



# AB 1706

## LEGISLATIVE REPORT

March 1, 2024

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**California Justice Information Services Division**  
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## Executive Summary

Assembly Bill (AB) 1706 (Chapter 387, Statutes of 2022) requires the California Department of Justice (DOJ), 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 fifth of six quarterly reports that will be submitted to the Legislature pursuant to AB 1706.

AB 1793, the Cannabis Convictions: Resentencing Act, required DOJ, on or before July 1, 2019, to review the records in the state summary criminal history information database and 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). AB 1793 also required DOJ to notify the prosecuting agency of all cases in its jurisdiction eligible for recall or dismissal of a sentence, dismissal and sealing, or redesignation.

As of July 2019, there were 227,650 cases in the state summary criminal history information database that were potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to AUMA. As of January 2, 2024, there are only 13,571 cases remaining in the state summary criminal history information database that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to AUMA. This represents a 94% reduction of the total identified in July 2019.

The tables and graphs provided in this report summarize data as of January 2, 2024.

## Background

Proposition 64 (AUMA) was passed by California voters 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]).

On September 30, 2018, the Governor signed AB 1793, the Cannabis Convictions: Resentencing Act. In addition to the petition procedure provided by Proposition 64, AB 1793 created a process of automatic record clearance. Specifically, it required DOJ 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, DOJ was required to notify the appropriate prosecuting agency of all cases in its jurisdiction that may have been eligible for recall or dismissal of a sentence, dismissal and sealing, or redesignation.

AB 1793 required the prosecution to review all cases identified by DOJ and determine whether to challenge the resentencing, dismissal and sealing, or redesignation on or before July 1, 2020. Such 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 DOJ, whether it was challenged or not by the prosecuting agency. 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. If the prosecution did not challenge a case by July 1, 2020, AB 1793 authorized the court to reduce or dismiss the conviction pursuant to AUMA.

AB 1793 authorized the courts to adjudicate whether a conviction should be reduced, dismissed and sealed, or redesignated pursuant to AUMA, and notify DOJ of the disposition. AB 1793 did not specify a date by which the court was required to do so.

Once DOJ received this information, 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 website. However, AB 1793's implementation was inconsistent across the state, with California's criminal justice system administered across 58 counties.

To bolster implementation 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 notify DOJ. It also required DOJ, 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. DOJ 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 DOJ, 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

AB 1793 required DOJ by 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, dismissal and sealing, or redesignation pursuant to AUMA (see HSC § 11361.9).

Additionally, AB 1793:

1. Required DOJ to notify the relevant prosecuting agency of all cases in its 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 recall or dismissal of sentence, dismissal and sealing, or redesignation.
3. Authorized the prosecution to challenge the recall or dismissal of sentence, 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 recall or dismissal of sentence, dismissal and sealing, or redesignation.
5. Required the prosecution to notify the court when they were not challenging a particular recall or dismissal of sentence, 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 DOJ of the recall or dismissal of sentence, dismissal and sealing, or redesignation, and the DOJ 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 DOJ to post general information on its website.

Beginning March 1, 2023, AB 1706 required DOJ, in consultation with the 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 DOJ no later than March 1, 2023.
2. Required DOJ 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 DOJ to conduct an awareness campaign regarding record changes for specified cannabis convictions.
4. Required the Judicial Council of California and DOJ 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.

See *Appendix A* for the full text of Health and Safety Code section 11361.9, as amended by AB 1706.

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

- Holding virtual webinars with courts, prosecuting agencies, and the Judicial Council of California to explain AB 1793 and AB 1706, and to discuss roles, responsibilities, mandated timeframes, and processes.
- Publishing Information Bulletin 21-10-CJIS “Assembly Bill (AB) 1793 Cannabis Convictions: Resentencing” (December 8, 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.

DOJ published general information on the Attorney General’s website (<https://oag.ca.gov/fingerprints/record-review/ab1793>) that describes how individuals can request personal criminal history information to verify the updates. The site 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, Department of Justice, in consultation with the Judicial Council, shall submit quarterly joint progress reports to the Legislature.”



Counts of Convictions

As required by HSC section 11361.9, subdivisions (h)(1) and (h)(3), **Table 1** contains:

- (1) “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,” and
- (2) “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.”

**Table 1: Counts of Potentially Eligible Past Convictions and Counts of Cases Recalled, Dismissed, Resentenced, Sealed and Redesignated.**

| <b>County</b> | <b>Past convictions that were potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8<br/>(As of July 2019)</b> | <b>Past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8<br/>(As of January 2, 2024)</b> | <b>Total number of cases recalled, dismissed, resentenced, sealed or redesignated pursuant to HSC section 11361.8<br/>(As of January 2, 2024)</b> |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| ALAMEDA       | 10,007                                                                                                                                                                                    | 64                                                                                                                                                                                             | 9,943                                                                                                                                             |
| ALPINE        | 39                                                                                                                                                                                        | 0                                                                                                                                                                                              | 39                                                                                                                                                |
| AMADOR        | 296                                                                                                                                                                                       | 28                                                                                                                                                                                             | 268                                                                                                                                               |
| BUTTE         | 1,448                                                                                                                                                                                     | 22                                                                                                                                                                                             | 1,426                                                                                                                                             |
| CALAVERAS     | 338                                                                                                                                                                                       | 1                                                                                                                                                                                              | 337                                                                                                                                               |
| COLUSA        | 298                                                                                                                                                                                       | 10                                                                                                                                                                                             | 288                                                                                                                                               |
| CONTRA COSTA  | 3,407                                                                                                                                                                                     | 64                                                                                                                                                                                             | 3,343                                                                                                                                             |
| DEL NORTE     | 358                                                                                                                                                                                       | 53                                                                                                                                                                                             | 305                                                                                                                                               |
| EL DORADO     | 1,047                                                                                                                                                                                     | 1                                                                                                                                                                                              | 1,046                                                                                                                                             |
| FRESNO        | 3,575                                                                                                                                                                                     | 270                                                                                                                                                                                            | 3,305                                                                                                                                             |
| GLENN         | 381                                                                                                                                                                                       | 21                                                                                                                                                                                             | 360                                                                                                                                               |
| HUMBOLDT      | 1,658                                                                                                                                                                                     | 129                                                                                                                                                                                            | 1,529                                                                                                                                             |
| IMPERIAL      | 1,767                                                                                                                                                                                     | 1,508                                                                                                                                                                                          | 259                                                                                                                                               |
| INYO          | 225                                                                                                                                                                                       | 3                                                                                                                                                                                              | 222                                                                                                                                               |
| KERN          | 3,832                                                                                                                                                                                     | 158                                                                                                                                                                                            | 3,674                                                                                                                                             |
| KINGS         | 698                                                                                                                                                                                       | 172                                                                                                                                                                                            | 526                                                                                                                                               |
| LAKE          | 654                                                                                                                                                                                       | 1                                                                                                                                                                                              | 653                                                                                                                                               |
| LASSEN        | 252                                                                                                                                                                                       | 18                                                                                                                                                                                             | 234                                                                                                                                               |
| LOS ANGELES   | 70,097                                                                                                                                                                                    | 2,299                                                                                                                                                                                          | 67,798                                                                                                                                            |
| MADERA        | 1,052                                                                                                                                                                                     | 60                                                                                                                                                                                             | 992                                                                                                                                               |

|                 |        |       |        |
|-----------------|--------|-------|--------|
| MARIN           | 608    | 372   | 236    |
| MARIPOSA        | 286    | 19    | 267    |
| MENDOCINO       | 1,468  | 7     | 1,461  |
| MERCED          | 946    | 3     | 943    |
| MODOC           | 141    | 14    | 127    |
| MONO            | 90     | 0     | 90     |
| MONTEREY        | 1,797  | 13    | 1,784  |
| NAPA            | 834    | 115   | 719    |
| NEVADA          | 691    | 181   | 510    |
| ORANGE          | 14,355 | 2,822 | 11,533 |
| PLACER          | 1,430  | 318   | 1,112  |
| PLUMAS          | 187    | 72    | 115    |
| RIVERSIDE       | 8,164  | 24    | 8,140  |
| SACRAMENTO      | 6,755  | 756   | 5,999  |
| SAN BENITO      | 340    | 10    | 330    |
| SAN BERNARDINO  | 11,121 | 889   | 10,232 |
| SAN DIEGO       | 29,074 | 109   | 28,965 |
| SAN FRANCISCO   | 7,804  | 5     | 7,799  |
| SAN JOAQUIN     | 3,822  | 1,544 | 2,278  |
| SAN LUIS OBISPO | 1,229  | 3     | 1,226  |
| SAN MATEO       | 2,688  | 17    | 2,671  |
| SANTA BARBARA   | 1,834  | 3     | 1,831  |
| SANTA CLARA     | 10,193 | 816   | 9,377  |
| SANTA CRUZ      | 1,552  | 7     | 1,545  |
| SHASTA          | 2,022  | 2     | 2,020  |
| SIERRA          | 69     | 0     | 69     |
| SISKIYOU        | 560    | 0     | 560    |
| SOLANO          | 2,210  | 126   | 2,084  |
| SONOMA          | 3,303  | 6     | 3,297  |
| STANISLAUS      | 2,448  | 26    | 2,422  |
| SUTTER          | 303    | 21    | 282    |
| TEHAMA          | 1,020  | 42    | 978    |
| TRINITY         | 658    | 157   | 501    |
| TULARE          | 2,665  | 39    | 2,626  |
| TUOLUMNE        | 593    | 124   | 469    |

|              |                |               |                |
|--------------|----------------|---------------|----------------|
| VENTURA      | 1,732          | 3             | 1,729          |
| YOLO         | 846            | 18            | 828            |
| YUBA         | 383            | 6             | 377            |
| <b>TOTAL</b> | <b>227,650</b> | <b>13,571</b> | <b>214,079</b> |

See *Appendix B* for the list of offenses used by DOJ 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.

See *Appendix C* for breakdowns by race and gender of subjects eligible for or granted relief.

See *Appendix D* for count of subjects as of January 2, 2024, with past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8.

See *Appendix E*, for more information on the status of updates to the state summary criminal history database. The remaining cases, are reflected in the “Total number of cases recalled, dismissed, resentenced, sealed or redesignated pursuant to HSC section 11361.8” column of Table 1. Additional status information is reflected in Appendix E.

### Counts of Cases Challenged

HSC section 11361.9, subdivision (h)(2), requires DOJ to report the “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 in **Table 2** was reported to DOJ by either the county court or the prosecuting agency. Table 2 reflects that 88% of counties have reported data to DOJ regarding the number of challenged cases, but did not provide information regarding disposition of such cases.

Where a county has Not Reported (NR) to DOJ the number of convictions that have been challenged, a NR notation has been made.

**Table 2: Count of past convictions challenged by the prosecution.**

| <b>County</b> | <b>Past convictions challenged by the prosecution<br/>(As of January 2, 2024)</b> |
|---------------|-----------------------------------------------------------------------------------|
| ALAMEDA       | 0                                                                                 |
| ALPINE        | 0                                                                                 |
| AMADOR        | 0                                                                                 |
| BUTTE         | 0                                                                                 |
| CALAVERAS     | 0                                                                                 |
| COLUSA        | 0                                                                                 |
| CONTRA COSTA  | 0                                                                                 |
| DEL NORTE     | 0                                                                                 |
| EL DORADO     | 0                                                                                 |
| FRESNO        | 0                                                                                 |
| GLENN         | 0                                                                                 |
| HUMBOLDT      | 0                                                                                 |
| IMPERIAL      | NR                                                                                |
| INYO          | 0                                                                                 |
| KERN          | 2                                                                                 |
| KINGS         | 0                                                                                 |
| LAKE          | 0                                                                                 |
| LASSEN        | NR                                                                                |
| LOS ANGELES   | 1,904                                                                             |
| MADERA        | 9                                                                                 |
| MARIN         | NR                                                                                |
| MARIPOSA      | 0                                                                                 |
| MENDOCINO     | 0                                                                                 |

|                 |    |
|-----------------|----|
| MERCED          | 0  |
| MODOC           | 0  |
| MONO            | 0  |
| MONTEREY        | 0  |
| NAPA            | 75 |
| NEVADA          | NR |
| ORANGE          | 0  |
| PLACER          | 0  |
| PLUMAS          | NR |
| RIVERSIDE       | 11 |
| SACRAMENTO      | 1  |
| SAN BENITO      | NR |
| SAN BERNARDINO  | 0  |
| SAN DIEGO       | 0  |
| SAN FRANCISCO   | 0  |
| SAN JOAQUIN     | 0  |
| SAN LUIS OBISPO | 0  |
| SAN MATEO       | 12 |
| SANTA BARBARA   | 0  |
| SANTA CLARA     | 0  |
| SANTA CRUZ      | 0  |
| SHASTA          | 0  |
| SIERRA          | 0  |
| SISKIYOU        | 0  |
| SOLANO          | NR |
| SONOMA          | 0  |
| STANISLAUS      | 1  |
| SUTTER          | 0  |
| TEHAMA          | 0  |
| TRINITY         | 0  |
| TULARE          | 30 |
| TUOLUMNE        | 3  |
| VENTURA         | 0  |
| YOLO            | 18 |
| YUBA            | 0  |

### *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.”

DOJ continues to work 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.

On August 14 and 21, 2023, DOJ hosted webinar meetings to increase awareness about AB 1793 and AB 1706. In attendance were 36 individuals from 18 agencies, which included public defenders, district attorneys, and court staff.

## **Disclaimers about this Report**

The data published in this report reflects the most current analysis work performed by DOJ and may differ from other data previously provided by DOJ. DOJ is constantly striving to improve processes; any 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 record 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 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.

*(Amended by Stats. 2022, Ch. 387, Sec. 1. (AB 1706) Effective January 1, 2023.)*

## Appendix B: List of Offenses

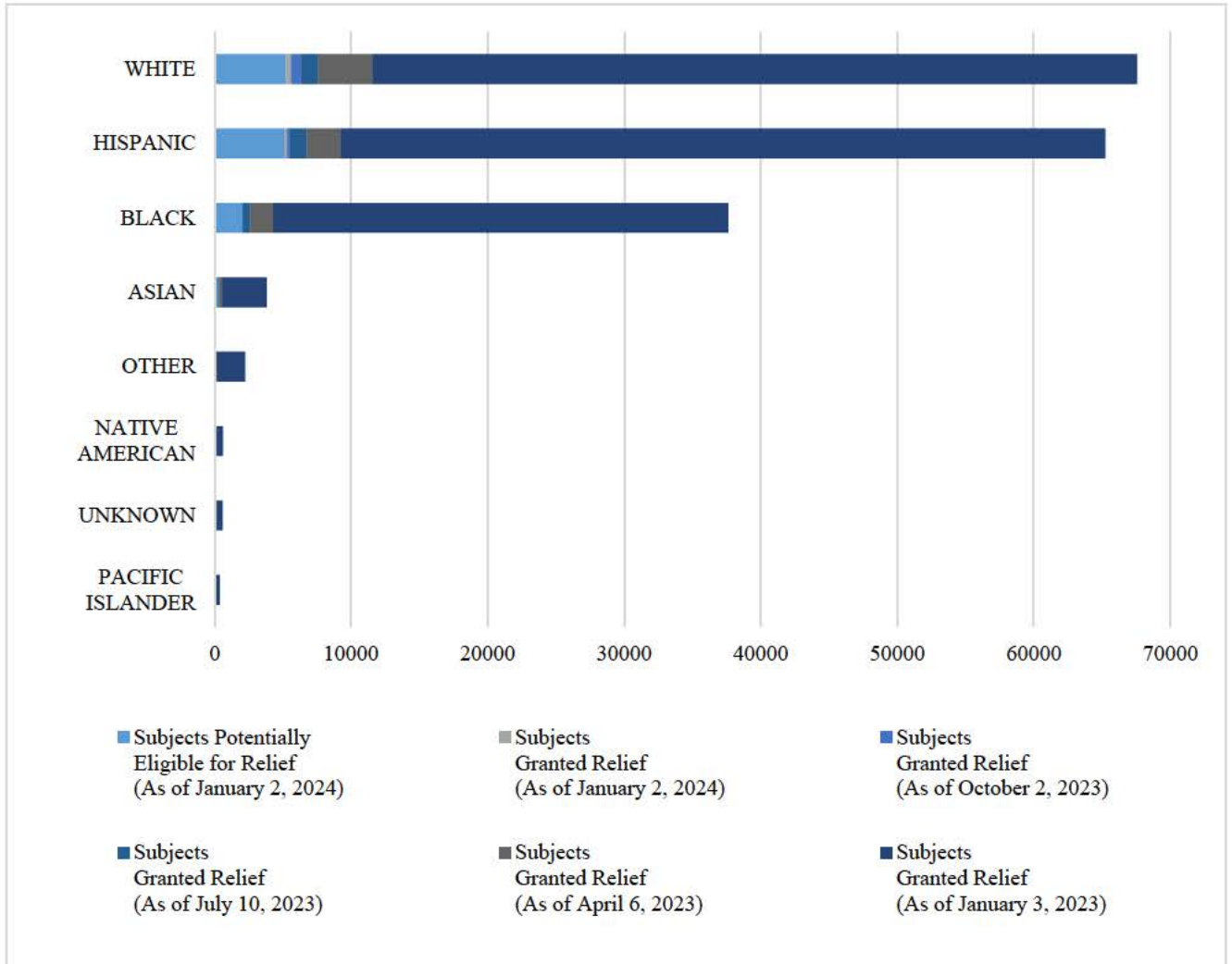
**Table 3: List of offenses used by DOJ to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8.**

| 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              |

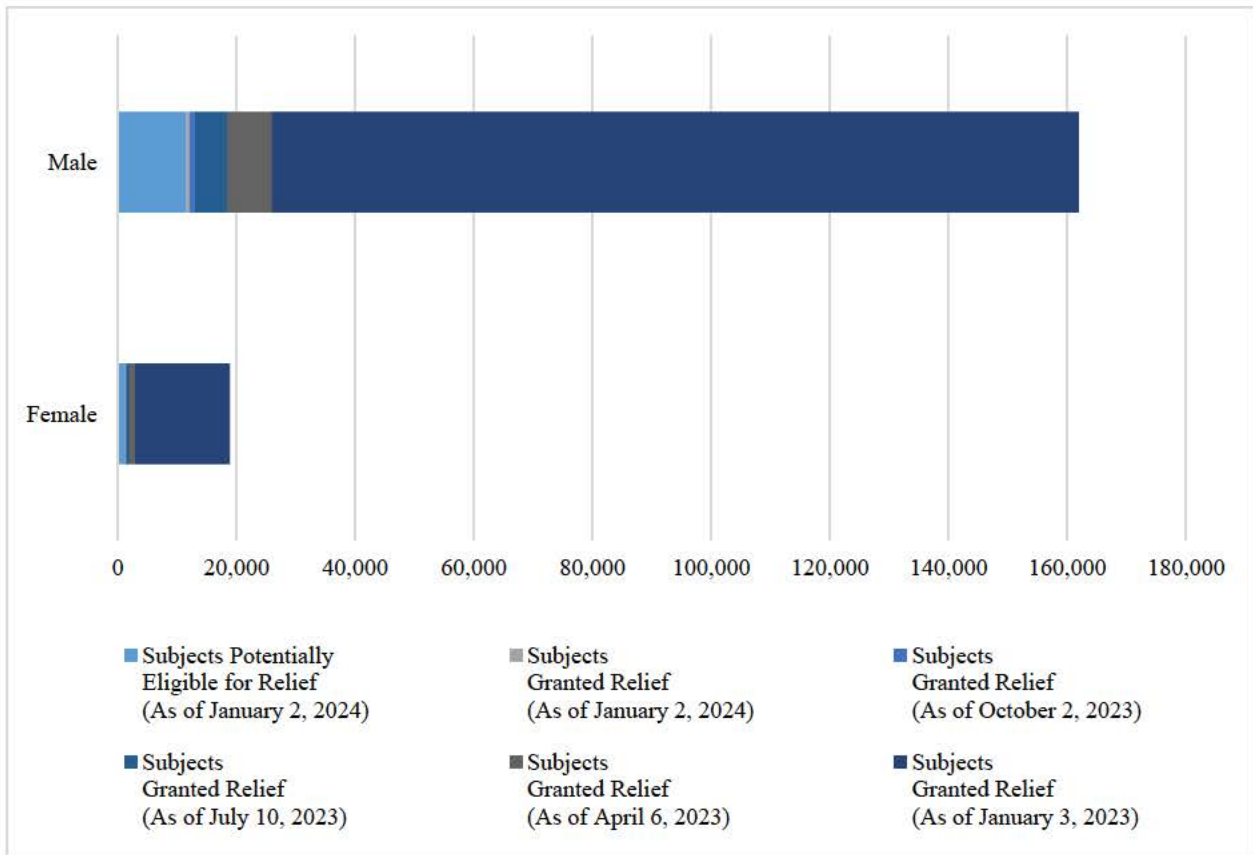
\* Charge Level designates if the offense is tabled as a Felony (F), Misdemeanor (M), or Infraction (I).

## Appendix C: Demographic Data Visualizations

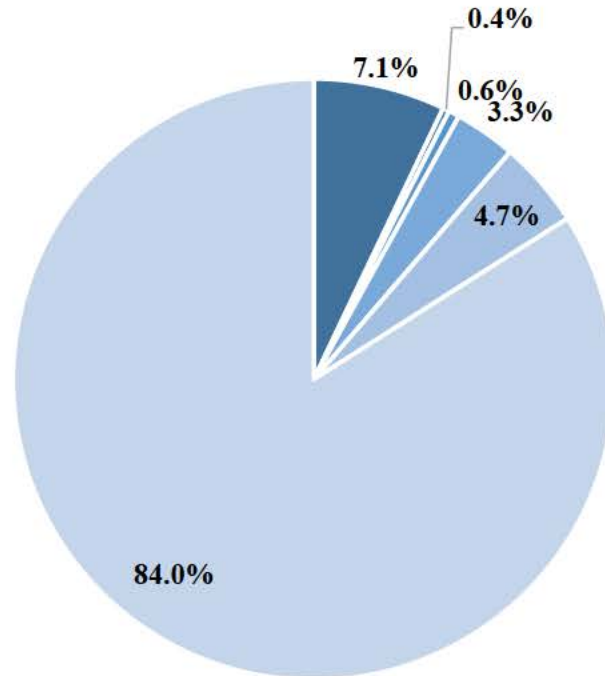
**Figure 1: Subjects Eligible for or Granted Relief, Breakdown by Race**



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



**Figure 3: Percentage of Subjects Eligible for or Granted Relief**



*The sum of individual percentages does not add up to 100% due to rounding*

- Subjects Potentially Eligible for Relief (As of January 2, 2024) - 7.1%
- Subjects Granted Relief (As of January 2, 2024) - 0.4%
- Subjects Granted Relief (As of October 2, 2023) - 0.6%
- Subjects Granted Relief (As of July 10, 2023) - 3.3%
- Subjects Granted Relief (As of April 6, 2023) - 4.7%
- Subjects Granted Relief (As of January 3, 2023) - 84.0%

## Appendix D: Counts of Subjects

**Table 4: As of January 2, 2024, 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.**

| <b>County</b> | <b>Subjects with past convictions that were potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to HSC section 11361.8 (As of July 2019)</b> | <b>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 January 2, 2024)</b> | <b>Total number of 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 January 2, 2024)</b> |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ALAMEDA       | 7,222                                                                                                                                                                                               | 63                                                                                                                                                                                                       | 7,159                                                                                                                                                                                                       |
| ALPINE        | 36                                                                                                                                                                                                  | 0                                                                                                                                                                                                        | 36                                                                                                                                                                                                          |
| AMADOR        | 238                                                                                                                                                                                                 | 28                                                                                                                                                                                                       | 210                                                                                                                                                                                                         |
| BUTTE         | 1,201                                                                                                                                                                                               | 22                                                                                                                                                                                                       | 1,179                                                                                                                                                                                                       |
| CALAVERAS     | 269                                                                                                                                                                                                 | 1                                                                                                                                                                                                        | 268                                                                                                                                                                                                         |
| COLUSA        | 246                                                                                                                                                                                                 | 10                                                                                                                                                                                                       | 236                                                                                                                                                                                                         |
| CONTRA COSTA  | 2,412                                                                                                                                                                                               | 63                                                                                                                                                                                                       | 2,349                                                                                                                                                                                                       |
| DEL NORTE     | 304                                                                                                                                                                                                 | 53                                                                                                                                                                                                       | 251                                                                                                                                                                                                         |
| EL DORADO     | 856                                                                                                                                                                                                 | 1                                                                                                                                                                                                        | 855                                                                                                                                                                                                         |
| FRESNO        | 2,938                                                                                                                                                                                               | 265                                                                                                                                                                                                      | 2,673                                                                                                                                                                                                       |
| GLENN         | 304                                                                                                                                                                                                 | 21                                                                                                                                                                                                       | 283                                                                                                                                                                                                         |
| HUMBOLDT      | 1,147                                                                                                                                                                                               | 127                                                                                                                                                                                                      | 1,020                                                                                                                                                                                                       |
| IMPERIAL      | 1,610                                                                                                                                                                                               | 1,466                                                                                                                                                                                                    | 144                                                                                                                                                                                                         |
| INYO          | 201                                                                                                                                                                                                 | 3                                                                                                                                                                                                        | 198                                                                                                                                                                                                         |
| KERN          | 3,051                                                                                                                                                                                               | 157                                                                                                                                                                                                      | 2,894                                                                                                                                                                                                       |
| KINGS         | 597                                                                                                                                                                                                 | 167                                                                                                                                                                                                      | 430                                                                                                                                                                                                         |
| LAKE          | 511                                                                                                                                                                                                 | 1                                                                                                                                                                                                        | 510                                                                                                                                                                                                         |
| LASSEN        | 210                                                                                                                                                                                                 | 17                                                                                                                                                                                                       | 193                                                                                                                                                                                                         |
| LOS ANGELES   | 54,858                                                                                                                                                                                              | 1,978                                                                                                                                                                                                    | 52,880                                                                                                                                                                                                      |
| MADERA        | 871                                                                                                                                                                                                 | 59                                                                                                                                                                                                       | 812                                                                                                                                                                                                         |
| MARIN         | 492                                                                                                                                                                                                 | 359                                                                                                                                                                                                      | 133                                                                                                                                                                                                         |
| MARIPOSA      | 242                                                                                                                                                                                                 | 19                                                                                                                                                                                                       | 223                                                                                                                                                                                                         |
| MENDOCINO     | 1,092                                                                                                                                                                                               | 5                                                                                                                                                                                                        | 1,087                                                                                                                                                                                                       |
| MERCED        | 774                                                                                                                                                                                                 | 3                                                                                                                                                                                                        | 771                                                                                                                                                                                                         |
| MODOC         | 110                                                                                                                                                                                                 | 14                                                                                                                                                                                                       | 96                                                                                                                                                                                                          |

|                 |                |               |                |
|-----------------|----------------|---------------|----------------|
| MONO            | 77             | 0             | 77             |
| MONTEREY        | 1,407          | 12            | 1,395          |
| NAPA            | 660            | 111           | 549            |
| NEVADA          | 556            | 172           | 384            |
| ORANGE          | 11,895         | 2,729         | 9,166          |
| PLACER          | 1,134          | 311           | 823            |
| PLUMAS          | 156            | 69            | 87             |
| RIVERSIDE       | 6,724          | 24            | 6,700          |
| SACRAMENTO      | 5,072          | 721           | 4,351          |
| SAN BENITO      | 273            | 10            | 263            |
| SAN BERNARDINO  | 8,939          | 879           | 8,060          |
| SAN DIEGO       | 25,929         | 101           | 25,828         |
| SAN FRANCISCO   | 5,222          | 5             | 5,217          |
| SAN JOAQUIN     | 2,740          | 1,368         | 1,372          |
| SAN LUIS OBISPO | 1,011          | 3             | 1,008          |
| SAN MATEO       | 2,081          | 17            | 2,064          |
| SANTA BARBARA   | 1,498          | 3             | 1,495          |
| SANTA CLARA     | 7,716          | 800           | 6,916          |
| SANTA CRUZ      | 1,164          | 7             | 1,157          |
| SHASTA          | 1,655          | 2             | 1,653          |
| SIERRA          | 56             | 0             | 56             |
| SISKIYOU        | 493            | 0             | 493            |
| SOLANO          | 1,720          | 126           | 1,594          |
| SONOMA          | 2,118          | 6             | 2,112          |
| STANISLAUS      | 1,928          | 26            | 1,902          |
| SUTTER          | 243            | 21            | 222            |
| TEHAMA          | 804            | 40            | 764            |
| TRINITY         | 545            | 154           | 391            |
| TULARE          | 2,310          | 39            | 2,271          |
| TUOLUMNE        | 455            | 122           | 333            |
| VENTURA         | 1,448          | 3             | 1,445          |
| YOLO            | 674            | 18            | 656            |
| YUBA            | 340            | 6             | 334            |
| <b>TOTAL</b>    | <b>180,835</b> | <b>12,807</b> | <b>168,028</b> |

## Appendix E: Status Update

The “DOJ Processing” counts in **Table 5** below reflect the number of transactions received and being processed by DOJ. Prior to July 1, 2023, DOJ successfully completed processing all transactions that were received by March 1, 2023.

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 DOJ 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. DOJ 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 DOJ with any updates on these cases. Courts have communicated to DOJ that some cases may no longer be in their case management system because they have been purged over time or because older data was not migrated when case management systems were replaced.

**Table 5: Status Update**

| County       | DOJ Processing | Court Deemed Case Ineligible | Transferred to Another Jurisdiction | Case Not Found in Court System |
|--------------|----------------|------------------------------|-------------------------------------|--------------------------------|
| ALAMEDA      | 11             | 0                            | 0                                   | 0                              |
| ALPINE       | 0              | 0                            | 0                                   | 0                              |
| AMADOR       | 0              | 0                            | 0                                   | 0                              |
| BUTTE        | 0              | 13                           | 2                                   | 4                              |
| CALAVERAS    | 0              | 0                            | 0                                   | 0                              |
| COLUSA       | 0              | 4                            | 0                                   | 0                              |
| CONTRA COSTA | 1              | 0                            | 0                                   | 1                              |
| DEL NORTE    | 0              | 8                            | 0                                   | 44                             |
| EL DORADO    | 1              | 0                            | 0                                   | 0                              |
| FRESNO       | 0              | 258                          | 0                                   | 3                              |
| GLENN        | 0              | 16                           | 0                                   | 0                              |
| HUMBOLDT     | 0              | 83                           | 12                                  | 0                              |
| IMPERIAL     | 0              | 0                            | 0                                   | 0                              |
| INYO         | 0              | 3                            | 0                                   | 0                              |
| KERN         | 29             | 102                          | 28                                  | 0                              |
| KINGS        | 0              | 12                           | 0                                   | 157                            |
| LAKE         | 0              | 0                            | 0                                   | 0                              |



|                 |   |    |    |     |
|-----------------|---|----|----|-----|
| LASSEN          | 1 | 0  | 0  | 0   |
| LOS ANGELES     | 0 | 0  | 0  | 0   |
| MADERA          | 0 | 32 | 0  | 9   |
| MARIN           | 0 | 0  | 0  | 0   |
| MARIPOSA        | 0 | 3  | 13 | 2   |
| MENDOCINO       | 0 | 0  | 0  | 0   |
| MERCED          | 0 | 0  | 0  | 0   |
| MODOC           | 0 | 0  | 0  | 0   |
| MONO            | 0 | 0  | 0  | 0   |
| MONTEREY        | 0 | 0  | 0  | 0   |
| NAPA            | 0 | 1  | 1  | 18  |
| NEVADA          | 0 | 0  | 0  | 0   |
| ORANGE *        | 0 | 95 | 1  | 0   |
| PLACER          | 0 | 0  | 32 | 268 |
| PLUMAS          | 0 | 0  | 0  | 0   |
| RIVERSIDE       | 0 | 3  | 0  | 3   |
| SACRAMENTO      | 0 | 6  | 0  | 318 |
| SAN BENITO      | 0 | 0  | 0  | 0   |
| SAN BERNARDINO  | 0 | 0  | 0  | 0   |
| SAN DIEGO       | 0 | 0  | 0  | 0   |
| SAN FRANCISCO   | 0 | 0  | 0  | 0   |
| SAN JOAQUIN     | 0 | 0  | 0  | 0   |
| SAN LUIS OBISPO | 0 | 0  | 0  | 0   |
| SAN MATEO       | 0 | 3  | 0  | 0   |
| SANTA BARBARA   | 0 | 0  | 1  | 0   |
| SANTA CLARA     | 0 | 0  | 0  | 0   |
| SANTA CRUZ      | 0 | 4  | 0  | 1   |
| SHASTA          | 1 | 0  | 0  | 0   |
| SIERRA          | 0 | 0  | 0  | 0   |
| SISKIYOU        | 1 | 0  | 0  | 0   |
| SOLANO          | 0 | 0  | 0  | 0   |
| SONOMA          | 0 | 0  | 0  | 0   |
| STANISLAUS      | 0 | 2  | 23 | 0   |
| SUTTER          | 0 | 17 | 1  | 1   |
| TEHAMA          | 0 | 0  | 0  | 0   |
| TRINITY         | 0 | 0  | 0  | 0   |
| TULARE          | 0 | 0  | 0  | 0   |
| TUOLUMNE        | 0 | 0  | 0  | 0   |
| VENTURA         | 0 | 0  | 0  | 0   |
| YOLO            | 0 | 0  | 0  | 0   |
| YUBA            | 0 | 0  | 0  | 0   |

|              |           |            |            |            |
|--------------|-----------|------------|------------|------------|
| <b>TOTAL</b> | <b>45</b> | <b>665</b> | <b>114</b> | <b>829</b> |
|--------------|-----------|------------|------------|------------|

\* In addition to the cases listed in Table 5, Orange County Superior Court has reported hundreds of cases to DOJ that did not update correctly to the state summary criminal history information database. DOJ is working with the Orange County Superior Court to resolve these cases.

