



Sacramento Superior Court  
Petition Information and Instruction Packet  
Related to:  
Penal Code §§17(b), 1203.3, 1203.4,  
1203.4a, 1203.41, 1203.42, 1203.43

Revision Date: January 2025

## Information – Felony/Misdemeanor

If you were convicted of a misdemeanor or a felony and you have completed the terms of your sentence (excluding restitution payments), you may petition for a dismissal pursuant to PC § 1203.4 or 1203.4a. Many criminal offenses can be dismissed from your record.

- For cases originally charged as a misdemeanor, but reduced to an infraction at the time of conviction, follow the instructions in this packet for misdemeanor cases.
- For Traffic cases (charged and convicted as an infraction) you cannot use this process or file your petition at the Criminal Division of the Court. Please contact the Traffic Division of the Superior Court ([Carol Miller Justice Center](#)).
- If you were sentenced for a crime committed prior to implementation of the 2011 Criminal Justice Realignment legislation, you may petition the court for dismissal or relief as if the crime were sentenced under CA PC 1170(h). The court, in its discretion and in the interests of justice, may order relief if all conditions of PC 1203.42(b) are met.

### Who is Eligible?

A person may be eligible if you meet the following criteria:

- PC 1203.3 – Probation should be granted relief in the interests of justice.
- PC 1203.4 – All conditions of probation have been completed (excluding restitution).
- PC 1203.4a, PC 1203.41 – All terms of sentencing have been completed.
- PC 1203.42 – Effective 1/1/2018 the court may order relief if all conditions of PC 1203.42 are met. [Click here for more information.](#)
- PC 1203.43 - Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted, and can establish that criminal charge(s) were dismissed under PC 1000.3.

### Who is Not Eligible?

A person is not eligible for a record clearance of this type if any of the following conditions exist:

- A person who is serving a sentence for any offense, is still on formal or informal probation for any offense, or is charged with the commission of any offense.
- A person who was arrested and convicted of a crime within one year of the pronouncement of judgment.
- A person who is on probation for the current application and had their probation revoked and not later reinstated.
- The person has failed to appear or failed to pay fines due (excluding restitution).
- Violation of Sections 2800, 2801, or 2803 of the California Vehicle Code.
- Certain convictions are not eligible for dismissal. This includes any misdemeanor that is within the provisions of VC 42001(b); or any violation of the following: PC 286(c); PC 288; PC 288a(c); PC 288.5; PC 289(j).

## Penal Code § 1203.4b – Information

For information and forms related to requests under Penal Code § 1203.4b, please get the packet at the following link: [insert link to packet.](#)

## Penal Code § 1203.4 – Successful Completion of Probation

After successful completion or early termination of probation, you may petition the court to dismiss the charges under Penal Code §1203.4. To be eligible for consideration pursuant to PC § 1203.4, you must not be:

- Serving a sentence for any offense.
- Be on probation for any offense.
- Be charged with the commission of any offense.
- You may petition the court for an early termination of probation by filing a Petition for Modification of Sentence. The judge, in the interest of justice, may grant an early termination of probation.

## Penal Code § 1203.4a, Penal Code § 1203.41 - Not on Probation

If you were not placed on probation and more than one year has elapsed since the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code §1203.4a. To be eligible for consideration pursuant to PC §1203.4a:

- Must have complied with the court sentence (excluding restitution payments)
- Must not now be serving a sentence for any offense or be charged with the commission of any offense.

## What Will Be the Effect of Having the Petition Granted?

The most common reason for obtaining relief pursuant to PC1203.4/1203.4a is to allow the previously-convicted person to state on non-governmental employment applications that they have not been convicted of a felony. A clearance of this type does not eliminate all possible adverse consequences or release a person from all “penalties and disabilities” resulting from the charges in the case:

- Information relating to the case may be available to others when the release of such information is authorized by law.
- A dismissal pursuant to PC 1203.4/1203.4a does **not** relieve you from the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery, but allows you to indicate “no” on most employment applications that ask whether you have been convicted of a crime.
- A dismissal pursuant to PC 1203.4/1203.4a will **not** keep the conviction from being used against a person as a prior conviction in any future criminal proceedings, such as for enhancing a prison sentence.
- A dismissal pursuant to PC 1203.4/1203.4a will **not** avoid suspension of one’s driving privilege as set

forth in Section 13555 of the Vehicle Code. Granting of the Petition does **not** affect Department of Motor Vehicles (DMV) actions or future consequences for crimes involving operation of a motor vehicle.

- A dismissal pursuant to PC 1203.4/1203.4a will **not** permit the person convicted to own, possess, or have in their custody or control a firearm, and will not prevent a person from being convicted under Section 12021 of the Penal Code (person prohibited from possessing a firearm) in the future.
- Granting of the Petition does **not** relieve you from any obligation to register under Penal Code §290.

## Filing Requirements

At the time of filing the petition, you must provide the Court with:

- An original Petition for Dismissal (Form No. CR-180) and five (5) copies of each.
- An original Order for Dismissal (Form No. CR-181) and five (5) copies of each.
- An original Petition (Form No. CR-9), if applicable and five (5) copies of each. The CR-9 is only used for 1203.3/17PC requests, or for 1203.4 PC requests ***if the case is still on probation.***

Distribution of the copies is as follows:

- Original for the Court
- One copy for Probation
- One copy for the District Attorney
- One copy for petitioner/filer
- One copy for petitioner with a ***self-addressed stamped envelope***\* for return by U.S. mail
- One copy for file
- **All documents must be two-hole punched at the top.**

The Court will forward the copies of documents to Probation and the District Attorney.

***\*To receive a copy of the petition by U.S. Mail after it has been ruled upon, you must submit a self-addressed stamped envelope. Failure to do so will equate to a \$40.00 certification charge plus a copy fee of \$.50 per page if a copy is requested at a later date.***

## Is There a Filing Fee?

There is no filing fee.

## Is My Appearance Necessary?

Your appearance at the hearing depends on the type of hearing:

- ***For misdemeanor cases still on probation***, you will be required to appear.
- ***For misdemeanor cases not on probation, hearings are conducted ex parte (in your absence) with a "Rule by Date."***

- ***For felony cases, you must appear.*** The hearing will be on a date ninety (90) days from the date of filing.
  - If filing both felony and misdemeanor cases simultaneously, all cases follow the felony path.

## Granting of the Petition:

Upon granting of the petition, the will order that:

- The conviction be set aside;
- A plea of not guilty be entered; and
- The case be dismissed pursuant to the applicable Penal Code (1203.4, 1203.4a, 1203.41, 1203.42, or 1203.43).
- The applicable charges are sealed to the public.

## Checking the Status of Your Petition

You may [Check the Status of Your Petition](#) on the web seven (7) court days after the “Rule By Date” noted on the petition (or the Hearing Date for felony cases).

- If your petition is denied, you may refer to the [Local Rules of Court](#) to obtain information about how to request a hearing.
- For misdemeanor cases with a “Rule by Date”, if you provided a self-addressed stamped envelope at the time the petition was filed, a copy will be mailed to you within seven (7) court days of the court’s decision.

## Forms

You may obtain forms at the end of this document. Other General Judicial Council forms are available on the web at <http://www.courts.ca.gov/forms.htm>

For Department of Justice Information, contact the Records Review section at (916) 227-3849 or on the web at <https://oag.ca.gov/fingerprints/record-review>.



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>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:	
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>	<b>FOR COURT USE ONLY</b>  DATE: TIME: DEPARTMENT:

**Note to petitioner:** Your conviction may have already been automatically dismissed by the California Department of Justice (DOJ) under Penal Code section 1203.425. If so, this petition may be unnecessary—but there may be additional benefits to filing it with the court, including felony reduction under Penal Code section 17(b). If you want to know if your conviction has already been dismissed, you can request your Record of Arrest and Prosecution (RAP) sheet from the DOJ, but this is not required.

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) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.)

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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) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) 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) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) 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).
- c.  more than two years have elapsed since petitioner completed the felony state prison sentence, and the conviction did not result in a requirement to register as a sex offender under Chapter 5.5 (starting with section 290) of Title 9 of Part 1 of the Penal Code.  
*(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) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.)*



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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) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) 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 STATE BAR NUMBER: 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>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:	
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*):

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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*):
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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 enrollment as a provider of in-home supportive services and "waiver personal care services" (see Welf. & Inst. Code, §§ 12300–12318, 14132.95, 14132.952, 14132.956, 14132.97)), 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).
10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of petitioner'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.

<b>FOR COURT USE ONLY</b>
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Date:



(JUDICIAL OFFICER)

