

Persons 26 years of age or older were required to pay a fee to petition to seal their juvenile records, unless they could establish that they are indigent. The fee can be cost prohibitive for such individuals, who are still part of a vulnerable population due to their experience in the juvenile delinquency system.

AB 1394 extends the provisions of existing law eliminating the fees charged to all persons regardless of age.
Daly’s bill was supported by the California Judges Association, which noted that “prior legislation made the sealing of juvenile records automatic and free but overlooked some vulnerable populations who still cannot afford the $150 fee to seal their juvenile record. As a matter of policy, the state of California has removed most of the barriers, so it is fair and reasonable not to charge applicants, of any age, fees to seal their juvenile record.”

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*Tom Daly represents the 69th Assembly District, which includes the cities of Anaheim, Garden Grove, Orange & Santa Ana.*