Certificate of Rehabilitation: Cleaning Up Felony Convictions when Expungement Is Not Available

The granting of a Certificate or Rehabilitation restores some of the rights of citizenship that were forfeited as a result of a felony conviction. It may also be used to relieve some persons convicted of sex offenses of their registration requirements (see California Penal Code (PC) § 290.5 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN) for a list of offenses which are not relieved from registration). The granting of a Certificate of Rehabilitation also acts as an automatic application and recommendation for a pardon from the governor.

Templates and Forms

- Petition for Certificate of Rehabilitation and Pardon Form – PDF (https://saclaw.org/wp-content/uploads/2023/04/cert-rehab-form-1.pdf)
- Notice of Filing of Petition for Certificate of Rehabilitation and Pardon – PDF (https://saclaw.org/wp-content/uploads/2023/04/cert-rehab-form-2-1.pdf)

Receiving a Certificate of Rehabilitation serves as an official document to demonstrate a felon's rehabilitation; this may enhance the applicant's employment options, and may be considered by state licensing boards.

Related Guides on Similar Topics

- Sacramento County Superior Courts Criminal Case Dismissal (Expungement) Process (https://www.saccourt.ca.gov/home/showpublisheddocument/777/639160119012070000)
- Understanding the Sacramento Superior Court Expungment Packet (https://www.saclaw.org/resource_library/expungement-cleaning-up-a-criminal-record-understanding-sacramento-courts-expungement-packet/)

It does not erase or seal the applicant's criminal record or allow the applicant to state on an employment application that he or she has no criminal convictions. Furthermore, it does not prevent the conviction from being considered for later convictions, for example, in sentence

enhancements under the “three-strikes” law, and may be rescinded for subsequent criminal acts.

There is no filing fee to file the *Petition for Certificate of Rehabilitation and Pardon*, and if you are eligible to file, you are entitled to receive assistance from all rehabilitative agencies, including the adult probation officer of the county, state parole officers, and the youth authority (if you are under 30) (PC § 4852.04 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=4852.04.)). You may represent yourself, be represented by the attorney of your choosing, or by the public defender (PC § 4852.01(a) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=4852.01.)).

Step-by-Step Instructions

1 Obtain Your Criminal Records

To complete the forms, you will need information regarding each felony conviction that you have, including the date of the conviction, the specific charge or charges for which you were convicted, the county of the conviction, and the sentence that was given. In addition, you will need to know the date that you were released from prison or jail and/or discharged from parole or probation.

This information may be obtained through the court in which the conviction(s) took place, or you may obtain a copy of your state criminal record through the California Department of Justice. You may only obtain your own records from the Department of Justice. Information regarding this request may be obtained through the Office of the Attorney General Web site at the California Department of Justice: Criminal Records – Request Your Own (https://oag.ca.gov/fingerprints/record-review) . Regardless of the number of convictions, you will be filing only a single petition.

2 Confirm Your Eligibility

You are *ineligible* for a Certificate of Rehabilitation if any of the following are true:

Are you eligible for expungement?

- You were convicted only of misdemeanors (other than sex offenses defined in PC § 290 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN), which were subsequently expunged); and/or

Most misdemeanors and "wobblers" (felonies that could have been charged as misdemeanors) may be *expunged.* Expungement is easier and has more benefits than a Certificate of Rehabilitation. A recent change in the law, Prop. 47, added a number of non-violent felonies to this list. See the Sacramento Superior Courts guide Criminal Case Dismissal (Expungement) Process (https://www.saccourt.ca.gov/home/showpublisheddocument/777/639160119012070000) if you think this may apply to you.

- Were convicted of any of PC §§ 286(c) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=286.), 287 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=287.&nodeTreePath=4.8.5&lawCode=PEN), 288 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=288.), 288.5 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=288.5.), or 289 (j) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=289.); and/or
- Are serving mandatory life parole; and/or
- Were sent to state prison under a death sentence, and/or
- Are currently in military service.

Assuming that none of the above criteria render you ineligible, the specific requirements for eligibility are listed in PC § 4852.01 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=4852.01.), but are summarized below:

Release/Discharge Prior to May 13, 1943. You are eligible if you:

- Were convicted of a felony, and released from a California prison or other state institution; and
- Were discharged on completion of your sentence or released on parole prior to May 13, 1943; and
- Have not been incarcerated in a state prison or other state penal institution since release; and
- Have three years of residency in California immediately before filing the petition.

Expunged Felony or Misdemeanor Sex Offenses. You may apply for a Certificate of Rehabilitation if you:

- Were convicted of a felony or misdemeanor sex offense specified in PC § 290 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.&lawCode=PEN) , but subsequently expunged the conviction pursuant to PC § 1203.4 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=1203.4.) ; and
- Have not been incarcerated since expungement; and
- Are not on probation for any other felony, and
- Have five years plus the additional period of rehabilitation specified in PC § 4852.03 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4852.03.&lawCode=PEN) of residency in California immediately prior to the filing of the petition:
- Two years (for a total of seven years) if convicted of PC §§ 311.2(a)-(d) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=311.2.) , 311.3 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=311.3.) , 311.10 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=311.10.) , or 314 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=314.) ;
- Five years (for a total of ten years) if convicted of any other offense requiring sex offender registration.

Convicted on or After May 13, 1943. You may be eligible for a certificate rehabilitation if you:

- Were in state prison on May 13, 1943 for a felony, or convicted of a felony after May 13, 1943, and served time in a state prison or other state institution or agency; and
- Have five years plus the additional period of rehabilitation specified in PC § 4852.03 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4852.03.&lawCode=PEN) of residency in California immediately prior to the filing of the petition:
- Four years (for a total of nine years) if you were convicted of violating PC §§ 187 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=187.) , 209 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=209.) , 219 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=219.) , 4500 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=4500.) , 18755 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=18755.) , or California Military and Veterans Code § 1672(a) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=MVC&sectionNum=1672.) , or any other offense which carries a life sentence (PC § 4852.03(a)(1)

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4852.03.&lawCode=PEN)).

- Two years (for a total of seven years) for any other offense not described.

3 Complete the Required Forms

Instructions for completing the necessary forms are included at the end of this guide. Two forms are needed to petition for a Certificate of Rehabilitation. They may both be picked up free of charge from the Tani G. Cantil-Sakauye Courthouse (500 G Street), at the criminal filing counter, or downloaded from the links at the top of this page.

4 Make Copies of the Documents

Make two copies of the *Petition for Certificate of Rehabilitation and Pardon* (FORM 1) as well as the *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon* (FORM 2).

Two-hole punch the top of the original, and staple each copy, and place the two copies underneath the original of each document.

5 File Your Documents

File your *Petition for Certificate of Rehabilitation and Pardon* (and two copies) and present your *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon* (and two copies) at the criminal filing desk **of the** Tani G. Cantil-Sakauye Courthouse (500 G Street). There is no filing fee for filing these documents. The court will assign a hearing date, time, and department, and note these on the *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon* (FORM 2), or otherwise notify you of the hearing date.

The court clerk will stamp and return the copies of the *Petition* to you. Make additional copies of the filed *Petition for Certificate of Rehabilitation and Pardon* so that you have enough to provide the Governor’s Office and each District Attorney with a copy.

6 Serve Notice of Filing of Petition for Certificate of Rehabilitation

You must notify (1) the Governor's Legal Affairs Office and (2) the District Attorney in each county where you were convicted of an offense for which you want a Certificate of Rehabilitation. They must be notified at least 30 days prior to the hearing. This is done by providing each person with a copy of the *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon*.

Governor's Legal Affairs Office

Service to the Governor's Legal Affairs Office may be performed by email at pardons@gov.ca.gov or by regular mail. They do not accept in-person service.

- **Email:** Have someone over the age of 18 who is not a party to the case (*i.e.,* **not you**) email or mail a copy of the *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon* (FORM 2), and preferably a courtesy copy of the *Petition*, to the office being served.
- **Service by mail:** To have the Governor's Office served by mail, have someone over the age of 18 who is not a party to the case (*i.e.,* **not you**), mail a completed copy of the *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon* (FORM 2). As a courtesy, a copy of the *Petition* should be sent as well. Information about the server and the details of the mailing are written on the *Affidavit of Service by Mail* (page 2 of the *Notice).*

The person who served the *Notice & Petition* must then attest under the penalty of perjury that he or she mailed the documents as stated in the *Affidavit of Service by Mail* in front of a notary (that is, the server must sign the *Affidavit* in front of a notary). The notary then signs *Affidavit of Service by Mail.*) This allows the court to have confidence that the person who mailed the *Notice & Petition* is who they claim to be.

The address for mail service is:

Governor's Office
Attn: Legal Affairs
State Capitol
Sacramento, CA 95814

District Attorney's Office:

Contact your DA's office to find out the best way to serve the papers on them. Having someone mail them to the DA's address and fill out and notarize the *Affidavit of Service* should work for any office; follow the instructions above.

If you were convicted of all crimes in Sacramento County, the address for mail service is:

Sacramento County District Attorney
901 G St.
Sacramento, CA 95814

7 File the Notice of Filing of Petition with Signed Proof of Service

Once the Governor's Office and the appropriate District Attorney(s) have been served, make two copies of the *Notice of Filing of Petition for Certificate of Rehabilitation and Pardon* and the attached *Affidavit of Service* and/or *Notice of Service in Person*, and file the original plus the two copies with the court at 500 G Street**.** The court will stamp and return the copies.

8 Attend the Court Hearing

Make sure to attend the court hearing as the judge will make a determination as to whether to grant the Certificate of Rehabilitation. Be prepared to discuss in detail the aspects of your crime, and your life afterward. You may be represented by a private attorney of your choosing, the Public Defender's Office, or you may represent yourself. It is your responsibility to prove your reformation to the court.

9 Automatic Application for Governor's Pardon

If you are granted a Certificate of Rehabilitation, it serves as a recommendation for pardon. Your *Application and Certificate of Rehabilitation* will automatically be forwarded to the Governor's office for consideration of your request.

For help

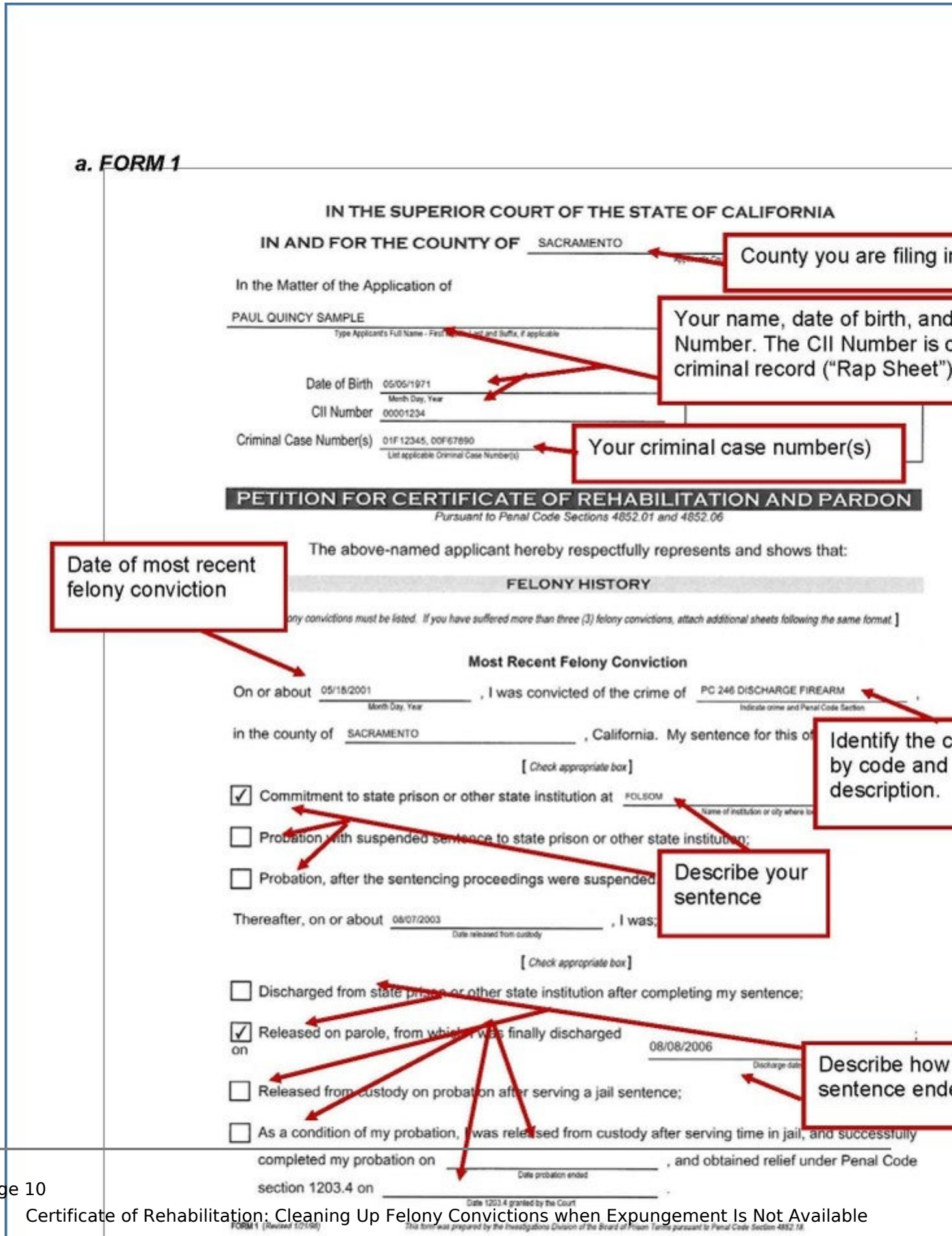
Sacramento County Public Defender

700 H Street, Ste. 0270
(916) 874-6411
Services Provided: Assistance with Certificates of Rehabilitation

Samples

Petition for Certificate of Rehabilitation and Pardon

a. FORM 1



IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

County you are filing i

In the Matter of the Application of

PAUL QUINCY SAMPLE
Type Applicant's Full Name - First, Middle, Last and Suffix, if applicable

Your name, date of birth, and
Number. The CII Number is c
criminal record ("Rap Sheet")

Date of Birth 05/05/1971
Month Day, Year

CII Number 00001234

Criminal Case Number(s) 01F12345, 00F67890
List applicable Criminal Case Number(s)

Your criminal case number(s)

PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON

Pursuant to Penal Code Sections 4852.01 and 4852.06

Date of most recent felony conviction

The above-named applicant hereby respectfully represents and shows that:

FELONY HISTORY

[ony convictions must be listed. If you have suffered more than three (3) felony convictions, attach additional sheets following the same format.]

Most Recent Felony Conviction

On or about 05/18/2001 (Month Day, Year), I was convicted of the crime of PC 246 DISCHARGE FIREARM (Indicate crime and Penal Code Section),

Identify the c
by code and
description.

in the county of SACRAMENTO, California. My sentence for this of

[Check appropriate box]

☑ Commitment to state prison or other state institution at FOLSOM (Name of institution or city where lo

☐ Probation with suspended sentence to state prison or other state institution;

☐ Probation, after the sentencing proceedings were suspended

Describe your sentence

Thereafter, on or about 08/07/2003 (Date released from custody), I was:

[Check appropriate box]

☐ Discharged from state prison or other state institution after completing my sentence;

☑ Released on parole, from which I was finally discharged on 08/08/2006 (Discharge date);

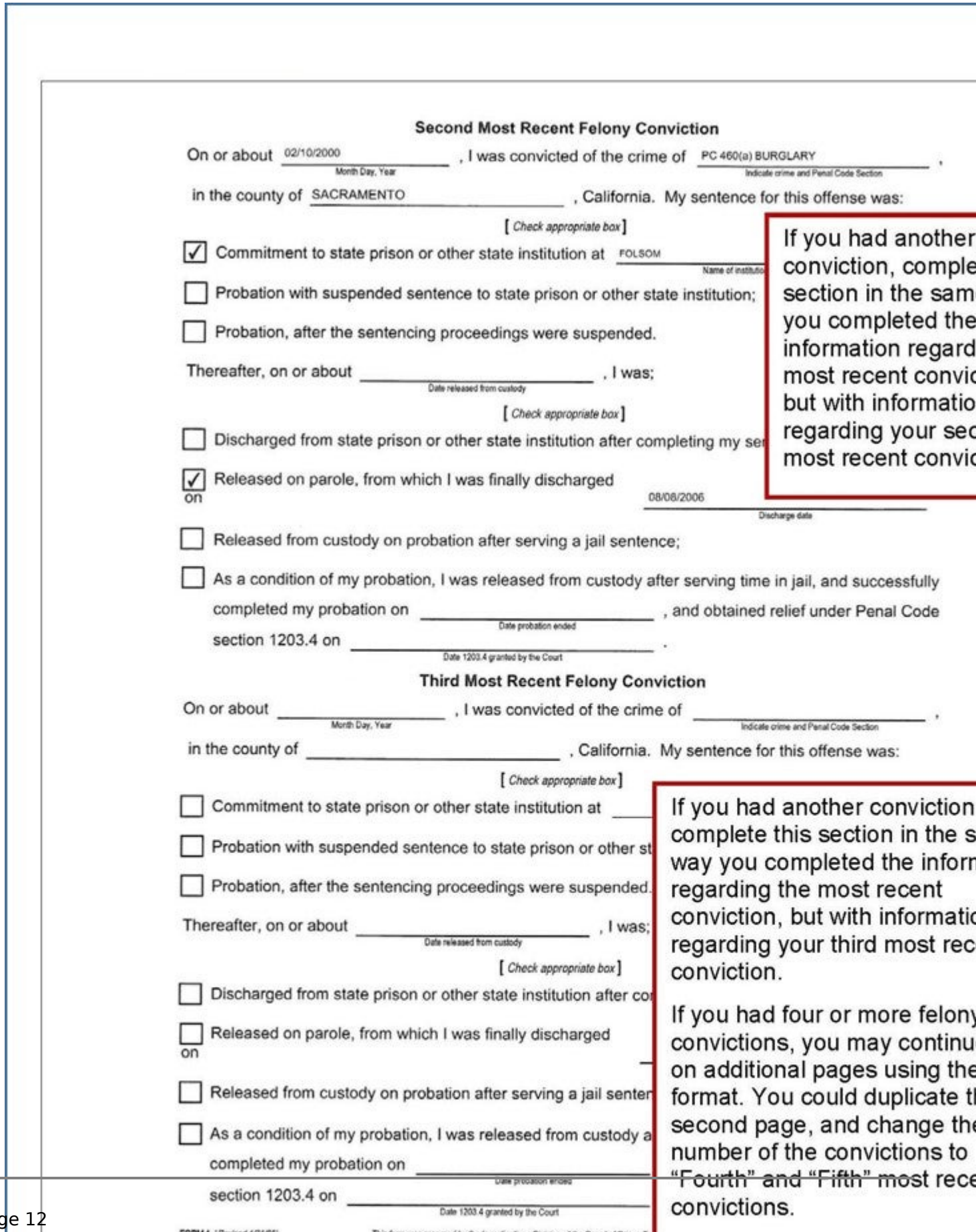
Describe how
sentence ende

☐ Released from custody on probation after serving a jail sentence;

☐ As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____ (Date probation ended), and obtained relief under Penal Code section 1203.4 on _____ (Date 1203.4 granted by the Court).

FORM 1 (Revised 1/21/98) This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.

Petition for Certificate of Rehabilitation and Pardon (page 1)



Second Most Recent Felony Conviction

On or about 02/10/2000 (Month Day, Year), I was convicted of the crime of PC 460(a) BURGLARY (Indicate crime and Penal Code Section),

in the county of SACRAMENTO, California. My sentence for this offense was:

[*Check appropriate box*]

☑ Commitment to state prison or other state institution at FOLSOM (Name of institution)

☐ Probation with suspended sentence to state prison or other state institution;

☐ Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____ (Date released from custody), I was;

[*Check appropriate box*]

☐ Discharged from state prison or other state institution after completing my sen

☑ Released on parole, from which I was finally discharged on 08/08/2006 (Discharge date)

☐ Released from custody on probation after serving a jail sentence;

☐ As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____ (Date probation ended), and obtained relief under Penal Code section 1203.4 on _____ (Date 1203.4 granted by the Court).

If you had another conviction, comple section in the sam you completed the information regard most recent convic but with informatio regarding your sec most recent convic

Third Most Recent Felony Conviction

On or about _____ (Month Day, Year), I was convicted of the crime of _____ (Indicate crime and Penal Code Section),

in the county of _____, California. My sentence for this offense was:

[*Check appropriate box*]

☐ Commitment to state prison or other state institution at

☐ Probation with suspended sentence to state prison or other st

☐ Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____ (Date released from custody), I was;

[*Check appropriate box*]

☐ Discharged from state prison or other state institution after co

☐ Released on parole, from which I was finally discharged on

☐ Released from custody on probation after serving a jail senten

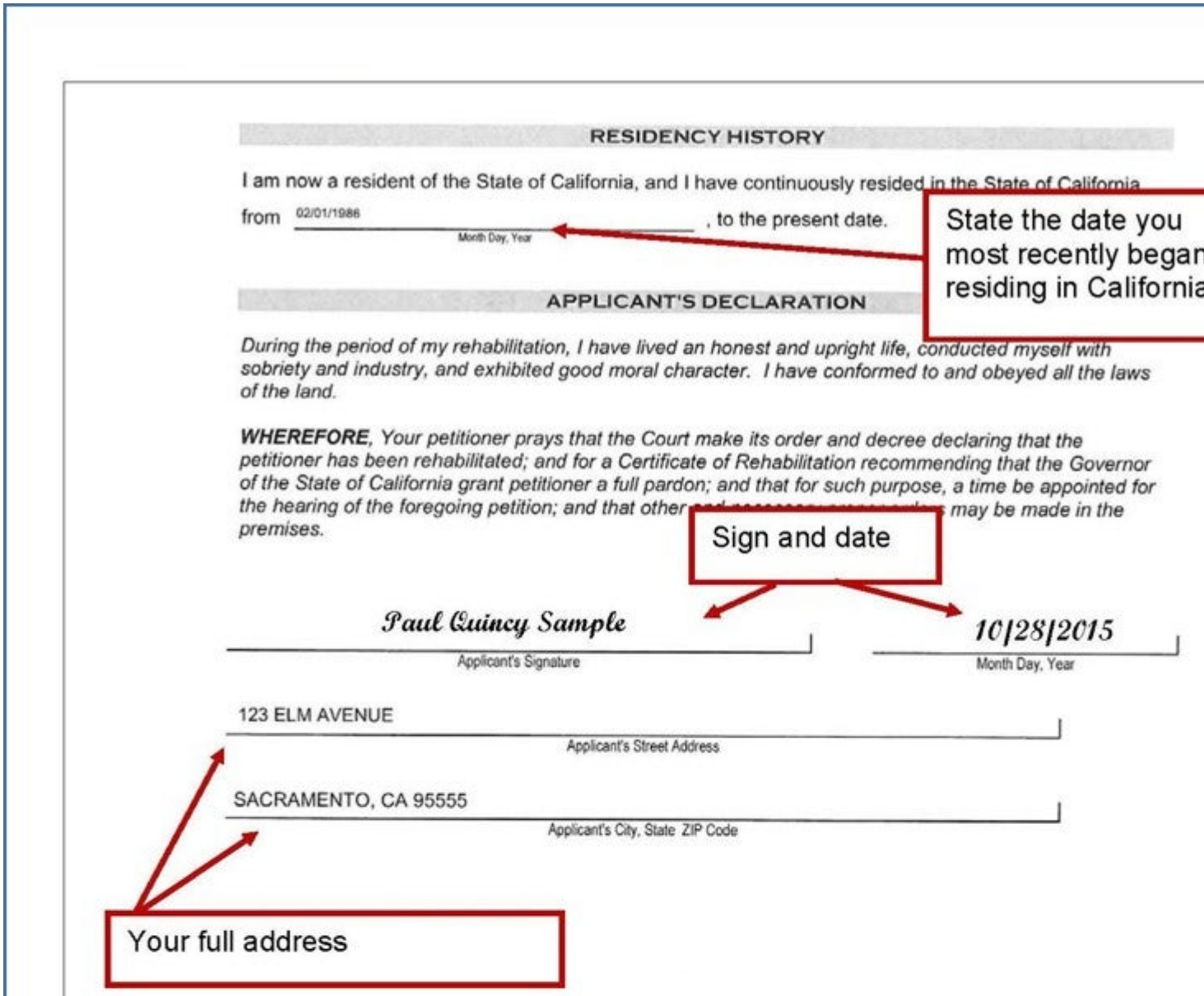
☐ As a condition of my probation, I was released from custody a completed my probation on _____ (Date probation ended) section 1203.4 on _____ (Date 1203.4 granted by the Court)

If you had another conviction complete this section in the s way you completed the inform regarding the most recent conviction, but with informatio regarding your third most rec conviction.

If you had four or more felony convictions, you may continu on additional pages using the format. You could duplicate th second page, and change the number of the convictions to "Fourth" and "Fifth" most rece convictions.

FORM 1 (Revised 1/21/98) This form was prepared by the Investigations Division of the Board of Prison Te

Petition for Certificate of Rehabilitation and Pardon (page 2)



RESIDENCY HISTORY

I am now a resident of the State of California, and I have continuously resided in the State of California

from 02/01/1986 , to the present date.
Month Day, Year

State the date you most recently began residing in California

APPLICANT'S DECLARATION

During the period of my rehabilitation, I have lived an honest and upright life, conducted myself with sobriety and industry, and exhibited good moral character. I have conformed to and obeyed all the laws of the land.

***WHEREFORE**, Your petitioner prays that the Court make its order and decree declaring that the petitioner has been rehabilitated; and for a Certificate of Rehabilitation recommending that the Governor of the State of California grant petitioner a full pardon; and that for such purpose, a time be appointed for the hearing of the foregoing petition; and that other [illegible] may be made in the premises.*

Sign and date

Paul Quincy Sample
Applicant's Signature

10/28/2015
Month Day, Year

123 ELM AVENUE
Applicant's Street Address

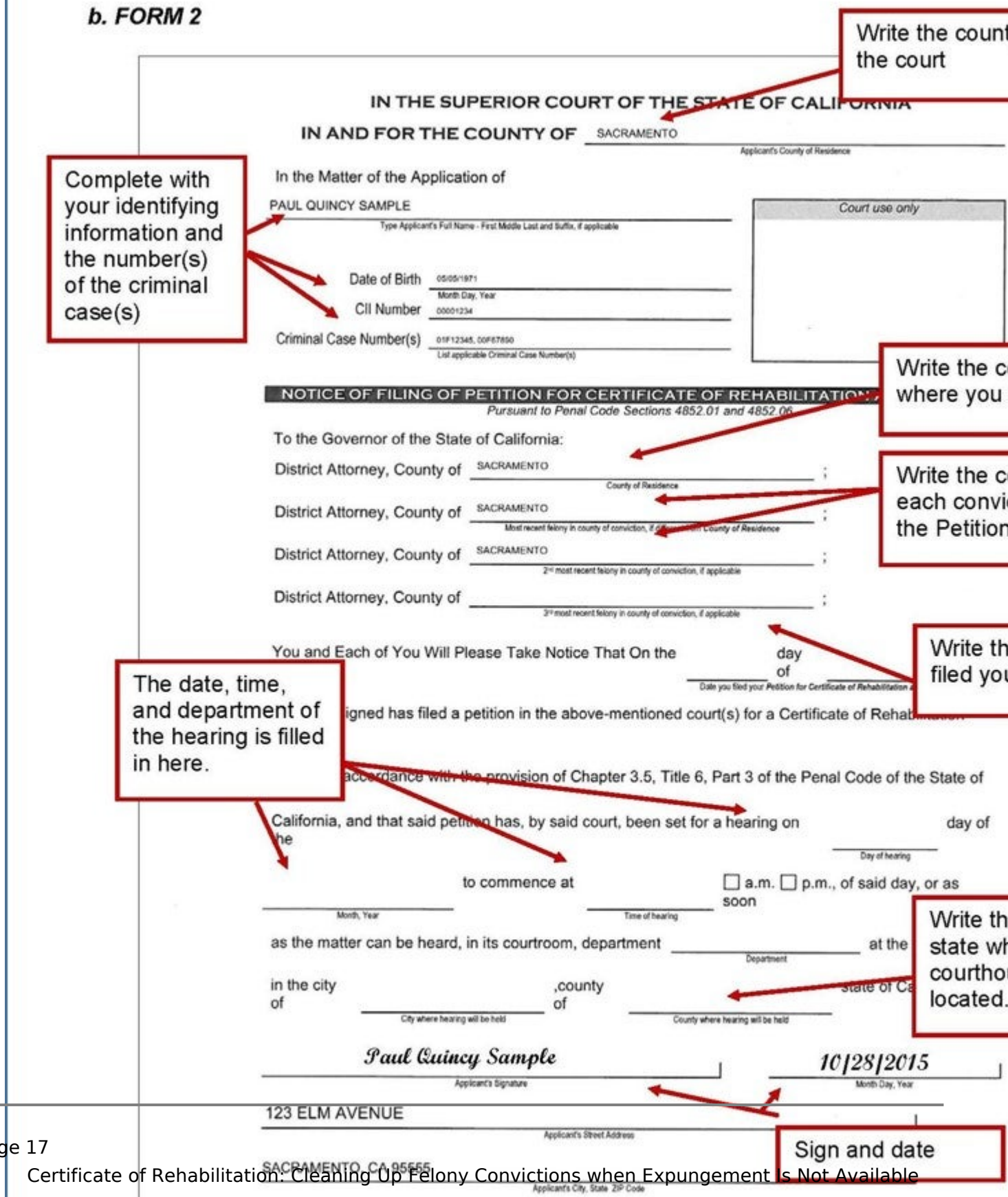
SACRAMENTO, CA 95555
Applicant's City, State ZIP Code

Your full address

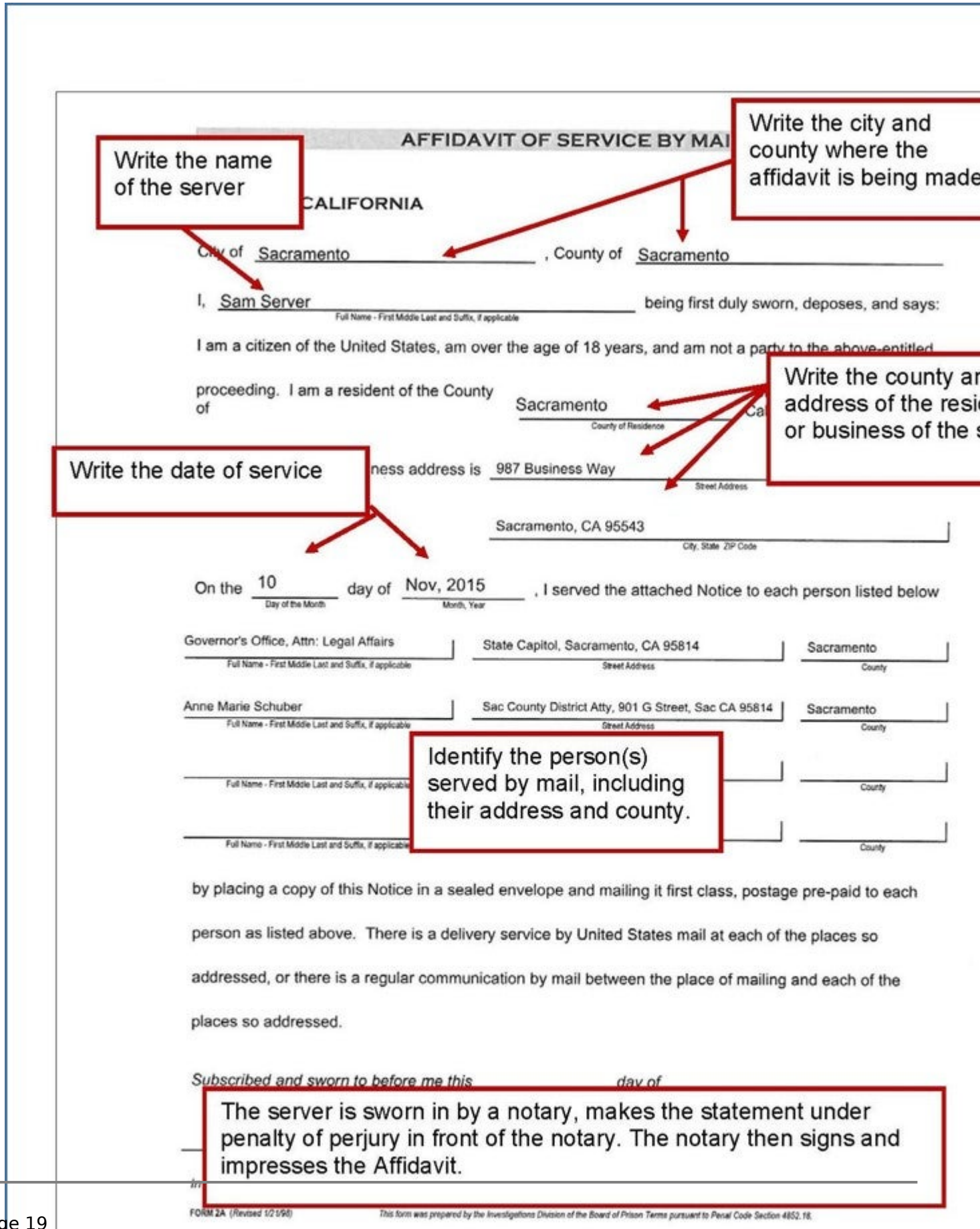
Petition for Certificate of Rehabilitation and Pardon (page 3)

Notice of Filing of Petition for Certificate of Rehabilitation

b. FORM 2


Write the count the court
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO
Applicant's County of Residence
Complete with your identifying information and the number(s) of the criminal case(s)
In the Matter of the Application of
PAUL QUINCY SAMPLE
Type Applicant's Full Name - First Middle Last and Suffix, if applicable
Court use only
Date of Birth 05/05/1971
Month Day, Year
CII Number 00001234
Criminal Case Number(s) 01F12345, 00F67890
List applicable Criminal Case Number(s)
Write the c where you
NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION
Pursuant to Penal Code Sections 4852.01 and 4852.06
To the Governor of the State of California:
District Attorney, County of SACRAMENTO ;
County of Residence
Write the c each convi the Petition
District Attorney, County of SACRAMENTO ;
Most recent felony in county of conviction, if
County of Residence
District Attorney, County of SACRAMENTO ;
2nd most recent felony in county of conviction, if applicable
District Attorney, County of ;
3rd most recent felony in county of conviction, if applicable
You and Each of You Will Please Take Notice That On the day
of
Write th filed you
The date, time, and department of the hearing is filled in here.
igned has filed a petition in the above-mentioned court(s) for a Certificate of Rehab
accordance with the provision of Chapter 3.5, Title 6, Part 3 of the Penal Code of the State of
California, and that said petition has, by said court, been set for a hearing on day of
he
Day of hearing
to commence at a.m. p.m., of said day, or as soon
Month, Year
Time of hearing
Write th state wh courtho located.
as the matter can be heard, in its courtroom, department at the
Department
in the city of ,county of
City where hearing will be held
County where hearing will be held
Paul Quincy Sample
Applicant's Signature
10/28/2015
Month Day, Year
123 ELM AVENUE
Applicant's Street Address
Sign and date
SACRAMENTO, CA 95555
Applicant's City, State, ZIP Code

Notice of Filing of Petition for Certificate of Rehabilitation (page 1)



AFFIDAVIT OF SERVICE BY MAI

CALIFORNIA

City of Sacramento, County of Sacramento

I, Sam Server being first duly sworn, deposes, and says:
Full Name - First Middle Last and Suffix, if applicable

I am a citizen of the United States, am over the age of 18 years, and am not a party to the above-entitled proceeding. I am a resident of the County of Sacramento
County of Residence

ness address is 987 Business Way
Street Address

Sacramento, CA 95543
City, State ZIP Code

On the 10 day of Nov, 2015, I served the attached Notice to each person listed below
Day of the Month — Month, Year

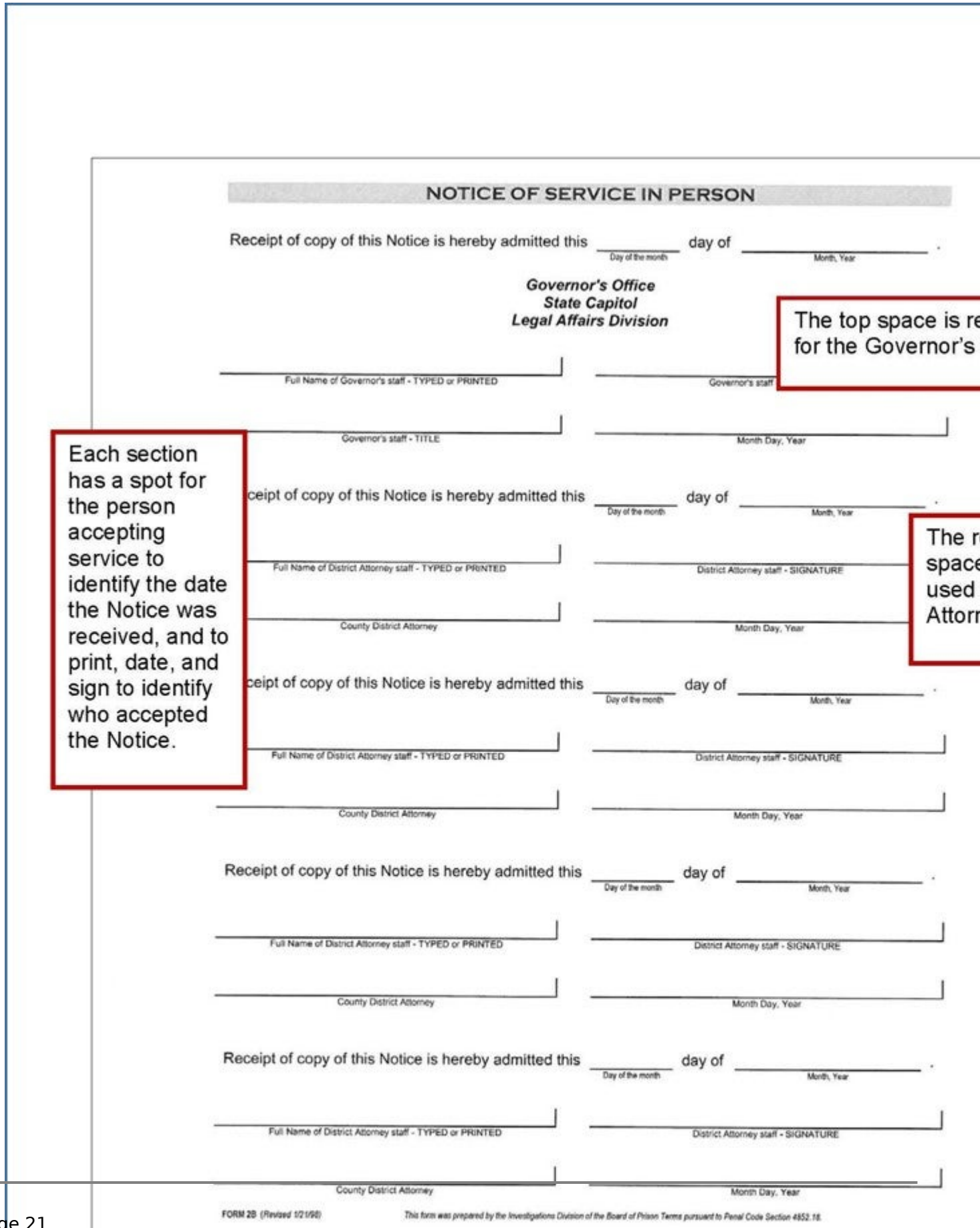
Full Name - First Middle Last and Suffix, if applicable	Street Address	County
Governor's Office, Attn: Legal Affairs	State Capitol, Sacramento, CA 95814	Sacramento
Anne Marie Schuber	Sac County District Atty, 901 G Street, Sac CA 95814	Sacramento

by placing a copy of this Notice in a sealed envelope and mailing it first class, postage pre-paid to each person as listed above. There is a delivery service by United States mail at each of the places so addressed, or there is a regular communication by mail between the place of mailing and each of the places so addressed.

Subscribed and sworn to before me this day of

FORM 2A (Revised 1/21/98) *This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.*

Notice of Filing of Petition for Certificate of Rehabilitation (page 2)



NOTICE OF SERVICE IN PERSON

Receipt of copy of this Notice is hereby admitted this _____ (Day of the month) day of _____ (Month, Year).

Governor's Office
State Capitol
Legal Affairs Division

The top space is re
for the Governor's

_____ Full Name of Governor's staff - TYPED or PRINTED
_____ Governor's staff
_____ Governor's staff - TITLE
_____ Month Day, Year

Each section has a spot for the person accepting service to identify the date the Notice was received, and to print, date, and sign to identify who accepted the Notice.

ceipt of copy of this Notice is hereby admitted this _____ (Day of the month) day of _____ (Month, Year).

The r
space
used
Attorn

_____ Full Name of District Attorney staff - TYPED or PRINTED
_____ District Attorney staff - SIGNATURE
_____ County District Attorney
_____ Month Day, Year

ceipt of copy of this Notice is hereby admitted this _____ (Day of the month) day of _____ (Month, Year).

_____ Full Name of District Attorney staff - TYPED or PRINTED
_____ District Attorney staff - SIGNATURE
_____ County District Attorney
_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ (Day of the month) day of _____ (Month, Year).

_____ Full Name of District Attorney staff - TYPED or PRINTED
_____ District Attorney staff - SIGNATURE
_____ County District Attorney
_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ (Day of the month) day of _____ (Month, Year).

_____ Full Name of District Attorney staff - TYPED or PRINTED
_____ District Attorney staff - SIGNATURE
_____ County District Attorney
_____ Month Day, Year

FORM 2B (Revised 1/21/98) *This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.*

Notice of Filing of Petition for Certificate of Rehabilitation (page 3)

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