

California bill would expand eligibility for expungement

Written by Australian Business

October 03, 2013 /**24-7PressRelease**/ -- California bill would expand eligibility for expungement

Article provided by Joe Gazzigli, Attorney at Law Visit us at <http://www.joegazzigli.com>

If you have been convicted of a felony, you know likely are aware of the post-sentence repercussions that a conviction can have. Because of the stigma of a conviction, it is much harder to find a job or housing and build a stable lifestyle once you have finished serving your sentence. Even those who had convictions 20 or more years ago still find that they are haunted by their past.

In response to the tough straits that many ex-cons find themselves in, the California Senate is considering a bill that would give those convicted of certain crimes the opportunity to expunge their criminal convictions. Although expungement does not erase the conviction from the criminal record, it lists the criminal charge as dismissed on all criminal background checks.

This allows job or housing applicants to leave off their convictions from the application forms. As many employers (or landlords) refuse to consider otherwise-qualified job applicants with a record of a conviction, this bill has the potential to ease the ex-con's transition into life outside prison. As many ex-cons return to a life of crime if they are unable to secure a job or housing, lawmakers hope that this bill would decrease recidivism rates.

Provisions of the bill

Under the California law in effect, persons who are convicted of felonies (with some exceptions) are generally eligible for expungement. However, those sentenced to certain types of felonies where the term of imprisonment is not specified, called realignment crimes, are not currently eligible for expungement. Many of these types of offenses are less serious than other crimes because they are nonviolent (e.g. burglary or forgery) and are not sex crimes. Typically, these crimes are punished by up to three years in the county jail followed by supervised release in lieu of sending the offender to prison.

The proposed bill would expand the current expungement law to include those convicted of these realignment crimes. Under the provisions of the bill, expungement may be sought in as

California bill would expand eligibility for expungement

Written by Australian Business

little as one year after the completion of the sentence. Further provisions of the bill include:-Persons currently under supervision, probation or charged with another criminal violation are not eligible to apply for expungement.-Even if the conviction is expunged, it may be used against the defendant in future prosecutions.-Expungement does not eliminate the need to disclose the conviction when applying for government job.-Expungement of the conviction does not make the defendant eligible to hold public office or own a firearm.-If passed, only those convicted of realignment crimes after January 1, 2014 would be eligible to apply for expungement.

Despite the limitations, if passed, the bill would likely help many of those convicted of non-serious offenses re-assimilate into a normal life after serving their sentences.

If you are accused of an a criminal offense, a conviction can lead to life-changing circumstances. It is therefore important to ensure that your rights are protected throughout the process. An experienced criminal defense attorney can work to protect your rights and minimize the negative repercussions of the charges.