



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

VACANT
Fourth District

JIM DESMOND
Fifth District

DATE: December 5, 2023 and January 9, 2024

23

TO: Board of Supervisors

SUBJECT

AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES TO SEAL OR EXPUNGE A RECORD, PURSUANT TO ASSEMBLY BILL 134 (DISTRICTS: ALL)

OVERVIEW

Effective July 10, 2023, California Assembly Bill (AB) 134 eliminated filing fees to seal or expunge a record, commonly known as expungements. For those who requested expungements prior to AB 134's passage, the charges are still collectible; however, no new fees will be assessed.

Today's action seeks Board of Supervisors (Board) approval to amend Article XX of the San Diego County Administrative Code to reflect the County of San Diego's implementation of, and to be consistent with, the provisions of AB 134. As of July 10, 2023, the Probation department ended the assessment of fees to seal or expunge a record. The proposed changes to the San Diego County Administrative Code delete the references to these requests of dismissal filing fees which are no longer assessed, pursuant to the changes in state law. The ordinance will be introduced on December 5, 2023 and, if approved, it will be scheduled for adoption on January 9, 2024. If the proposed ordinance is altered on January 9, 2024, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Approve the introduction of the Ordinance (First Reading):

AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES TO SEAL OR EXPUNGE A RECORD.

If the Board takes the action recommended in item 1, then on January 9, 2024:

2. Consider and adopt the Ordinance (unless ordinance is modified on second reading):

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EQUITY IMPACT STATEMENT

The proposed amendments to the San Diego County Administrative Code align with changes to state law to end the assessment of filing fees related to filing fees to seal or expunge a record. According to a report by the Ella Baker Center for Human Rights, the average debt incurred by defendants for court-ordered fines and fees was roughly equal to the annual income for many survey respondents. Because these fees are often assigned to people who cannot afford to pay them, they can be a contributing factor to poverty and limit economic opportunities among low-income individuals in our justice system. Community engagement was coordinated through advocacy efforts during the state legislative process. These actions to implement changes already passed through state law are anticipated to remove barriers to long-term success for justice-involved individuals.

SUSTAINABILITY IMPACT STATEMENT

The implementation of an Ordinance amending the San Diego County Administrative Code contributes to the County of San Diego Sustainability Goals of providing just and equitable access to County services. Aligning the San Diego County Administrative Code with existing state law enables County programs, operations, and contracts to reflect the values of equity and sustainability set forth by the California State Legislature. Specifically, the proposed Ordinance reflects recognition of the economic impacts of filing fees to seal or expunge a record. By doing so, this request will help to remove some barriers for justice-involved individuals to have greater access to more economic opportunities.

FISCAL IMPACT

There is minimal fiscal impact associated with the proposal to amend the San Diego County Administrative Code to be consistent with state law. The revenue collected from these filing fees to seal or expunge a record has not exceeded \$10,000 annually for the past three fiscal years. This amount can be absorbed within the current and future years budget for the Probation Department. The funding source is existing General Purpose Revenue. There will be no net change in General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Effective July 10, 2023, California Assembly Bill (AB) 134 eliminated filing fees to seal or expunge a record, more commonly known as expungements and Probation ended the assessment

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of these filing fees. The proposed changes to the San Diego County Administrative Code remove the references to the filing fees.

This is a request for the Board to consider an ordinance amending Section 363 in Article XX of the San Diego County Administrative Code to reflect the County of San Diego's implementation of, and to be consistent with, provisions of AB 134. If the Board takes this action as recommended, then on January 9, 2024, it may consider adoption of the proposed ordinance.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed request supports the Equity and Justice initiatives of the County of San Diego's 2023–2028 Strategic Plan by implementing changes to state law which relieve financial obligations for people who encounter the criminal justice system, thereby decreasing barriers to clients' long-term success.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Interim Chief Administrative Officer

ATTACHMENT(S)

ATTACHMENT A – AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES TO SEAL OR EXPUNGE A RECORD.

(Clean copy)

ATTACHMENT B – AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES TO SEAL OR EXPUNGE A RECORD. (Informational copy)

ATTACHMENT C – SUMMARY OF PROPOSED ORDINANCE