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CERTIFICATE OF REHABILITATION

Cleaning Up Felony Convictions when Expungement Is Not Available

This Guide includes instructions and sample forms. The Guide and forms may be downloaded from:

saclaw.org/cert-rehabilitation.

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BACKGROUND

The granting of a Certificate of 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](#) 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.

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.

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being considered for later convictions, for example, in sentence enhancements under the "three-strikes" law, and may be rescinded for subsequent criminal acts.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](#)). You may represent yourself, be represented by the attorney of your choosing, or by the public defender ([PC § 4852.01\(a\)](#)).

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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STEP-BY-STEP INSTRUCTIONS

Step 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 oag.ca.gov/fingerprints/security. Regardless of the number of convictions, you will be filing only a single petition.

Step 2: Confirm Your Eligibility

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

- You were convicted only of misdemeanors (other than sex offenses defined in [PC § 290](#), which were subsequently expunged); and/or
- Were convicted of any of PC §§ [286\(c\)](#), [288](#), [288a\(c\)](#), [288.5](#), or [289 \(j\)](#); 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](#), 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.

Are you eligible for expungement?

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 our guide on [Expunging Criminal Records](#) if you think this may apply to you.

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- **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](#), but subsequently expunged the conviction pursuant to [PC § 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](#) 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\(a\)-\(d\)](#), [311.3](#), [311.10](#), or [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](#) 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](#), [209](#), [219](#), [4500](#), [18755](#), or [California Military and Veterans Code § 1672\(a\)](#), or any other offense which carries a life sentence ([PC § 4852.03\(a\)\(1\)](#)).
 - Two years (for a total of seven years) for any other offense not described.

Step 3: Complete the Required Forms

Instructions for completing the necessary forms are included at the end of this packet. Two forms are needed to petition for a Certificate of Rehabilitation. They may both be picked up free of charge from the Gordon D. Schaber Courthouse at [720 Ninth Street, Sacramento, in Room 102](#) at the criminal filing counter, or downloaded from these links.

- [Petition for Certificate of Rehabilitation and Pardon](#) (FORM 1)
- [Notice of Filing of Petition for Certificate of Rehabilitation and Pardon](#) (FORM 2)

Step 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.

Step 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 in Room 102 of the Courthouse at 720 Ninth 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.

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Step 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*. The *Notice* may be served by mail, or delivered in person with acknowledgement of receipt, or by a combination of the two. 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.

Service by mail:

To have the Governor’s Office or a District Attorney served by mail, you must 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* and *Petition* must then attest under 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 of Service by Mail* in front of a notary). The notary then signs the *Affidavit of Service by Mail*. This allows the court to have confidence that the person who mailed the *Notice* and *Petition* is who they claim to be.

If you were convicted of all crimes in Sacramento County, the addresses for service are:

Governor’s Office Attn: Legal Affairs State Capitol Sacramento, CA 95814	Sacramento County District Attorney 901 G St. Sacramento, CA 95814
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Delivery in person:

Service to the Governor’s Legal Affairs Office or the District Attorney(s) may also be performed in person. Have someone over the age of 18 who is not a party to the case (*i.e.*, **not you**) deliver 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, and have the person accepting service acknowledge the delivery on the *Notice of Service In Person* sheet (page 3 of the *Notice*).

Step 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 720 Ninth Street, in Room 102. The court will stamp and return the copies.

Step 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.

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Step 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

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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FORMS AND INSTRUCTIONS

The forms required to petition for a Certificate of Rehabilitation are:

- [Petition for Certificate of Rehabilitation and Pardon](#) (FORM 1)
- [Notice of Filing of Petition for Certificate of Rehabilitation and Pardon](#) (FORM 2)

Download the blank forms from these links or pick them up free of charge from the Gordon D. Schaber Courthouse at [720 Ninth Street, Sacramento, in Room 102](#) at the criminal filing counter.

Sample filled-in forms with instructions are available at the end of this Guide.

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Second Most Recent Felony Conviction

On or about 2/10/2000, I was convicted of the crime of PC 460(a) Burglary
Month Day, Year 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 or city where located

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

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;
Date released from custody
[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 8/8/2006
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 _____, and obtained relief under Penal Code section 1203.4 on _____
Date probation ended Date 1203.4 granted by the Court

Third Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____
Month Day, Year 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 _____
Name of institution or city where located

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

Probation, after the sentencing proceedings were suspended.

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

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 _____, and obtained relief under Penal Code section 1203.4 on _____
Date probation ended 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 4620.

If you had another conviction, complete this section in the same way you completed the information regarding the most recent conviction, but with information regarding your second most recent conviction.

If you had another conviction, complete this section in the same way you completed the information regarding the most recent conviction, but with information regarding your third most recent conviction.

If you had four or more felony convictions, you may continue these on additional pages using the same format. You could duplicate this second page, and change the number of the convictions to "Fourth" and "Fifth" most recent convictions.

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b. FORM 2

Complete with your identifying information and the number(s) of the criminal case(s)

Write the county of the court

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF Sacramento
Applicant's County of Residence

In the Matter of the Application of
Paul Quincy Sample
Type Applicant's Full Name - Fill in Middle Last and Suffix, if applicable

Date of Birth 5/5/1971
Month Day, Year

CII Number 00001294

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

Court use only

NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON
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

District Attorney, County of Sacramento
Most recent felony in county of conviction, if different from 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

Write the county where you reside

Write the county of each conviction in the Petition

The date, time, and department of the hearing is filled in here.

Write the day you filed your Petition

You and Each of You Will Please Take Notice That On the 28 day of October, 2015
Date you filed your Petition for Certificate of Rehabilitation and Pardon

_____ has filed a petition in the above-mentioned court(s) for a Certificate of Rehabilitation

_____ in accordance with the provision of Chapter 3.5, Title 6, Part 3 of the Penal Code of the State of California

_____ that said petition has, by said court, been set for a hearing on 7 day of _____

Write the city and state where the courthouse is located.

January 2016 to commence at 8:30 a.m. p.m., of said court
Month, Year Time of hearing soon

as the matter can be heard, in its courtroom, department 8 at _____
Department

in the city Sacramento of Sacramento state of _____
City where hearing will be held County where hearing will be held

Paul Quincy Sample
Applicant's Signature

123 Elm Ave
Applicant's Street Address

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

10/29/2015
Month Day, Year

Sign and date

Write the name of the server

Write the city and county where the affidavit is being made

AFFIDAVIT OF SERVICE BY MAIL
CALIFORNIA
City of Sacramento, County of Sacramento

I, Sam Server being first duly sworn, deposes, and says:

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, State of California

My residence business address is 987 Business Way

Sacramento, CA 95543

Write the county and address of the residence or business of the server

Write the date of service

On the 10 day of Nov. 2015, I served the attached Notice to each person listed below

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

Anna Marie Schubert | Sacramento County District Attorney | Sacramento
901 G Street, Sacramento, CA 95814 | Sacramento

Identify the person(s) served by mail, including their address and county.

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 10 day of November, 2015

Nancy Notary | [Signature]

in and for the City of Sacramento, County of Sacramento, California.

FORM 2A (Revised 5/21/98) This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.16.

The server is sworn in by a notary, makes the statement under penalty of perjury in front of the notary. The notary then signs and impresses the Affidavit.

NOTICE OF SERVICE IN PERSON

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

**Governor's Office
State Capitol
Legal Affairs Division**

The top space is reserved for the Governor's Office

Full Name of Governor's staff - TYPED or PRINTED _____
Governor's staff - SIGNATURE

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.

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

Full Name of District Attorney staff - TYPED or PRINTED _____
District Attorney staff - SIGNATURE

County District Attorney _____
Month Day, Year

The remaining spaces are used by District Attorney offices

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

Full Name of District Attorney staff - TYPED or PRINTED _____
District Attorney staff - SIGNATURE

County District Attorney _____
Month Day, Year

FORM 28 (Revised 1/21/98) This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4632.18.