



# Judicial Council of California

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## INVITATION TO COMMENT

### SPR23-14

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**Title**

Criminal Procedure: Record Cleaning Forms

**Action Requested**

Review and submit comments by May 12, 2023

**Proposed Rules, Forms, Standards, or Statutes**

Revise forms CR-180, CR-181, CR-400, CR-401, CR-402, CR-403, CR-409, CR-409-INFO, CR-430, CR-430-INFO, CR-431, and CR-432

**Proposed Effective Date**

January 1, 2024

**Proposed by**

Criminal Law Advisory Committee  
Hon. Brian M. Hoffstadt, Chair

**Contact**

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### Executive Summary and Origin

The Criminal Law Advisory Committee recommends revising optional criminal forms used to petition for dismissals and reductions of convictions and request sealing of arrest records. The proposed revisions reflect statutory changes that allow for automatic record relief, expand who is eligible for relief, and clarify the effect of relief granted.

### Background

The proposal is based on statutory changes from recent legislative bills:

- Effective January 1, 2020, Assembly Bill 1076 (Stats. 2019, ch. 578) added Penal Code sections 851.93 and 1203.425, requiring the state Department of Justice (DOJ) to review statewide criminal history records and, without requiring a petition or motion, to grant automatic record relief to persons with arrests for a misdemeanor or felony punishable in the county jail that did not result in a conviction, as specified, and to persons with convictions who completed probation without revocation or who completed an infraction or misdemeanor sentence without probation, as specified. Persons granted relief are released from all penalties and disabilities resulting from the arrest or conviction, and courts, in turn, are generally prohibited from disclosing information on these arrests or convictions, as well as convictions granted relief under other specified dismissal statutes.

*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 It is circulated for comment purposes only.*

- Effective January 1, 2022, Assembly Bill 1281 (Stats. 2021, ch. 209) amended Penal Code sections 1203.4, 1203.4a, 1203.4b, and 1203.425 to specify that dismissal of a pleading under these sections does not invalidate a protective order issued by the court in the underlying case, and that such an order remains in effect until the order expires or is modified by the issuing court, despite the dismissal of the underlying pleading.
- Effective September 29, 2022, Assembly Bill 160 (Stats. 2022, ch. 771) amended Penal Code section 1203.4b to allow defendants who successfully participated at an institutional firehouse, as specified, to petition to have their qualifying convictions dismissed. Defendants granted relief are released from all penalties and disabilities resulting from their conviction.
- Effective January 1, 2023, Assembly Bill 1706 (Stats. 2022, ch. 387) amended Health and Safety Code section 11361.9 to require courts to issue an order granting relief under Health and Safety Code section 11361.8 for specified marijuana-related convictions, and to notify the state DOJ by March 1, 2023, in cases where the prosecuting agency did not challenge the granting of relief by July 1, 2020.<sup>1</sup>
- Effective January 1, 2023, Senate Bill 731 (Stats. 2022, ch. 814) amended Penal Code section 1203.41 to allow defendants who have been convicted of a felony to petition for dismissal relief, as long as the conviction does not require registration as a sex offender; and commencing July 1, 2023, amends Penal Code section 851.93 to extend automatic arrest record relief to persons who have been arrested for a felony, including a felony punishable in the state prison, as specified, and section 1203.425 to extend automatic conviction record relief to defendants convicted of a felony other than one for which the defendant completed probation without revocation, as specified.

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<sup>1</sup> Previously, Proposition 64, effective November 9, 2016, (1) eliminated or reduced the punishment for designated marijuana-related offenses; and (2) added Health and Safety Code section 11361.8, which provides a resentencing and redesignation mechanism for persons convicted under the previous law who would not have been guilty of an offense or who would have been guilty of a lesser offense had Prop. 64 been in effect at the time. To implement Prop. 64, the Judicial Council approved forms to be used to petition the court for relief and make the appropriate orders under Health and Safety Code section 11361.8.

Effective January 1, 2019, Assembly Bill 1793 (Stats. 2018, ch. 993) added Health and Safety Code section 11361.9, which removed the burden of seeking relief for marijuana-related convictions from an eligible defendant and made it the responsibility of government agencies. Section 11361.9 required the state DOJ to identify past convictions potentially eligible for relief under Health and Safety Code section 11361.8 and notify the relevant prosecuting agency, which had until July 1, 2020, to challenge the granting of relief based on ineligibility or a perceived public safety risk. A court granting relief was required to notify the state DOJ, which in turn was required to update the defendant's criminal information accordingly.

## Prior Circulation

A proposal to revise forms CR-180, CR-181, CR-400, CR-409, and CR-409-INFO circulated for public comment in spring 2020.<sup>2</sup> Those proposed revisions were to reflect the automatic record relief provisions from Assembly Bill 1793 and Assembly Bill 1076, which added Health and Safety Code section 11361.9 and Penal Code sections 851.93 and 1203.425, respectively. Comments were received, but the committee withdrew the proposal with the intention of reintroducing it at a later date after a trailer bill pushed back the operative date of key provisions of Penal Code sections 851.93 and 1203.425 to July 1, 2022. The proposed revisions in that proposal have been updated and incorporated into the current proposal, as appropriate.

## The Proposal

This proposal would revise optional criminal record cleaning forms to notify petitioners that their arrest or conviction may have already been granted automatic record relief, account for statutory changes that expand who is eligible for record relief and clarify the effect of relief granted, avoid the use of gendered pronouns, and make minor technical changes. The proposal would also eliminate the requirement for a petitioner to sign a record cleaning petition under penalty of perjury if the underlying statute does not contain such a requirement and otherwise provides for the reliability of the information being submitted.

### ***Petition for Dismissal (form CR-180)***

- Add a notice that the state DOJ may have already granted automatic relief under Penal Code section 1203.425, that filing a petition may be unnecessary if relief has already been granted, and that a DOJ RAP sheet may (but is not required to) be requested to confirm whether relief has already been granted.
- Revise item 5 to account for the expansion of dismissal relief under Penal Code section 1203.41 to a petitioner who served a felony state prison sentence.
- Revise items 4, 7, and 9 to avoid the use of gendered pronouns.
- Eliminate the declaration under penalty of perjury from the signature line.
- Remove references to *Attached Declaration* (form MC-031) throughout and replace with references to *Attachment* (form MC-025).
- Make minor technical changes: add court address box; rephrase items 2, 3, 5, and 6 for clarity; add printed name field to signature line.

### ***Order for Dismissal (form CR-181)***

- Combine items 5 and 6 as new item 5 and renumber items as needed.

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<sup>2</sup> See Judicial Council of Cal., Invitation to Com., *Criminal Procedure: Automatic Record Relief* (SPR20-10), [www.courts.ca.gov/documents/spr20-10.pdf](http://www.courts.ca.gov/documents/spr20-10.pdf).

- Revise new item 6 to account for a statutory change regarding the petitioner’s disclosure requirements.
- Add a notice provision as new item 8 stating that dismissal under Penal Code section 1203.4 or 1203.4a does not release the petitioner from the terms and conditions of any unexpired criminal protective order, as specified.
- Add a notice provision as new item 11 stating that, except as provided in Penal Code section 1203.425(a)(4), if the order is granted under Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.42, the court must not disclose information concerning the conviction except to the person whose conviction was granted relief or to a criminal justice agency.
- Revise item 5 and new item 7 to avoid the use of gendered pronouns.
- Make minor technical changes: add court address box; revise introductory text before item 1.

***Petition/Application Under Health and Safety Code Section 11361.8—Adult Crimes (form CR-400)***

- Add a notice that automatic relief may have already been granted, that filing a petition may be unnecessary if relief has already been granted, and that a DOJ RAP sheet may (but is not required to) be requested to confirm whether relief has already been granted.
- Revise item 4 to avoid the use of gendered pronouns.
- Revise signature line to clarify that an attorney may sign.
- Make minor technical changes: revise title, add court address box; add numbering to items 1 and 2; add printed name field to signature line.

***Proof of Service for Petition/Application Under Health and Safety Code Section 11361.8—Adult Crimes (form CR-401)***

- Make minor technical changes: revise title to conform to proposed form CR-400; add court address box.

***Prosecuting Agency Response to Petition/Application Under Health and Safety Code Section 11361.8—Adult Crimes (form CR-402)***

- Make minor technical changes: revise title to conform to proposed form CR-400; add court address box; add instructions (“choose all that apply”); add numbering to check box items; add printed name field to signature line.

***Order After Petition/Application Under Health and Safety Code Section 11361.8—Adult Crimes (form CR-403)***

- Make minor technical changes: revise title to conform to proposed form CR-400; add court address box; add numbering and clarifying instructions to items 1, 2, and 3.

***Petition to Seal Arrest and Related Records (form CR-409)***

- Add a reference to *Information on How to File a Petition to Seal Arrest and Related Records* (form CR-409-INFO).
- Add a notice that automatic relief may have already been granted under Penal Code section 851.93, that filing a petition may be unnecessary if relief has already been granted, and that a DOJ RAP sheet may (but is not required to) be requested to confirm whether relief has already been granted.
- Simplify and eliminate duplication in items 3e, 3f, and 3g.
- Make minor technical changes: reorganize item 1 by separating attorney/petitioner fields and add text regarding address information; clarify instructions in items 2 and 3; add printed name field to signature line.

***Information on How to File a Petition to Seal Arrest and Related Records (form CR-409-INFO)***

- Add numbering to each question item.
- Revise item 2 to include a reference to *Petition to Seal Arrest and Related Records* (form CR-409) and clarify that form CR-409 is optional.
- Revise item 5 to clarify that electronic service is possible and that *Proof of Service – Criminal Record Clearing* (form CR-106) may be used for service.
- Revise item 8 to state that automatic relief may have already been granted under Penal Code section 851.93, that filing a petition may be unnecessary if relief has already been granted, and that a DOJ RAP sheet may (but is not required to) be requested to confirm whether relief has already been granted.

***Petition for Dismissal—Incarcerated Individual Hand Crew or Institutional Firehouse Participant (form CR-430)***

- Add a notice that automatic relief may have already been granted under Penal Code section 1203.425, that filing a petition may be unnecessary if relief has already been granted, and that a DOJ RAP sheet may (but is not required to) be requested to confirm whether relief has already been granted.
- Revise title and language in items 1 and 2 to account for the expansion of relief under Penal Code section 1203.4b to successful participants at an institutional firehouse.
- Remove declaration from signature line.
- Remove reference to *Attached Declaration* (form MC-031) in item 2 and replace with reference to *Attachment* (form MC-025).

- Make minor technical changes: reorganize item 1 by separating petitioner/attorney and address fields.

***Information on Filing a Petition for Dismissal—Incarcerated Individual Hand Crew or Institutional Firehouse Participant (form CR-430-INFO)***

- Add a bullet to item 12 that states that a dismissal will not release a petitioner from the terms and conditions of an unexpired criminal protective order that has not been modified or terminated by the court.
- Revise title and language in items 1, 3, 7, 8, 9, and 11 to account for the expansion of dismissal relief under Penal Code section 1203.4b to successful participants at an institutional firehouse.

***Court Cover Letter and Agency Certification—Incarcerated Individual Hand Crew or Institutional Firehouse Participant (form CR-431)***

- Revise title and language throughout to account for the expansion of dismissal relief under Penal Code section 1203.4b to successful participants at an institutional firehouse.

***Order on Petition—Incarcerated Individual Hand Crew or Institutional Firehouse Participant (form CR-432)***

- Add a notice provision to item 3 stating that a petitioner may still be subject to the terms and conditions of any unexpired criminal protective order as specified.
- Revise title and language in items 1, 2, and 4 to account for the expansion of dismissal relief under Penal Code section 1203.4b to successful participants at an institutional firehouse.
- Make minor technical changes: change formatting of hearing date box; add numbering to items 2 and 3; rephrase item 3 for clarity.

**Alternatives Considered**

Because the proposed form revisions relating to the expansion of relief under Penal Code sections 1203.4b and 1203.41 are based on statutory changes, the committee viewed these revisions as necessary and did not consider other alternatives.

Although the committee considered not updating the forms with notice provisions regarding automatic record relief, limitations on disclosure, and the effect of relief on unexpired criminal protective orders, the committee determined that this information would be useful and potentially save time and resources for courts and petitioners.<sup>3</sup>

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<sup>3</sup> The committee also considered and would propose an additional revision to *Information on Filing a Petition for Dismissal—Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-430-INFO) depending on whether the Legislature acts to fix an apparent oversight in its last session.

The committee considered making no changes to the signature line in form CR-180 (which currently requires the petitioner to declare under penalty of perjury that the information provided is true and correct) and adding penalty of perjury language to the signature line in form CR-430 (which currently requires the petitioner to state that the information provided is true or believed to be true but does not include penalty of perjury language). Instead, however, the committee concluded that the attestation clause in both forms should be eliminated because (1) the underlying dismissal statutes do not require the request for relief to be verified or submitted under penalty of perjury,<sup>4</sup> and absent a statutory mandate, verification should not be required because it is an exception to general pleading practice and an additional burden to the petitioner; (2) the underlying dismissal statutes outline a procedure that includes notice to the prosecuting attorney and thus contemplates an adversarial hearing at which issues regarding the admissibility or reliability of a petitioner's statements of fact (or other supporting evidence) can be addressed;<sup>5</sup> and (3) courts can and do independently verify relevant case information.

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Effective January 1, 2023, Senate Bill 1106 (Stats. 2022, ch. 734) amended Penal Code sections 17, 1203.4, 1203.4a, 1203.41, 1203.42, and 1203.45 to prohibit the denial of relief under these sections because of an unfulfilled order of restitution or restitution fine. This bill, as signed into law by the Governor, was to amend Penal Code section 1203.4b in the same manner. However, Assembly Bill 160 (Stats. 2022, ch. 771) also amended section 1203.4b, and because AB 160 was chaptered after SB 1106 but did not include the SB 1106 amendment to section 1203.4b, the SB 1106 provision concerning section 1203.4b did not go into effect on January 1 as anticipated.

If, before the effective date of the revised forms in this proposal, cleanup legislation is signed into law amending Penal Code section 1203.4b to include the SB 1106 provision as intended, the committee would also propose to add a new question-and-answer item to form CR-430-INFO as follows:

**I still owe a restitution fine in my case. Can I apply for § 1203.4b relief now?**

Yes. The law says the court cannot deny § 1203.4b relief because of unpaid restitution and fines.

As with other notice provisions discussed in this proposal, this information would be useful for petitioners.

<sup>4</sup> See Pen. Code, §§ 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, 1203.43, 1203.49. Under Penal Code section 1203.43, if court records showing the case resolution are no longer available and a defendant submits a declaration under penalty of perjury stating that the charges were dismissed, the court must presume the truth of the declaration, provided that the defendant also submits a copy of their state summary criminal history information (SCHI). However, the defendant is not *required* to submit a declaration under penalty of perjury; the statute merely provides that a court must presume any such declaration to be true under specified circumstances. The current version of form CR-180 accounts for this statutory provision in item 7b by including a box where the defendant may declare under penalty of perjury that the charges were dismissed and indicate whether the state SCHI is attached.

<sup>5</sup> A petition for dismissal of an infraction, however, must be by “written declaration, except on a showing of compelling need.” (Pen. Code, § 1203.4a(f).) In such petitions, the prosecuting attorney must still be given notice as specified, and there is thus still an opportunity for the prosecution to object to the defendant’s request for relief. (*Ibid.*)

Additionally, given that Penal Code section 1203.4a(f) does not expressly require the written declaration to be under oath (i.e., an affidavit) or under penalty of perjury, the committee interpreted section 1203.4a(f) as aimed towards eliminating the need for an in-person hearing rather than imposing a verification requirement. (See *Kulshrestha v. First Union Commercial Corp.* (2004) 33 Cal.4th 601, 610 [unsworn declarations made under penalty of perjury authorized for use whenever state law requires or permits facts to be evidenced by affidavits or other sworn statements]; *id.* at p. 609 [since 1872, an affidavit has been defined as a written declaration under oath, taken before any officer authorized to administer oaths].) This accords with the general principle that procedural requirements and rights are sometimes different and less rigorous where infractions are concerned. (See *People v. Carlucci* (1979)

## Fiscal and Operational Impacts

Expected costs are limited to training, possible case management system updates, and the production of new forms. As to forms CR-409 and CR-409-INFO, the Judicial Council was required by law to develop these forms and to translate them into four languages, so revisions to these forms would require modest translation costs. 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?
- Do the proposed revisions to forms CR-430, CR-430-INFO, CR-431, and CR-432 adequately address the expansion of relief under Penal Code section 1203.4b to institutional firehouse participants?

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. Proposed forms CR-180, CR-181, CR-400, CR-401, CR-402, CR-403, CR-409, CR-409-INFO, CR-430, CR-430-INFO, CR-431, and CR-432, at pages 10–33
2. Link A: Assem. Bill 1076 (Stats. 2019, ch. 578),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1076](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1076)
3. Link B: Assem. Bill 1281 (Stats. 2021, ch. 209),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1281](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1281)
4. Link C: Assem. Bill 160 (Stats. 2022, ch. 771),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB160](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB160)

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23 Cal.3d 249, 257 [“[I]t is in the interests of the defendant, law enforcement, the courts, and the public to provide simplified and expeditious procedures for the adjudication of less serious traffic offenses.”]; Pen. Code, § 19.6.)



5. Link D: Assem. Bill 1706 (Stats. 2022, ch. 387),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1706](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1706)
6. Link E: Assem. Bill 1793 (Stats. 2018, ch. 993),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1793](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1793)
7. Link F: Sen. Bill 731 (Stats. 2022, ch. 814),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB731](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB731)
8. Link G: Sen. Bill 1106 (Stats. 2022, ch. 734),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB1106](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1106)
9. Link H: Pen. Code, § 851.93,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=851.93.&nodeTreePath=5.5.7&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=851.93.&nodeTreePath=5.5.7&lawCode=PEN)
10. Link I: Pen. Code, § 1203.425,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1203.425.&nodeTreePath=5.10.1&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.425.&nodeTreePath=5.10.1&lawCode=PEN)
11. Link J: Pen. Code, § 1203.4,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1203.4.&nodeTreePath=5.10.1&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.4.&nodeTreePath=5.10.1&lawCode=PEN)
12. Link K: Pen. Code, § 1203.4a,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1203.4a.&nodeTreePath=5.10.1&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.4a.&nodeTreePath=5.10.1&lawCode=PEN)
13. Link L: Pen. Code, § 1203.4b,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1203.4b.&nodeTreePath=5.10.1&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1203.4b.&nodeTreePath=5.10.1&lawCode=PEN)
14. Link M: Health & Saf. Code, § 11361.9,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11361.9.&lawCode=HSC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11361.9.&lawCode=HSC)
15. Link N: Health & Saf. Code, § 11361.8,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11361.8.&nodeTreePath=12.6.2&lawCode=HSC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11361.8.&nodeTreePath=12.6.2&lawCode=HSC)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT                  Not approved by                  the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>PETITION FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</b>	FOR COURT USE ONLY  DATE: TIME: DEPARTMENT:

**Note to petitioner:** Your conviction(s) may have already been automatically dismissed under Penal Code section 1203.425. If so, this petition may be unnecessary. To find out if your conviction has already been dismissed, request your Record of Arrest and Prosecution (RAP) sheet from the California Department of Justice. Failing to check, however, does not prevent you from filing this petition.

1. On (date): \_\_\_\_\_, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code (Penal, Vehicle, etc.)	Section	Type of offense (felony, misdemeanor, or infraction):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (yes or no)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (yes or no)

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2.  **Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)**

Probation was granted on the terms and conditions stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, on probation for any offense, or currently charged with committing any crime, and the petitioner (check all that apply)

- a.  has fulfilled the conditions of probation for the entire period thereof.
- b.  has been discharged from probation prior to the termination of the period thereof.
- c.  should be granted relief in the interests of justice. (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below, or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) and attach it to this petition.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

3.  **Misdemeanor or infraction with sentence other than probation (*Pen. Code, § 1203.4a*)**

Probation was not granted; more than one year has elapsed since judgment was pronounced. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or currently charged with committing any crime; and the petitioner (*check one*)

- a.  has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; **or**
- b.  should be granted relief in the interests of justice. (*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) and attach it to this petition.*)

4.  **Misdemeanor conviction under Penal Code section 647(b) (*Pen. Code, § 1203.49*)**

Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the conviction was the result of petitioner's status as a victim of human trafficking.

(*Please provide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) and attach it to this petition.*)

5.  **Felony county jail sentence under Penal Code section 1170(h)(5) or felony state prison sentence (*Pen. Code, § 1203.41*)**

Petitioner is not on parole or under supervision under Penal Code section 1170(h)(5)(B); is not serving a sentence for, on probation for, or currently charged with committing any crime; and should be granted relief in the interests of justice, and (*check one*)

- a.  more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B);
- b.  more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A); **or**
- c.  more than two years have elapsed since petitioner completed the felony state prison sentence.

(*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) and attach it to this petition.*)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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6.  **Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)**

Petitioner is not under supervision and is not serving a sentence for, on probation for, or currently charged with committing any crime; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.

*(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) and attach it to this petition.)*

7.  **Deferred entry of judgment (Pen. Code, § 1203.43)**

Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge(s) were dismissed under former Penal Code section 1000.3 on (date): . Furthermore (check one),

- a.  court records are available showing the case resolution; **or**
- b.  petitioner declares under penalty of perjury that the charges were dismissed after petitioner completed the requirements for deferred entry of judgment. Petitioner (check one)
  - (1)  has
  - (2)  has not
 attached a copy of petitioner's state summary criminal history information.

8. Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).

9. Petitioner requests that petitioner be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under the Penal Code section(s) noted above.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶  
\_\_\_\_\_  
(SIGNATURE OF PETITIONER OR ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PEOPLE OF THE STATE OF CALIFORNIA <p style="text-align: center;">v.</p> DEFENDANT:		
<b>ORDER FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</b>		CASE NUMBER:

From the petition filed in this matter, the records of the court, and any other evidence presented in this matter, the court orders as follows:

1.  The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces
  - a.  ALL FELONY CONVICTIONS in the above-entitled action.
  - b.  ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - c.  only the following convictions in the above-entitled action (*specify charges and date of conviction*):
  
2.  The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for
  - a.  ALL FELONY CONVICTIONS in the above-entitled action.
  - b.  ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - c.  only the following convictions in the above-entitled action (*specify charges and date of conviction*):
  
3.  The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code (*check all that apply*)  
 § 1203.4     § 1203.4a     § 1203.41     § 1203.42     § 1203.43     § 1203.49  
 and it is ordered that the pleas of guilty or nolo contendere or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for (*check one*)
  - a.  ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
  - b.  only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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4.  The court **DENIES** the petition for dismissal under Penal Code (*check all that apply*)  
 § 1203.4    § 1203.4a    § 1203.41    § 1203.42    § 1203.43    § 1203.49 for (*check one*)  
a.  ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.  
b.  only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

5.  In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner was a victim of human trafficking when **petitioner** committed the crime.

- a. The court orders (*check one*):  
(1)  the relief described in section 1203.4.  
(2)  the relief described in section 1203.4, with the following exceptions (*specify*):  
b. The Department of Justice is hereby notified that **petitioner** was a victim of human trafficking when **petitioner** committed the crime, and **notified** of the relief ordered.

6. If this order is granted under the provisions of Penal Code section 1203.4, 1203.41, or 1203.42,  
a. the petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office, or for licensure by any state or local agency (*or, under Penal Code section 1203.41, for licensure by a federally recognized tribe*), or for contracting with the California State Lottery Commission; and  
b. dismissal of the conviction does not *automatically* relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.)

7. If **this** order is granted under the provisions of Penal Code section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in **their** control a firearm if prevented by Penal Code section 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

8. Dismissal under Penal Code section 1203.4 or 1203.4a does not release petitioner from the terms and conditions of any unexpired criminal protective order issued under Penal Code section 136.2(i)(1), 273.5(j), 368(l), or 646.9(k).

9. In addition, as required by Penal Code section 299(f), relief under Penal Code section 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49 does *not* release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

FOR COURT USE ONLY

10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of defendant's prior plea due to misinformation in former Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program.

11. Notice: Except as provided in Penal Code section 1203.425(a)(4), if this order is granted under Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.42, the court must not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or to a criminal justice agency.

Date:  \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>DRAFT</b>  <b>Not approved by</b>  <b>the Judicial Council</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA <p style="text-align: center;">v.</p> DEFENDANT:	CASE NUMBER:
<p style="text-align: center;"><b>PETITION/APPLICATION UNDER HEALTH AND SAFETY CODE</b>  <b>SECTION 11361.8—ADULT CRIMES</b></p> <input type="checkbox"/> RESENTENCING OR DISMISSAL (Health & Saf. Code, § 11361.8(b)) <input type="checkbox"/> REDESIGNATION OR DISMISSAL/SEALING (Health & Saf. Code, § 11361.8(f))	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> DATE: TIME: DEPARTMENT:

**Note to petitioner/applicant:** Your conviction may have already been automatically dismissed or redesignated. To find out if automatic relief was granted, request your Record of Arrest and Prosecution (RAP) sheet from the California Department of Justice. Failing to check, however, does not prevent you from filing this petition/application.

**1. CONVICTION INFORMATION (check all of the Health and Safety Code sections that apply)**

- a.  11357 - Possession of Marijuana
- b.  11358 - Cultivation of Marijuana
- c.  11359 - Possession of Marijuana for Sale
- d.  11360 - Transportation, Distribution, or Importation of Marijuana
- e.  11362.1 - Personal Use of Marijuana

**2. REQUEST (check all that apply)**

- a.  PETITION: Petitioner is currently serving a sentence in the above-captioned case and now requests that the court recall and resentence or dismiss the conviction.
- b.  APPLICATION: Applicant has completed the sentence in the above captioned case and now requests that the court redesignate or dismiss and seal the conviction.

**3. WAIVER OF HEARING BY ORIGINAL SENTENCING JUDGE**

Petitioner/applicant waives the right to have this matter heard by the original sentencing judge. The presiding judge of the court may designate any judge to rule on this matter.

**4. WAIVER OF APPEARANCE**

Petitioner/applicant understands there is a right to personally attend any hearing held in this matter. Petitioner/applicant gives up that right; the matter may be heard without petitioner/applicant's appearance.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER/APPLICANT OR ATTORNEY)

**Proof of Service for Petition/Application under Health and Safety Code Section 11361.8—Adult Crimes (form CR-401) may be used to provide proof of service of this petition/application.**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>PROOF OF SERVICE FOR PETITION/APPLICATION UNDER HEALTH AND SAFETY CODE SECTION 11361.8—ADULT CRIMES</b>  <b>Method of Service (only one):</b> <input type="checkbox"/> <b>Personal Service</b> <input type="checkbox"/> <b>Mail</b>	FOR COURT USE ONLY  DATE: TIME: DEPARTMENT:

1. Person serving: I am over the age of 18 and **not a party to this action.**
  - a. Name:
  - b. Residence or Business Address:
  - c. Telephone:
2. I served a copy of the **Petition/Application under Health and Safety Code Section 11361.8—Adult Crimes** on the person or persons listed below as follows:
  - a. Name of person served:
  - b. Address where served:
  - c. Date Served:
  - d. Time Served:                       AM     PM
3. The documents were served by the following means (*specify*):
  - a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 2. Delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening.
  - b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 2 and (*specify one*):
    - (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
    - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF DECLARANT  
 \_\_\_\_\_  
 (PRINTED NAME OF DECLARANT)



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  <b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>PROSECUTING AGENCY RESPONSE TO PETITION/APPLICATION          UNDER HEALTH AND SAFETY CODE SECTION 11361.8—          ADULT CRIMES</b>	<b>FOR COURT USE ONLY</b>  DATE: TIME: DEPARTMENT:

**PROSECUTING AGENCY RESPONSE** (Choose all that apply):

1.  The prosecuting agency has no objection to this petition/application. Petitioner/applicant is entitled to the requested relief without a hearing.
2.  The prosecuting agency requests a hearing and objects to the granting of the petition/application because
  - a.  petitioner/applicant was not convicted of an eligible offense.
  - b.  Other:
3.  Petitioner is eligible for relief, but relief should be denied because petitioner presents an unreasonable risk of danger to public safety if he/she is resentenced.
4.  The prosecuting agency does not object to petitioner's/applicant's eligibility for relief, but requests a hearing on the issue of resentencing.

Dated:

\_\_\_\_\_

(TYPE OR PRINT NAME)

▶ \_\_\_\_\_

SIGNATURE OF PROSECUTING ATTORNEY

PEOPLE OF THE STATE OF CALIFORNIA v DEFENDANT:

CASE NUMBER:

**PROOF OF SERVICE  
FOR PROSECUTING AGENCY RESPONSE**

**Method of Service (only one):**

**Personal Service**

**Mail**

1. Person serving: I am over the age of 18 and **not a party to this action.**

- a. Name:
- b. Residence or business address:
- c. Telephone:

2. I served a copy of *Prosecuting Agency Response to Petition/Application* under Health and Safety Code section 11361.8—**Adult Crimes** on the person or persons listed below as follows:

- a. Name of person served:
- b. Address where served:
- c. Date served:
- d. Time served:  AM  PM

3. The documents were served by the following means (*specify*):

- a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 2. Delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening.
- b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 2 and (*specify one*)
  - (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
SIGNATURE OF DECLARANT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>ORDER AFTER PETITION/APPLICATION UNDER HEALTH AND SAFETY CODE SECTION 11361.8—ADULT CRIMES</b>  <input type="checkbox"/> RESENTENCING OR DISMISSAL (Health & Saf. Code, § 11361.8(b)) <input type="checkbox"/> REDESIGNATION OR DISMISSAL/SEALING (Health & Saf. Code, § 11361.8(f))	<b>FOR COURT USE ONLY</b>  DATE: TIME: DEPARTMENT:

From the petition/application filed in this matter, the records of the court, and any other evidence presented in this matter, the court orders as follows:

1. RESENTENCING GRANTED

- a.  The petitioner is eligible for the requested relief. The petition is **GRANTED**. The court hereby recalls the sentence imposed on the designated crime and enters the following additional orders:  
 The following crime is resentenced as  misdemeanor  infraction  
*(specify crime) (more than one may be listed):*
- b.  The following sentence is imposed for the commission of the crime:
- c.  The petitioner is given credit for time served of (days):
- d.  Petitioner is required to complete a period of supervision of  months  days  
 parole  postrelease community supervision  mandatory supervision (Pen. Code, section 1170(h))  
 formal probation  informal probation
- e.  The court releases the petitioner from any form of postconviction supervision.
- f.  The court **DISMISSES** the following crime for the reason that the conviction is legally invalid:
- g.  Other:

2. REDESIGNATION GRANTED

- The applicant is eligible for the requested relief. The application is **GRANTED**. The court hereby recalls the sentence imposed on the designated crime and enters the following additional orders:
- a.  The following crime is redesignated as  misdemeanor  infraction:  
*(specify crime) (more than one may be listed):*
- b.  The court **DISMISSES** the following crime for the reason that the conviction is legally invalid *(specify crime) (more than one may be listed):*
- c.  Other:

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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3. RESENTENCING/REDESIGNATION DENIED

- The petitioner/applicant is ineligible for the requested relief. The request for resentencing, redesignation, dismissal, or sealing is **DENIED** as to crime:
  - a.  The petitioner/applicant was convicted of an offense that is not eligible for the requested relief.
  - b.  The petitioner's/applicant's age at the time the crime was committed makes petitioner/applicant ineligible for the requested relief.
  - c.  The nature of the marijuana substance constituting the basis of the crime makes petitioner/applicant ineligible for the requested relief.
  - d.  The quantity of the marijuana substance constituting the basis of the crime makes petitioner/applicant ineligible for the requested relief.
  - e.  Although petitioner is eligible for relief, for reasons stated on the record, the court finds that resentencing of petitioner would pose an unreasonable risk of danger to public safety.
  - f.  Other:

4. MISDEMEANOR/INFRACTION FOR ALL PURPOSES

Any misdemeanor resentenced as an infraction as a result of this order will thereafter be an infraction for all purposes. Any felony conviction resentenced as a result of this order as a misdemeanor or infraction will be a misdemeanor or infraction for all purposes.

5. REGISTRATION

- The petitioner/applicant is relieved from the requirement to register as a narcotics offender under Health and Safety Code section 11590.

6. SEALING OF CONVICTION

- The court's record of conviction is ordered sealed. No access to the information shall be permitted without court order.

IT IS SO ORDERED.

Date:

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JUDICIAL OFFICER

Before using this form, read *Information on How to File a Petition to Seal Arrest and Related Records* (form CR-409-INFO), available at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**Note to petitioner:** Arrests that happened on or after January 1, 1973, may qualify for automatic arrest record relief if they did not result in a conviction and they meet certain other conditions. (Pen. Code, § 851.93.) A petition to seal may be unnecessary if automatic relief has been granted. To find out if automatic relief was granted, request your Record of Arrest and Prosecution (RAP) sheet from the California Department of Justice. Failing to check, however, does not prevent you from filing this petition.

**DRAFT**  
**Not approved by**  
**the Judicial Council**

*Fill in the name and street address of the court that you are filing the petition in:*

**Superior Court of California, County of**

*Fill this out if a criminal complaint was filed or charged against the petitioner and there is a case number and case name for that criminal case. Do not fill this out if an arrest happened but no criminal complaint was filed or charged in court:*

**Trial Court Case Number:**

**Trial Court Case Name:**  
*People of the State of California*  
v. \_\_\_\_\_

**1 Petitioner's Information**

a. **Your Full Name:** \_\_\_\_\_  
Date of birth: \_\_\_\_\_ (mm/dd/yyyy)  
**Your Lawyer (if you have one for this case):**  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

b. **Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)**  
Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**2 Notice of Court Hearing (Clerk fills out section below)**

A court hearing is scheduled on this petition as follows:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
Name and address of court if different from above:  
\_\_\_\_\_  
\_\_\_\_\_

If an interpreter is needed, please specify the language: \_\_\_\_\_

**3 Information About Your Case (provide as much information as you can)**

- a. Date of the arrest you are requesting to be sealed: \_\_\_\_\_ (mm/dd/yyyy)
- b. Where did the arrest happen? Include the city and county: \_\_\_\_\_
- c. What law enforcement agency made the arrest? If it was a police department, include the city (for example, ABC City Police Department). If it was a county sheriff, list the county (for example, XYZ County Sheriff): \_\_\_\_\_
- d. What is the arrest report number or police report number, if available? \_\_\_\_\_

3 e. What were the offenses for which you were arrested (for example, Penal Code section 242 for battery)?

f. If the prosecutor filed a case against you, what were the charges the prosecutor filed (for example, Penal Code section 242 for battery)?

g. If you would like to explain the information provided, please do so below, or complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.

h. Check any box that applies:
I am entitled to have this arrest (the arrest described in item 3 of this petition) sealed as a matter of right because the arrest did not result in a conviction, and I satisfy the requirements of Penal Code section 851.91.
I am requesting to have the arrest sealed in the interests of justice (Pen. Code, § 851.91(c)(2)(B)). (Describe below how this is in the interests of justice. In deciding whether to grant this request, the court may consider any important factors, including hardship and difficulties caused by the arrest; statements or evidence regarding your good character; statements or evidence regarding the arrest; your record of convictions; or any other important factors. You may provide statements or evidence from you, from others, or both.)

Please attach any additional signed and dated statements with the petition. Additional statements from you should be submitted on the Attached Declaration (form MC-031).

I declare under penalty of perjury under the laws of the State of California that the information above 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:

Type or print your name

Signature of Petitioner or Attorney

This information sheet does not cover all of the questions that may arise in a case. Do *not* deliver this information sheet to the court clerk.

**1 What is a petition to seal arrest and related records?**

The petition is a request to the court to seal arrest and related records under Penal Code section 851.91. A separate petition must be filed for each arrest for which sealing is requested.

**2 What information do I include in the petition?**

Refer to *Petition to Seal Arrest and Related Records* (form CR-409) to see what information must be included in your petition. Because form CR-409 is an optional form, you may fill out the form or you may write your own petition.

You should carefully fill out all parts of form CR-409 or, if writing your own petition, include the same information as in the form. The court may deny your filing if you provide incomplete information.

**3 How will the court make its decision?**

To have the arrest sealed as a matter of right, the court will determine whether the arrest did not result in a conviction (Pen. Code, § 851.91(a)(1)). The court will NOT seal the arrest as a matter of right if

(1) you may still be charged with any of the offenses upon which the arrest was based;

(2) the arrest or case was filed for murder or any other offense for which there is no statute of limitations (except if you have been acquitted or found factually innocent), or

(3) you intentionally evaded law enforcement efforts to prosecute the arrest, including by engaging in identity fraud. (Pen. Code, § 851.91(a)(2).)

To have the arrest sealed in the interests of justice (Pen. Code, § 851.91(c)(2)(B)), you must describe how sealing the arrest is in the interests of justice through a personal statement from you and/or statements from others.

**4 What do I do with the petition once I fill it out?**

If a criminal case was filed based on the arrest you want to have sealed, take or mail this petition to the clerk's office in the court where the case was filed.

If no criminal case was filed or charged against you, take or mail this petition to the clerk's office in the court that handles criminal matters for the city or county where the arrest happened. If you don't know which court this is, you may want to contact a court in the county to ask.

The clerk will give you a court date for the hearing, which should be at least 15 days from the date you file the petition. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

**5 Must anyone else get the petition?**

A copy of the petition must be served (delivered by hand, mail, or electronically) on the prosecutor of the city or county where the arrest happened *and* the law enforcement agency that made the arrest, at least 15 days before the hearing on the petition. After you have served the petition on the prosecutor and the law enforcement agency, you will need to file a "proof of service" with the court. You may use *Proof of Service-Criminal Record Clearing* (form CR-106), available at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).



**6 What happens if the court grants my petition (request)?**

If the court grants the petition, it will send a copy of the order to law enforcement and the California Department of Justice to update the arrest record, noting that the arrest is sealed. Records that are sealed under the court's order will not be disclosed except to you or a criminal justice agency (which includes courts, peace officers, prosecuting attorneys, city attorneys pursuing specific actions, defense attorneys, probation officers, parole officers, and correctional officers). Criminal history providers may disclose information to other criminal history providers. For more information, see Penal Code section 851.92.

**7 Are translations of the petition available?**

Translations of the petition are available in Spanish, Chinese, Vietnamese, and Korean at the California Courts website at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm).

**8 Are there other ways to seal or limit arrest records?**

Yes. Arrests that happened on or after January 1, 1973, may qualify for automatic arrest record relief if they did not result in a conviction and they meet certain other conditions. (Pen. Code, § 851.93.) A petition to seal is unnecessary if automatic relief has been granted. To find out if automatic relief was granted, request your Record of Arrest and Prosecution (RAP) sheet from the California Department of Justice.

You may also request the court to deem an arrest a detention under Penal Code section 849.5; request a determination of factual innocence under section 851.8; receive an acquittal and a determination of factual innocence under section 851.85; have your conviction set aside based on a determination of factual innocence under section 851.86; and request relief after completion of a prefiling diversion program under section 851.87.



*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

Before using this form, read *Information on Filing a Petition for Dismissal—Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-430-INFO), available at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

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 [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)).

**Note to petitioner:** Your conviction(s) may have already been automatically dismissed under Penal Code section 1203.425. If so, this petition may be unnecessary. To find out if your conviction has already been dismissed, request your Record of Arrest and Prosecution (RAP) sheet from the California Department of Justice. Failing to check, however, does not prevent you from filing this petition.

*Fill in court name and street address:*

**Superior Court of California, County of**

**People of the State of California v.  
Defendant:**

**Case Number:**

*For Court use only:*

**Date:**

**Time:**

**Department:**

**1 Petitioner’s Information**

a. **Your Full Name:** \_\_\_\_\_

Date of birth: \_\_\_\_\_ (mm/dd/yyyy)

**Your Lawyer (if you have one for this case):**

**Name:** \_\_\_\_\_ **State Bar No.:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

Local Identifying Number (if known): \_\_\_\_\_

CDCR No. (while in fire camp or institutional firehouse, if known): \_\_\_\_\_

Name of fire camp or institutional firehouse (if known): \_\_\_\_\_

Approximate dates in fire camp or institutional firehouse (if known): \_\_\_\_\_ to \_\_\_\_\_  
(month/year) (month/year)

b. **Your Address (If you have a lawyer, give your lawyer’s information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)**

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**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.



2 b. While serving a sentence in this case, petitioner successfully participated as a member of (check one):

(1)  An incarcerated individual hand crew in the California Conservation Camp program (fire camp operated by the California Department of Corrections and Rehabilitation)

(2)  An incarcerated individual hand crew in a county fire camp program (name of county): \_\_\_\_\_

(3)  An institutional firehouse (name of institution): \_\_\_\_\_

c. Petitioner adequately performed the hand crew or institutional firehouse 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 number: \_\_\_\_\_, petitioner is currently (check one):

on probation     on parole     on 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 in its discretion and in the interests of justice under Penal Code section 1203.4b.

(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) and attach it to this petition.)

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Signature of Petitioner or Attorney

Penal Code section 1203.4b allows eligible former inmates to ask the court to dismiss a conviction and take other actions that can improve their 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 or Institutional Firehouse Participant* (form CR-430) to request relief. (Form CR-430 is available at [www.courts.ca.gov/forms](http://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 § 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**

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).

**OR**

While incarcerated, you successfully participated at an institutional firehouse.

- c. You have been released from custody (i.e., you are not in state prison or county jail).
- d. You are not currently charged with committing any offense.

**NOTE:** You are NOT eligible for Penal Code § 1203.4b 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 are still on a term of supervision and have not violated any terms or conditions of your supervision, and the court grants your petition for a § 1203.4b dismissal, the court will also order early termination of supervision.

### 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](http://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 or an institutional firehouse program:**

- The CDCR number you had while participating in fire camp or an institutional firehouse;
- The name of the fire camp or institutional firehouse; and
- The approximate dates that you were in fire camp or at an institutional firehouse.  
*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 or an institutional firehouse 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.



You may also explain why granting a dismissal would be in the interests of justice. You can write in the allotted space on the form, or you can use *Attached Declaration* (form MC-031), available at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

#### 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 the court clerk or check the court's website to see whether there are any local rules about filing and service of the petition, as well as how to obtain proof of filing.

- 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 prosecuting 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 petition form CR-430, *and make at least two copies*. You will use one copy to notify the prosecuting 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, in many counties, the file-stamped copy must be served on the prosecuting 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 prosecuting attorney?

- a. “Serving” a petition means delivering a copy of the petition to the prosecuting attorney.
- b. You must serve a copy of your § 1203.4b petition on the prosecuting attorney 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 a copy of the petition to the prosecuting 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 a copy of the petition to the prosecuting 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 prosecuting 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](http://www.courts.ca.gov/forms).



**6 How do I prove that I served my § 1203.4b petition on the prosecuting 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 prosecuting 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](http://www.courts.ca.gov/forms)). Form CR-106 has spaces for you to write how you served the prosecuting attorney with your § 1203.4b petition. If you had someone else help you serve the petition on the prosecuting 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 prosecuting 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 can consider your petition 15 days after you serve the prosecuting attorney with your petition. The prosecuting attorney can object to your petition at any time before the court grants or denies the petition.**
- b. If the prosecuting 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 can grant your § 1203.4b petition, the court must get certification of your participation in fire camp or an institutional firehouse from CDCR or the appropriate county authority.

**8 What is "certification" by 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 or at an institutional firehouse; AND
  - You participated in fire camp or an institutional firehouse 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 or an institutional firehouse.
- c. “Successful participation” in fire camp or an institutional firehouse 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 or institutional firehouse.

**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 or an institutional firehouse was successful, the court likely will contact you and the prosecuting 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 prosecuting attorney to request a hearing and to ask the court to deny 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 prosecuting attorney does not object to your § 1203.4b petition, the court may ask the prosecuting 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 or at an institutional firehouse, 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. You may resubmit your petition in the future if you think the court's decision was incorrect.
- c. Once the court makes a decision on your § 1203.4b petition, it will issue an order (likely 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:
  - 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.
  - Release you from the terms and conditions of an unexpired criminal protective order that has not been modified or terminated by the court.

**Court Cover Letter and Agency Certification — Incarcerated Individual Hand Crew or Institutional Firehouse Participant**

Clerk stamps date here when form is filed.

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 \_\_\_\_\_

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

Your Full Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ (mm/dd/yyyy)

CDCR No. (while in fire camp or institutional firehouse, if known): \_\_\_\_\_

Case Number: \_\_\_\_\_

Name of fire camp or institutional firehouse, if known: \_\_\_\_\_

Approximate dates in fire camp or institutional firehouse: \_\_\_\_\_ 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, as a member of a county incarcerated individual hand crew, or at an institutional firehouse 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, as a member of a county incarcerated individual hand crew, or at an institutional firehouse 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, as a member of a county incarcerated individual hand crew, or at an institutional firehouse.

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

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

Type or print your name

Signature of Agency Representative

**Order on Petition—Incarcerated Individual Hand Crew or Institutional Firehouse Participant**

*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

**1** Your Full Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 CDCR No. (if known): \_\_\_\_\_  
 Name of fire camp or institutional firehouse (if known): \_\_\_\_\_

Superior Court of California, County of \_\_\_\_\_

Case Number: \_\_\_\_\_

*For Court use only:*

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Department: \_\_\_\_\_

**2 The court finds:**

- a.  The Secretary of the California Department of Corrections and Rehabilitation or the appropriate county authority has certified to the court that the petitioner successfully participated as a hand crew member in the CDCR incarcerated individual conservation camp program, as a member of a county incarcerated individual hand crew, or at an institutional firehouse.
- b.  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.
- c.  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 Vehicle Code Section 13555.

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

- a.  for all convictions in case number: \_\_\_\_\_ or
- b.  for only the following convictions in case number: \_\_\_\_\_  
 (specify charges and date of conviction): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





3 As to these convictions, 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 with respect to these charges.

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.
- Petitioner may still be subject to the terms and conditions of any unexpired criminal protective order issued under Penal Code section 136.2(i)(1), 273.5(j), 368(l), or 646.9(k).

4  The court **DENIES** the petition without prejudice because (check all that apply):

- a.  Petitioner's conviction is for an offense that is ineligible for relief under Penal Code section 1203.4b(a)(1)(A)–(H).
- b.  Petitioner is in custody.
- c.  Petitioner is currently charged with the commission of any other offense.
- d.  The Secretary of the California Department of Corrections and Rehabilitation or the appropriate county authority did not certify to the court that the petitioner successfully participated as a hand crew member in the CDCR incarcerated individual conservation camp program, as a member of a county incarcerated individual hand crew, or at an institutional firehouse.
- e.  Petitioner was not serving a sentence for this conviction at the time of participation in fire camp or an institutional firehouse.
- f.  The court finds that granting relief would not serve the interests of justice because:
- g.  Other:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judicial Officer