

California



B

The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In California, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Records Protection:

California requires that the records of the offense are destroyed, purged, or otherwise permanently irretrievable once the survivor is granted criminal record relief.

Arrests and Adjudication Relief:

California allows trafficking survivors to clear their criminal record of arrests, adjudications, convictions, incident reports, non-prosecuted cases, and related records.

Alternate Hearing Methods Allowed:

It can be financially draining and endanger the safety of survivors to travel to a location where they may have been trafficked and where their trafficker may be located. Therefore, California allows survivors who are required to attend a hearing to appear by alternate methods such as telephone, video, written statements, or by attorney substitute. This is both safer and helpful for survivors who may not live in the state where their criminal record is located.

NEEDS IMPROVEMENT:

Trafficking Nexus:

Survivors in California must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in California would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in California is inadequate because relief only applies to non-violent offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in California would expand the statute to include all offenses so more survivors are eligible for relief.

Burden of Proof:

The current burden of proof in California is "clear and convincing," which requires more proof of victimization than many survivors are able to access or use. Ideally, the burden of proof should be "preponderance of the evidence," which would be the most clear and most helpful to trafficking survivors.



Statute: [Cal. Penal Code § 236.14](#)