

California State Senate

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September 18, 2019

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Recommended Veto of AB 1076 (Ting)

Dear Governor Newsom:

I respectfully write to request your veto of Assembly Bill 1076, which requires the Department of Justice (DOJ) to review its state summary criminal history information database on a monthly basis to determine which arrest and conviction records may be expunged or dismissed automatically.

This bill is riddled with problems. It permits the DOJ to grant "relief" to an individual without consideration of the circumstances of the case or subsequent conduct of the individual. Under these provisions, a person convicted of significant felony crimes can receive this "relief" without completing the conditions of probation, including paying their victim restitution, and regardless of whether such "relief" is in the interests of justice. These factors are exactly why expungement and dismissals are more appropriately considered and granted by the courts as is provided under existing law.

More importantly, these provisions may be unconstitutional because they delegate core judicial functions to the executive branch in violation of Article III, Section 3 of the California Constitution, which sets out the prohibition on one branch of government exercising the powers granted to the other branches.

For these reasons, I respectfully request your veto.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Grove', is written over a light blue rectangular background.

Shannon Grove
Senate Republican Leader