

## FORM 1 INSTRUCTIONS

### 1. Obtain Your Criminal Records

To complete this form, you will need information regarding each of your felony convictions, including the date of each 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 website at <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:

- You were convicted only of misdemeanors (other than sex offenses defined in Penal Code section 290, which were subsequently expunged) (Pen. Code, §4852.01, (b).)
- You were convicted of specific sex crimes involving minor children as enumerated under Penal Code sections 286, subdivision (c), 288, 288a, subdivision (c), 288.5, and 289, subdivision (j). (Pen. Code, § 4852.01, (c).)
- You are serving mandatory life parole. (Pen. Code, § 4852.01, (c).)
- You were sent to state prison under a death sentence. (Pen. Code, § 4852.01, (c).)
- You are currently in military service. (Pen. Code, § 4852.01, (c).)

#### *Minimum Period of Rehabilitation*

In order to be granted a certificate of rehabilitation you must satisfy a minimum period of rehabilitation. In every case, you must have resided continuously for **five** years in this state prior to filing the petition. (Pen. Code, § 4852.06) The period of rehabilitation begins to run upon your discharge from custody or upon release on parole or probation, whichever is sooner. (Pen. Code, § 4852.03, (a).) The period of rehabilitation shall constitute **five** years residence in this state, **plus** a period of time determined by the following rules:

- An additional **four** years in the case of any person convicted of violating Section 187 (murder), 209 (aggravated kidnapping), 219 (derailing or wrecking a train), 4500 (assault with force likely to cause great bodily injury), or 12310 (use of explosives or destructive devices causing death, mayhem, or great bodily injury) of the Penal Code, or subdivision (a) of Section 1672 of the Military and Veterans Code (acting or failing to act so as to cause another person's death), or any other offense which carries a life sentence. (Pen. Code, § 4852.03, (a)(1).)
- An additional **five** years in the case of any person convicted of any offense or attempted offense for which sex offender registration is required pursuant to Penal Code 290, except for convictions for violations of subdivision (b), (c), or (d) of Section 311.2 (possession or distribution of media depicting a minor engaging in sexual conduct), or of Section 311.3 (sexual exploitation of a child), 311.10 (advertising obscene matter depicting a minor engaging in sexual conduct), or 314 (indecent exposure). For those convictions, two years shall be added to the five years imposed by this section. (Pen. Code, § 4852.03, (a)(2).)

- An additional **two** years in the case of any person convicted of committing any offense not listed above and which does not carry a life sentence. (Pen. Code, §4852.03, (a)(3).)
- Additionally, the trial court hearing your application for a certificate of rehabilitation may add additional years if you served consecutive sentences. The amount of additional time will not exceed the sum of the maximum penalties for all your crimes. (Pen. Code, § 4852.03, (a)(4).)

#### *Felony Probation*

~~If you were released on felony probation and successfully completed probation, you must obtain relief under Penal Code Section 1203.4 before applying for a Certificate of Rehabilitation.~~

### **3. File Your Documents**

After completing the ***Petition for Certificate of Rehabilitation and Pardon***, you must file it with the superior court in the county of conviction or in your county of residency. (Pen. Code, § 4852.06.)

- You are entitled to be represented by an attorney of your own selection, or by the public defender. (Pen. Code, § 4852.08.)
- You are entitled to receive assistance from all rehabilitative agencies including officers from adult probation and parole, and for persons under the age of 30 years, from the Division of Juvenile Facilities. (Pen. Code, § 4852.04)
- It is unlawful for anyone, other than an attorney, to accept any fee, money or anything of value for their services in representing you in this proceeding. (Pen. Code, § 4852.2.)
- You are not required to pay filing fees of any kind in connection with this proceeding. (Pen. Code, § 4852.09.)

### **4. Notice of Filing**

When the court sets a hearing date on your petition, you are required to give notice of that date at least 30 days before the hearing. You must formally notify the District Attorney for each county in which you have been convicted, the county in which the petition is filed, and the Governor's Office. (Pen. Code, § 4852.07.) For more information on the notice requirements, please reference the ***Notice of Filing of Petition for Certificate of Rehabilitation and Pardon***.

### **5. After a Certificate of Rehabilitation is Issued**

A certificate of rehabilitation is not an automatic pardon; it is only an automatic application for a pardon. In the event that a certificate of rehabilitation is issued by a court, the certificate of rehabilitation shall be reviewed by the Board of Parole Hearings within one year. Thereafter, the Board shall issue a recommendation as to whether the Governor should pardon that individual. (Pen. Code, § 4852.16, (b).)

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

Applicant's County of Residence

In the Matter of the Application of

**Court use only**

\_\_\_\_\_  
Type Applicant's Full Name – First, Middle, Last, and Suffix

Date of Birth \_\_\_\_\_  
Month Day, Year

CII Number \_\_\_\_\_

Criminal Case Number \_\_\_\_\_  
List all applicable Criminal Numbers

**PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON**

*Pursuant to Penal Code Sections 4852.01 and 4852.06*

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

**FELONY HISTORY**

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

**Most Recent Felony Convictions**

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 all that apply ]

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

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

Released on parole, from which I was finally discharged on \_\_\_\_\_;  
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 complete my probation on \_\_\_\_\_, and obtained relief under Penal Code section 1203.4 on \_\_\_\_\_.  
Date probation ended Date 1203.4 granted by the court

Felony conviction was reduced to a misdemeanor (Provide court information): \_\_\_\_\_;

## **Second Most Recent Felony Convictions**

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 all that apply* ]

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

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

Released on parole, from which I was finally discharged on \_\_\_\_\_;  
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  
Complete my probation on \_\_\_\_\_, and obtained relief under Penal Code  
Date probation ended  
Section 1203.4 on \_\_\_\_\_.  
Date 1203.4 granted by the court

Felony conviction was reduced to a misdemeanor (Provide court information): \_\_\_\_\_;

## **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 all that apply* ]

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

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

Released on parole, from which I was finally discharged on \_\_\_\_\_;  
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  
complete my probation on \_\_\_\_\_, and obtained relief under Penal Code  
Date probation ended  
section 1203.4 on \_\_\_\_\_.  
Date 1203.4 granted by the court

Felony conviction was reduced to a misdemeanor (Provide court information): \_\_\_\_\_;

## RESIDENCY HISTORY

I am now a resident of the State of California, and I have continuously resided in the State of California from \_\_\_\_\_, to the present date.  
Month Day, Year

## 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. (Pen. Code, § 4852.05.)*

**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 and necessary proper orders may be made in the premises.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Month Day, Year

\_\_\_\_\_  
Applicant's Street Address

\_\_\_\_\_  
Applicant's City, State and ZIP Code

\_\_\_\_\_  
Applicant's Driver License Number

\_\_\_\_\_  
Applicant's Email Address

\_\_\_\_\_  
Applicant's Home Phone Number

\_\_\_\_\_  
Applicant's Work Phone Number

\_\_\_\_\_  
Applicant's Cell Phone Number

## FORM 2 INSTRUCTIONS

1. After completing this **Notice of Filing for Certificate of Rehabilitation and Pardon**, Penal Code section 4852.07 requires that you distribute one (1) copy to:
  - the Governor of California;
  - the District Attorney in your county of residence where you filed your **Petition for Certificate of Rehabilitation and Pardon**, and;
  - the District Attorney of each county in which you were convicted of a felony.
  
2. This **Notice of Filing for Certificate of Rehabilitation and Pardon** must be served to all of these individuals **at least thirty days prior** to the date set for your hearing. (Pen. Code, § 4852.07.) You may do so by using one or both of the following forms:
  - **Affidavit of Service by Mail (Form 2A)** - If you intend to have a Notary Public mail a copy of the **Notice of Filing for Certificate of Rehabilitation and Pardon**, you may do so by having the Notary Public complete and sign the **Affidavit of Service by Mail**. Mailing procedures are outlined in the Affidavit.
  
  - **Notice of Service in Person (Form 2B)** - If you intend to hand-deliver a copy, you may do so by using this form and having each individual sign in the appropriate space indicating that a copy of the **Notice of Filing for Certificate of Rehabilitation and Pardon** was received.
  
3. After you have served each individual, personally or by mail, file this completed **Notice of Filing for Certificate of Rehabilitation and Pardon** and the **Affidavit of Service by Mail** or **Notice of Service in Person**, or both, with the Superior Court in the county in which you reside.

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

Applicant's County of Residence

In the Matter of the Application of

**Court use only**

\_\_\_\_\_  
Type Applicant's Full Name – First, Middle, Last, and Suffix

Date of Birth \_\_\_\_\_  
Month Day, Year

CII Number \_\_\_\_\_

Criminal Case Number \_\_\_\_\_  
List all applicable Criminal Numbers

**NOTICE OF FILING OF PETITION FOR CERTIFICATE OF  
REHABILITATION PARDON**

*Pursuant to Penal Code Sections 4852.01 and 4852.06*

To the Governor of the State of California:

District Attorney, County of \_\_\_\_\_ ;  
County of Residence

District Attorney, County of \_\_\_\_\_ ;  
Most recent felony in county of conviction, if different from *County of Residence*

District Attorney, County of \_\_\_\_\_ ;  
2<sup>nd</sup> most recent felony in county of conviction, if applicable

District Attorney, County of \_\_\_\_\_ ;  
3<sup>rd</sup> most recent felony in county of conviction, if applicable

You and Each of You Will Please Take Notice That On the \_\_\_\_\_ day of \_\_\_\_\_ ;  
Date you filed your *Petition for Certificate of Rehabilitation and Pardon*

The undersigned has filed a petition in the above-mentioned court or courts for a Certificate of Rehabilitation and Pardon in 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 the \_\_\_\_\_ day of the \_\_\_\_\_ to commence  
Day of Hearing Month, Year

at \_\_\_\_\_  a.m.  p.m., of said day, or as soon as the matter can be heard, in  
Time of hearing

its courtroom, department \_\_\_\_\_ at the courthouse in the city of  
Department

\_\_\_\_\_, county of \_\_\_\_\_, state of California.  
City where hearing will be held County where hearing will be held

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Month, day, Year

\_\_\_\_\_  
Applicant's Street Address

\_\_\_\_\_  
Applicant's City, State and ZIP Code

**AFFIDAVIT OF SERVICE BY MAIL**

**STATE OF CALIFORNIA**

City of \_\_\_\_\_, County of \_\_\_\_\_

I, \_\_\_\_\_ 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 proceedings. I am a resident of the County of \_\_\_\_\_,  
County of Residence  
State of California.

My  residence  business address is: \_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City, State and ZIP Code

On the \_\_\_\_\_ day of \_\_\_\_\_, I served the attached Notice to  
Day of the Month Month, Year  
each person listed below:

Full Name-First Middle and Suffix	Street Address	County
Full Name-First Middle and Suffix	Street Address	County
Full Name-First Middle and Suffix	Street Address	County
Full Name-First Middle and Suffix	Street Address	County

By placing a copy of this Notice in a sealed envelope and mailing it first class, postage pre-paid to each person 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* \_\_\_\_\_.  
Day of the Month Month, Year

\_\_\_\_\_  
Full Name of Notary Public – TYPED or PRINTED Notary Public - Signature

*In and for the City of* \_\_\_\_\_, *County of* \_\_\_\_\_, *California.*

**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**

\_\_\_\_\_  
Full Name of Governor's staff - TYPED or PRINTED

\_\_\_\_\_  
Governor's staff - SIGNATURE

\_\_\_\_\_  
Governor's staff - TITLE

\_\_\_\_\_  
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

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

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF \_\_\_\_\_

Applicant's County of Residence

In the Matter of the Application of

\_\_\_\_\_  
Type Applicant's Full Name – First, Middle, Last, and Suffix  
Certificate Number \_\_\_\_\_  
Date of Birth \_\_\_\_\_  
Month Day, Year  
CII Number \_\_\_\_\_  
Criminal Case  
Number \_\_\_\_\_  
List all applicable Criminal Numbers

**Court use only**

**CERTIFICATE OF REHABILITATION**

*Pursuant to Penal Code Section 4852.13*

The petition of \_\_\_\_\_, presently residing  
Type Applicant's Full Name – First, Middle, Last, and Suffix

at \_\_\_\_\_, heretofore filed, praying for  
Type Applicant's Street Address, City, State, and Zip Code

a Certificate of Rehabilitation pursuant to the provisions of Chapter 3.5, Title 6 of Part 3 of the Penal Code  
of the State of California, came on regularly for hearing on this \_\_\_\_\_ day  
Day of the Month  
of \_\_\_\_\_ and proof having been made to the  
Month, Year

satisfaction of the Court that notice of the time of hearing has been regularly given as required by law; and from  
satisfactory proof taken at said hearing the Court finds that all allegations of said petition are true, and that the  
required period of rehabilitation has elapsed since petitioner's date of discharge from custody due to completion  
of the term to which the petitioner was sentenced, or upon the release on parole or probation on

\_\_\_\_\_, that, where appropriate, petitioner has obtained relief pursuant to  
Month, Day, Year

Penal Code Section 1203.4, and that petitioner has demonstrated by the course of conduct his/her rehabilitation  
and fitness to exercise all the civil and political rights of citizenship (except as provided in Penal Code  
Section 485.15); and that petitioner has been \_\_\_\_\_, time convicted of a felony;  
Total Number of Felony Convictions

*WHEREFORE, It Is Ordered, Adjudged, and Decreed, And this court does hereby order, adjudge, and  
decree the petitioner has been rehabilitated and is fit to exercise all the civil and political rights of citizenship  
(except as provided in Penal Code Section 4852.15), and by virtue thereof, this court recommends that the  
Governor of the State of California grant a full pardon to said petitioner.*

Done in open court this \_\_\_\_\_ day of \_\_\_\_\_  
Day of the Month Month, Year

\_\_\_\_\_  
Judge of said Superior Court – TYPED or PRINTED

\_\_\_\_\_  
Judge of said Superior Court – SIGNATURE