

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR21-07

Title	Action Requested
Criminal Forms: Incarcerated Individual Hand Crew Conviction Relief	Review and submit comments by May 27, 2021
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve forms CR-430, CR-430-INFO, CR-431, and CR-432	January 1, 2022
Proposed by	Contact
Criminal Law Advisory Committee Hon. Brian M. Hoffstadt, Chair	Eve Hershcopf, 415-865-7961 Eve.Hershcopf@jud.ca.gov

Executive Summary and Origin

The Criminal Law Advisory Committee recommends four new optional forms to implement the provisions of Assembly Bill 2147 (Stats 2020, ch. 60), which authorizes conviction relief for a petitioner who successfully participated as an incarcerated individual hand crew member in a fire camp program operated by a county or the California Department of Corrections and Rehabilitation.

Background

Effective January 1, 2021, AB 2147 added Penal Code section 1203.4b¹, authorizing conviction relief for a petitioner who successfully participated as an incarcerated individual hand crew member in the California Conservation Camp program—a fire camp program operated by the California Department of Corrections and Rehabilitation (CDCR)—or successfully participated on a county incarcerated individual hand crew. Under section 1203.4b, a court may, in its discretion and in the interest of justice, permit a qualifying petitioner to withdraw a guilty or no contest plea, or the court may set aside a verdict of guilt and dismiss a case against the petitioner.

For the court to order the requested relief, section 1203.4b(b)(2) requires the CDCR secretary or the appropriate county authority to certify to the court that the petitioner successfully participated in the incarcerated individual conservation camp program or as a member of a county incarcerated individual hand crew, and has been released from custody. Section 1203.4b(a)(3)

¹ All subsequent references are to the Penal Code.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee.
It is circulated for comment purposes only.*

defines successful participation as meaning that the incarcerated individual adequately performed their duties without any conduct that warranted removal from the program.

Incarcerated individuals who are state prison inmates may participate in fire camps operated under CDCR's conservation camp program. Currently, CDCR has agreements with at least 10 counties (Alpine, Kings, Los Angeles, Orange, Riverside, San Diego, San Joaquin, Santa Cruz, Shasta, and Sierra) for county jail inmates to also participate in CDCR fire camps. (Los Angeles operates fire camps in conjunction with CDCR.) These county jail "boarders" are placed in CDCR custody and issued CDCR numbers for the sole purpose of participation in fire camps. Thus, the vast majority of county jail inmates who participate in a fire camp are in a CDCR-operated camp. Currently, only one county, San Bernardino, operates its own fire camp through a program of the San Bernardino County Sheriff's Department in conjunction with the San Bernardino County Fire Department.

If the court grants the requested relief, under section 1203.4b, the petitioner is released from all penalties and disabilities resulting from the offense, with specified exceptions. The relief applies to all eligible convictions for which the petitioner served a sentence at the time the petitioner successfully participated in a qualifying program. (Section 1203.4b(a)(1) specifies the offenses ineligible for relief.)

The Proposal

The committee has developed four optional forms to assist courts in implementing the provisions of Penal Code section 1203.4b, including a form to request certification by CDCR or the appropriate county agency of a petitioner's successful participation as an incarcerated individual fire camp hand crew member:

- CR-430, *Petition for Dismissal—Incarcerated Individual Hand Crew*;
- CR-430-INFO, *Information on Filing a Petition for Dismissal—Incarcerated Individual Hand Crew*;
- CR-431, *Court Cover Letter and Agency Certification—Incarcerated Individual Hand Crew*; and
- CR-432, *Order on Petition—Incarcerated Individual Hand Crew*.

These optional forms will aid self-represented litigants who may be eligible for section 1203.4b relief to petition the court. The forms will also be useful to courts by providing a standard format for litigants to file petitions for conviction relief, for the court to request certification of successful participation in fire camp, for CDCR or the appropriate county authority to respond, and for the court's order.

It appears that CDCR may have limited records on inmates who previously participated in fire camps, particularly for those who participated several years ago. Although not required by statute, it will be beneficial for petitioners to provide as much information as possible regarding their participation in fire camp to facilitate CDCR's certification process. For this reason,

proposed optional form CR-430 requests that petitioners indicate their CDCR number, name of fire camp, and approximate dates of participation, if known.

Form CR-430

The proposed optional *Petition for Dismissal—Incarcerated Individual Hand Crew* (form CR-430):

- Includes space in the header to indicate a petitioner’s CDCR number, Local Identifying Number (for counties that utilize them), and date of birth, as well as the name of the fire camp and approximate dates of participation, if known. These identifiers, together with the case number, will assist court staff to connect a petitioner to the appropriate court case and facilitate the certification process by CDCR or the appropriate county authority.
- Sets forth the elements of eligibility for the requested relief, including that the petitioner:
 - was not convicted of an ineligible offense;
 - successfully participated as a hand crew member in a fire camp program (the petition specifies that the petitioner participated in fire camp as a “hand crew member”; participation in any other fire camp role does not qualify the petitioner for relief);
 - did not engage in any conduct that warranted removal from the program;
 - has been released from custody; and
 - has no pending criminal charges.
- Provides an option for the petitioner to indicate whether they are currently on probation, parole, or supervised relief, and to request early termination of supervision.
- Sets forth the petitioner’s request that they be permitted to withdraw the plea of guilty or nolo contendere and a plea of not guilty be entered, or that the verdict or finding of guilt be set aside, and that the court dismiss the action under section 1203.4b.

Form CR-430-INFO

The proposed optional *Information on Filing a Petition for Dismissal—Incarcerated Individual Hand Crew* (form CR-430-INFO) is designed to provide self-represented petitioners with directions for filling out the petition form and additional information regarding the petition process. The information sheet:

- Lists the section 1203.4b eligibility criteria (including participation on a “hand crew”);
- Explains the reasons it is useful for the petitioner to include relevant fire camp information;
- Describes the filing and service process and the role of the district attorney; and
- Provides information on the hearing, the court’s decision, and the restrictions on relief if the court grants the petition.

Form CR-431

Section 1203.4b(b)(1) requires the court to provide a copy of the petition to CDCR or the appropriate county authority. Proposed optional *Court Cover Letter and Agency Certification—Incarcerated Individual Hand Crew* (form CR-431) is designed to accompany the petition and provide a consistent format for courts' requests to CDCR or the appropriate county authority for certification of the petitioner's successful participation in fire camp. The court cover letter portion:

- Includes space in the header for the petitioner's name, date of birth, CDCR number, fire camp name, and approximate dates in fire camp, if known;
- Requests the Secretary of CDCR or the appropriate county authority to certify, by a specified date, whether the petitioner successfully participated as a hand crew member in a fire camp program; and
- Includes space for the court clerk's name and court contact information.

Proposed form CR-431 also provides a format for the certifying agency to:

- Respond to the court request for certification; and
- Indicate whether the petitioner:
 - successfully participated in a fire camp program as a hand crew member and was released from custody, and the dates of participation in fire camp; or
 - was not successful as a hand crew member in a fire camp program; or
 - did not participate in a fire camp program.

Form CR-432

The *Order on Petition—Incarcerated Individual Hand Crew* (form CR-432):

- Provides options for findings by the court;
- Sets forth various bases for the court's decision to grant or deny the petition; and
- Lists the restrictions on relief if the court grants the petition.

Alternatives Considered

The number of formerly incarcerated individuals who have participated as a hand crew member in a CDCR or county-operated fire camp program is not large. Given that, the committee considered whether it was necessary for the Judicial Council to provide a new set of forms for this type of conviction relief. The committee determined, based on the high level of interest by self-represented petitioners and because this form of relief requires coordination between the courts and CDCR or the appropriate county authority, that optional forms could facilitate the process of providing relief to eligible petitioners.

Fiscal and Operational Impacts

As forms CR-430, CR-430-INFO, CR-431 and CR-432 would be optional, expected costs are limited to training, possible case management system updates, and the production of new forms. No other implementation requirements or operational impacts are expected.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is there benefit in having the court state, on proposed form CR-432, the reasons for the court's determination that granting relief to the petitioner would not serve the interests of justice, or is it unnecessary?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-430, CR-430-INFO, CR-431, and CR-432, at pages 6–14
2. Link A: Assembly Bill 2147,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2147
3. Link B: Penal Code section 1203.4b,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.4b&lawCode=PEN

Petition for Dismissal—Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

A copy of this petition must be served on the prosecuting attorney and a proof of service must be filed with the court (you may use *Proof of Service* (form CR-106), available at courts.ca.gov/forms).

PEOPLE OF THE STATE OF CALIFORNIA
vs
DEFENDANT:

Fill in court name and street address:

Superior Court of California, County of

Case Number:

For Court use only:
Date:
Time:
Department:

1 Petitioner’s Information

a. Name: _____
Last First Middle

Date of birth: _____ (mm/dd/yyyy)

Address: _____
Street

_____ *City State Zip*

Telephone (optional): _____

Email (optional): _____

Local Identifying Number (if known): _____

CDCR No. (while in fire camp, if known): _____

Name of fire camp (if known): _____

Approximate dates in fire camp (if known): _____ to _____
(month/year) (month/year)

b. Your attorney, if you have one (specify name, address, telephone number, and State Bar number below):

Name: _____

_____ *Street City State Zip*

Telephone: _____ Email: _____

State Bar No. _____

2 Eligibility for relief under Penal Code section 1203.4b

a. Petitioner was not convicted of any of the following offenses: murder; kidnapping; rape (as defined in Penal Code section 261(a)(2), (a)(6), or Penal Code section 262(a)(1), (a)(4)); lewd acts on a child under 14 years of age (as defined in Penal Code section 288); any felony punishable by death or imprisonment in the state prison for life; any sex offense requiring registration pursuant to Penal Code section 290; escape from a secure perimeter within the previous 10 years; or arson.



- b. While serving a sentence in this case, petitioner successfully participated as a member of a fire camp incarcerated individual hand crew in (*check one*):
 - o the California Conservation Camp program (operated by the California Department of Corrections and Rehabilitation)
 - o a county incarcerated individual hand crew program (*name of county*): _____
- c. Petitioner adequately performed the hand crew duties and did not engage in any conduct that warranted removal from the program.
- d. Petitioner has been released from custody and has no pending criminal charges.
- e. In this case no: _____, petitioner is currently on (*check one*):
 - probation parole supervised release not on supervision
- f. Petitioner requests early termination of: probation parole supervised release
- g. Petitioner requests permission to withdraw the plea of guilty or nolo contendere, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered, and that the court dismiss this action under Penal Code section 1203.4b.

I declare that the information provided is true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____

Signature: _____
(*Petitioner or attorney*)

Printed Name: _____
(*Petitioner or attorney*)

Penal Code §1203.4b allows eligible former inmates to ask the court to dismiss a conviction and take other actions that can improve your criminal record (“record clearing”).

Read this information carefully to learn whether you may be eligible for § 1203.4b relief, and how to complete *Petition for Dismissal—Incarcerated Individual Hand Crew (form CR-430)* to request relief. (Form CR-430 is available at www.courts.ca.gov/forms)

1 Who is eligible to apply for relief under Penal Code § 1203.4b?

You must meet ALL of these requirements to be eligible to apply (petition) for relief under Penal Code § 1203.4b:

- a. You were incarcerated in state prison or county jail.
 - b. While in state prison or in county jail, you successfully participated as a hand crew member (“grade eligible”) in a California Conservation Camp program operated by the California Department of Corrections and Rehabilitation (CDCR);
- OR**
- c. While in county jail, you successfully participated in an incarcerated individual fire camp hand crew program operated by a county agency (for example, the sheriff’s department).
 - d. You have been released from custody.
 - e. You are not currently charged with committing any offense.

NOTE: You are NOT eligible for Penal Code § 1203.4 relief if your conviction was for any of these offenses: murder; kidnapping; rape (as defined in Penal Code §§ 261(a)(2), (6) or 262(a)(1), (4)); a violation of Penal Code § 288 (specified sex offenses); any felony punishable by death or imprisonment in the state prison for life; any sex offense requiring registration under Penal Code § 290; escape from a secure perimeter within the previous 10 years; or arson.

2 I’m still on probation, parole, or supervised release. Can I apply for § 1203.4b relief now?

- Yes, you can still petition for a § 1203.4b dismissal even if you are on a term of probation, parole, or supervised release. The law says that you are *not* required to complete your term of supervision before you can ask the court to dismiss your conviction.
- If you have violated any term or condition of your supervision before or during the time the court is reviewing your petition, then the court will NOT grant your petition for dismissal.
- If you have no violations, the court may grant your petition *and* order early termination of probation, parole, or supervised release.

3 What information do I need to include on my petition?

Form CR-430 is the form for requesting § 1203.4b relief. It is available at www.courts.ca.gov/forms. You do not have to use form CR-430 for your petition, but it helps organize the information for the court.

You will need to file a separate petition for each case. You will need to list on your petition:

- The case number; and
- Your local identifying number (if any, and if known).

It is helpful to provide details about your participation in a CDCR fire camp program:

- The CDCR number you had while participating in fire camp;
- The name of the fire camp; and
- The approximate dates that you were in fire camp.
For Example: CDCR No. TK12345; Eel River Camp, August – November, 2020

You are *not* required by law to provide this information in your petition. It can help speed up the court’s decision on your request by making it easier for CDCR to locate and confirm your participation in fire camp and report back to the court.

Tip: If you were a county jail inmate and participated in a fire camp, it is *very likely* the fire camp was operated by CDCR. You would have been given a CDCR number during your time in fire camp.



4 Where and how do I file my § 1203.4b petition with the court?

- a. **You must file your petition with the court. File in the county where you were sentenced for the conviction you want the court to dismiss.** First, check with that court to see whether there are any local rules about filing and service of the petition.
- In many counties, you must serve the original § 1203.4b petition with the court, have the court file-stamp one copy, and then you must serve the file-stamped copy of the petition on the prosecuting attorney.
 - If you “file first,” as described in b. and c. below, the court has a chance to add a hearing date to the petition before you serve it.
 - Some courts require you to first serve *a copy* of the §1203.4b petition on the district attorney and *then* file the original petition with the court, together with a completed and signed proof of service. (See 5 and 6 for information on service and proof of service.)
- b. Fill out the petition form, CR-430, and make at least 2 copies. You will use one copy to notify the district attorney. Be sure to keep the other copy for your own records.
- c. File the original §1203.4b petition with the court by:
- taking the original petition and a copy to the court in person and handing it to the court clerk; *or*
 - mailing the petition and a copy to the court; *or*
 - filing the petition electronically, if the local court rules permit this type of filing.
- d. When the court files the original petition, ask the court clerk to file-stamp the copy of the petition and return it to you. *This is an important step because the file-stamped copy must be served on the district attorney.* If you file the petition by mail, include the copy for the court clerk to file-stamp and then return to you. Include a self-addressed, stamped envelope for the clerk to use to mail the file-stamped copy back to you.

5 How do I "serve" a copy of my § 1203.4b petition on the district attorney?

- a. “Serving” a petition means delivering a copy of the petition to the district attorney or other agency that prosecuted your case.
- b. You must serve a copy of your § 1203.4b petition on the district attorney or other agency in the county where you filed your petition with the court.
- c. You can serve the petition by:
- **Personal service:** You *or another person over age 18* go in person to hand-deliver the file-stamped copy of the petition to the district attorney’s office during business hours by handing it to an employee. Be sure to get the name of the employee for your proof of service.
 - **Service by mail:** Mail the file-stamped copy of the petition to the district attorney’s office. You may mail the petition by first-class mail or by certified mail with a return receipt requested.
 - **Electronic service:** Contact the district attorney’s office to see if they accept electronic service. If they do, the court may require proof of their consent to electronic service. You can use *Consent to Electronic Service and Notice of Electronic Service Address* (form EFS-005-CV), available at www.courts.ca.gov/forms.



6 How do I prove that I served my § 1203.4b petition on the district attorney?

- a. It is very important that you properly serve your § 1203.4b petition and then file proof with the court. This “proof of service” tells the court that you gave the district attorney the required notice of your § 1203.4b petition.
- b. You will need to confirm that you served the petition by filing a proof of service form that describes who, when, where, and how you served your § 1203.4b petition. You can use *Proof of Service—Criminal Record Clearing (form CR-106)* for this purpose.
- c. Fill out form CR-106. (Follow the directions on form CR-106-INFO. Both forms are available at www.courts.ca.gov/forms). Form CR-106 has spaces for you to write how you served the district attorney with your § 1203.4b petition. If you had someone else help you serve the petition on the district attorney, that person will have to fill out the proof of service form.
- d. After filling out the proof of service (form CR-106), make a copy for you to keep.
- e. You must file the original proof of service with the court to prove that you gave the district attorney the required notice of your § 1203.4b petition. You can file the proof of service form the same way you filed the petition.

7 What happens next?

- a. **The court will not grant your petition unless the prosecuting attorney has had at least 15 days from the date you served the § 1203.4b petition to object to your petition. The prosecuting attorney can object to your petition at any time before the court grants or denies the petition.**
- b. If the district attorney does object, you will receive a copy of the objection in the mail and the court will schedule a hearing. (See **10** for more information about the hearing.)
- c. Before the court decides whether to grant your § 1203.4b petition, the court must get certification of your participation in fire camp from CDCR or the appropriate county authority.

8 What is "certification" by the CDCR or the appropriate county authority?

- a. In order for the court to decide whether to grant your § 1203.4b petition, the court must have “certification” from CDCR or the county authority that:
 - you successfully participated in fire camp as a hand crew member; AND
 - you participated in fire camp during the time you were incarcerated for the conviction you are asking the court to dismiss.
- b. After you file your § 1203.4b petition, the court will contact CDCR or the appropriate county authority and ask for a written statement that confirms (“certifies”) your successful participation in fire camp.
- c. “Successful participation” in fire camp means that you adequately performed your hand crew duties and did not have any violations that could have led to your removal from fire camp.

9 When will the court make a decision?

- a. The court will not make a decision until it hears from CDCR or the appropriate county agency certifying participation.
- b. The law does not set a time frame, but the court may ask CDCR or the appropriate county authority to respond to a request for certification by a certain date.
- c. After CDCR or the appropriate county authority certifies whether your participation in fire camp was successful, the court likely will contact you and the district attorney. But the law does not require the court to contact you, so you may want to check with the court to confirm that the certification has been received.



10 Will I have to attend a hearing?

- a. The law does not *require* the court to hold a hearing in order to make a decision on your § 1203.4b petition. The court can make a decision on your petition without holding a hearing. But the law allows the court to hold a hearing if it chooses to do so.
- b. The law allows the district attorney to request a hearing and to ask the court to deny the relief requested in your § 1203.4b petition.
- c. If the court schedules a hearing, you will be notified of the hearing date and time. You have a right to attend the hearing and to explain why your § 1203.4b petition should be granted and your conviction dismissed.
- d. *Note:* Even if the district attorney does not object to your § 1203.4b petition, the court may ask the district attorney to tell the court whether there is anything it should consider when deciding whether to grant your petition.

11 How will the court make its decision?

- a. If you meet all of the eligibility factors, and the court receives certification of your successful participation in fire camp, the court may grant your § 1203.4b petition *if it is in the interests of justice*.
- b. If the court determines that it's not in the interests of justice to grant relief, the court can deny your petition even if you meet all the eligibility requirements.
- c. Once the court makes a decision on your § 1203.4b petition, it will issue an Order (usually issued on form CR-432) that states whether the court granted or denied your petition. If the court grants your petition, the Order will state which convictions have been dismissed and whether supervision has been terminated. The court will also report this change in your record to the Department of Justice so that your statewide criminal history summary can be updated.

12 If the court grants relief, what happens to my conviction?

- a. If the court grants relief and dismisses the conviction, you will be released from most of the penalties and restrictions that are connected to the conviction. The law keeps certain penalties in place.
- b. A dismissal will NOT:
 - Automatically reinstate your right to possess firearms.
 - Prevent suspension of your driver's license in some cases.
 - Allow you to omit the conviction from applications for the California Commission on Teacher Credentialing, a position as a peace officer, public officer, or for contracting with the California State Lottery Commission.
 - Permit you to hold public office if the law prohibits people from holding public office as a result of that conviction.
 - Seal or remove the court file from public inspection.
 - Prevent the conviction from being used as a "prior" in the future.
 - Remove from your record the fact that an arrest occurred.

Court Cover Letter and Agency Certification—Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Secretary, California Department of Corrections and Rehabilitation

c/o Camp Liaison Captain
1515 S Street, 330 N-113
Sacramento, California 95811

Appropriate county authority (name): _____

Address:

Superior Court of California, County of

Case Number:

Attached is a copy of a petition for relief under Penal Code section 1203.4b filed by:

Name: _____
First Middle Last

Date of birth: _____ (mm/dd/yyyy)

CDCR No. (while in fire camp, if known): _____

Name of fire camp, if known: _____

Approximate dates in fire camp: _____ to _____
(month/year) (month/year)

Please certify, by (date): _____, whether the petitioner successfully participated as a hand crew member in the CDCR incarcerated individual conservation camp program, or successfully participated as a member of a county incarcerated individual hand crew, and has been released from custody.

Date: _____

Court Clerk: _____ Court Contact Information (optional): _____

Agency Certification

NOTE TO CERTIFYING AGENCY: Please fill out this certification and mail this form to the court at the address above.

The Secretary of the California Department of Corrections and Rehabilitation or the appropriate county authority certifies that, on case number: _____ (check one):

The petitioner successfully participated as a hand crew member in the CDCR incarcerated individual conservation camp program, or as a member of a county incarcerated individual hand crew, and has been released from custody. Dates of participation: _____ to _____
(month/year) (month/year)

The petitioner participated but was not successful as a hand crew member in the CDCR incarcerated individual conservation camp program, or as a member of a county incarcerated individual hand crew.

The petitioner did not participate as a hand crew member in the CDCR incarcerated individual conservation camp program, or as a member of a county incarcerated individual hand crew.

Date: _____

Signature of Agency Representative

Agency: _____

Printed Name: _____

Order on Petition—Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)

Clerk stamps date here when form is filed.

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the Judicial Council**

1 Name: _____
First Middle Last

Mailing address: _____
Street

City State Zip

CDCR No. (if known): _____

Name of fire camp (if known): _____

Superior Court of California, County of

Case Number:

For Court use only:

Date:

Time:

Department:

2 **The court finds:**

- The Secretary of the California Department of Corrections and Rehabilitation has certified to the court that the petitioner successfully participated as a hand crew member in the CDCR incarcerated individual conservation camp program.
- The appropriate county authority has certified to the court that the petitioner successfully participated as a member of a county incarcerated individual hand crew.
- The prosecuting attorney has been given 15 days' notice of the petition for relief.
- The petitioner has not violated any terms or conditions of probation, parole, or supervised release prior to, and during the pendency of, the petition for relief under Penal Code section 1203.4b. The court orders early termination of (check one): probation parole supervised release.
- It is in the interests of justice to dismiss the accusations or information against the petitioner and release the petitioner from all penalties and disabilities resulting from the offense of which the petitioner has been convicted, except as provided in Section 13555 of the Vehicle Code.

3 The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code section 1203.4b (check one):

for all convictions in case no.: _____ or only the following convictions in case no.: _____ (specify charges and date of conviction): _____



It is ordered that the petitioner’s plea of guilty or nolo contendere be withdrawn and a plea of not guilty be entered, or the verdict of guilt be set aside. The court dismisses the accusations or information against the petitioner.

Petitioner is released from all penalties and disabilities resulting from the convictions in this case for which the court is granting relief, except as follows:

- Suspension of petitioner’s driver’s license except as provided in Vehicle Code section 13555.
- In any subsequent prosecution, this conviction may have the same effect as if the accusation or information had not been dismissed.
- Petitioner must still disclose the conviction in response to any direct question in any questionnaire or application for licensure by the California Commission on Teacher Credentialing, for a position as a peace officer, for public office, or for contracting with the California State Lottery Commission.
- Petitioner may still be prohibited from owning, possessing, or having in petitioner’s custody or control any firearm.
- Petitioner may still be prohibited from holding public office as a result of the dismissed conviction.

- ④ The court **DENIES** the petition because petitioner's conviction is for an offense that is ineligible for relief under Penal Code section 1203.4b(a)(1)(A)–(H).
- The court **DENIES** the petition without prejudice (*check all that apply*):
- a. Petitioner is in custody.
 - b. Petitioner is currently charged with the commission of any other offense.
 - c. The Secretary of the Department of Corrections and Rehabilitation did not certify to the court that petitioner successfully participated as a hand crew member in the CDCR incarcerated individual conservation camp program, or the appropriate county authority did not certify to the court that the petitioner successfully participated in the county incarcerated individual hand crew program.
 - d. Petitioner was not serving a sentence for this conviction at the time of participation in fire camp.
 - e. The court finds that granting relief would not serve the interests of justice because:

 - f. Other:

Date: _____

Signature of Judicial Officer