



Sacramento Superior Court
Penal Code 17(b), 1203.3, 1203.4a, 1203.41,
1203.43, 1203.49
Petition Information and Instruction Sheet

Information – Felony/Misdemeanor

If you were convicted of a misdemeanor or a felony and were not sentenced to state prison and you have completed the terms of your sentence, you may petition for a dismissal pursuant to PC § 1203.4 or 1203.4a. Many criminal offenses can be dismissed from your record.

- If your case was originally charged as a misdemeanor, but reduced to an infraction at the time of conviction, follow the instructions for misdemeanor cases.
- If your case was charged and convicted as an infraction (Traffic Cases) 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](#)).

Who is Eligible?

Anyone who has paid all court ordered fees, fines, and victim restitution and meets 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.
- PC 1203.4a, PC 1203.41 – All terms of sentencing have been completed.
- 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
- PC 1203.49 – Petitioner has completed a term of probation under PC 647(b), and can establish clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.

Who is Not Eligible?

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

- The person 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.
- The person was arrested and convicted of a crime within one year of the pronouncement of judgment.
- Probation for the current application was revoked and not later reinstated.

- The person has failed to appear or failed to pay fines to the Department of Motor Vehicles., or to the Department of Revenue Recovery.
- 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 § 1203.4 – 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 Placed 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:

- Did not serve a prison term on this case.
- Must have complied with the court sentence
- 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. However, the record of conviction continues to exist and continues to have certain effects. 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.
- ***Granting of the Petition does not seal your record, destroy or remove any entries from the court, law enforcement, Department of Justice or DMV. The case, including the conviction will remain public record.***

Filing Requirements

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

- 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*.
- 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.

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 the appropriate agencies.

****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 \$25 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. However, the Court will impose a non-refundable administrative processing cost whether or not the petition is granted and the records are sealed or expunged. The Court has determined the rate of reimbursement for administrative costs per petition as follows:

- If no probation was given at the time of your sentence, the reimbursement cost is \$60.00.
- If a probation term was given at the time of your sentence, the reimbursement cost is \$120.00.
- There is no reimbursement cost when filing a PC 17(B) or a PC 1203.3 petition only.

If you believe you do not have the ability to pay the reimbursement cost associated with your petition, you may complete and submit a "Sacramento Court Financial Declaration" form. This form will be provided to you at the time your petition is filed. If you mailed your petition to the court, we will send you a Financial Declaration upon receipt of the mailing. Your ability to pay will be determined by a judge, based on the information you provide.

After your petition is filed and court date set, you will have 10 court days to either pay the administrative processing cost, or submit the Financial Declaration form to the Court for determination of ability to pay.

Is My Appearance Necessary?

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

- **For misdemeanor cases only, no appearance is necessary.** These hearings are conducted ex parte with a “Rule By Date” on or before 90 days from date of filing.
- **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.

Upon Granting the Petition, the Court 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, 1203.49, 1203.41 or 1203.43).

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 how to request a hearing.
- 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 <http://ag.ca.gov/fingerprints/>.

