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CERTIFICATE OF REHABILITATION

Penal Code §§4852.01 - 4853

DISCLAIMER: This information is provided only as a guide and is based on court process for Santa Cruz County. Nothing in this packet is intended as legal advice. It is your responsibility to verify that you are filing the right forms for your situation and following local procedure. If your case is in a different county, you will need to determine how the process is handled in that county. We make no guarantees about the success of your case or the correctness of the information provided herein.

WHAT IS A CERTIFICATE OF REHABILITATION?

A **Certificate of Rehabilitation** (“COR”) is a California court-order declaring that a person previously convicted of a felony and or certain misdemeanors has lived an upright, honest life, and is now rehabilitated. The purpose of the COR is to restore civil and political rights of citizenship to ex-felons who have proved their **rehabilitation**.

Basic information on the Certificate of Rehabilitation and Pardon process is online at <https://www.cdcr.ca.gov/bph/clemency/> and <https://www.gov.ca.gov/pardons/>

WHO QUALIFIES?

Generally, someone is eligible if they have a conviction on their record of:

- A felony or
- A felony sex offense listed in Penal Code 290 AND the conviction has been expunged, or
- A misdemeanor sex offense listed in Penal Code 290 AND the conviction has been expunged.

Additionally, you must:

- Have resided in California for at least 5 years, and

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- Meet the required rehabilitation time of between 2 and 5 years following the release from custody, probation, or parole.
- A certificate of rehabilitation issued on or after July 1, 2021, does not terminate the obligation to register as a sex offender. Relief must be requested under Penal Code section 290.5.

Penal Code 4582 et seq. goes into more detail about who is eligible and who is ineligible. These codes can be found online at <https://leginfo.legislature.ca.gov/faces/home.xhtml>

THE PROCESS

You file your request for the Certificate of Rehabilitation in the county where you currently reside, even if this is not where the conviction happened.

- Getting the forms: The forms are included in this packet. You can also find the forms online at www.santacruzcourt.org or <https://www.cdcr.ca.gov/bph/clemency/>.
 - You need the following three documents:
 - Petition for Certificate of Rehabilitation (Form 1)
 - Notice of Filing Petition for Certificate of Rehabilitation and Pardon and Declaration of Service (Form 2)
 - Certificate of Rehabilitation (Form 3)
- Fill out the Petition and Notice forms, but leave the date, time and department area blank on the Notice. A court date will be set when your paperwork is filed.

Make Copies

- Make additional copies of your paperwork.
 - You will need at least three copies of the Notice (Form 2)
 - You will need at least one copy of the Petition (Form 1)
- Bring the original and copies to Room 120 to file. There is no fee to file this request.
- The Clerk will assign a date that is about 6 weeks away.

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Give Notice

After you file your documents and get a court date you must notify the District Attorney where you live and, if different, where each conviction occurred, and the Governor's Office **at least 30 days before your court date**. You do this by providing a copy of the Notice of Filing Petition for Certificate of Rehabilitation to the:

For the District Attorney's Office this may be done in person or by mail. Remember, you may need to serve multiple DA's offices.

Santa Cruz County District Attorney
701 Ocean Street, Room 200
Santa Cruz, CA 95060

The Governor's Office now only accepts service by email at pardons@gov.ca.gov or by mail at:

Office of the Governor
ATTN: Legal Affairs/Parole and Clemency
1021 O Street, Suite 9000
Sacramento, CA 95814

By mail: Notice must be done by someone other than you who is at least 18 years old. The person you ask should mail a one copy of the Notice (Form 2) to each agency that you must notify. Then fill out the Affidavit of Service by Mail (page 2 of Form 2). This form needs to be notarized.

In Person: If the paperwork is being hand delivered, there is a space on page 3 of the form for the office that is receiving to fill out. You may deliver a copy to each office yourself. Remember that this will not work for the Governor's Office.

By email to the Governor's Office ONLY: The form does not provide a space to indicate that the notice was emailed. You could specify the email address on the Affidavit of Service by Mail.

After notice has been completed. The completed Affidavit(s) should be returned to Room 120 before your court date.

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What Happens After Notice

- An investigation may be performed by the District Attorney's office regarding the petitioner's residence, criminal record, conduct during the required rehabilitation period, and any other information deemed necessary to make a determination on the Petition.
- You may hire an attorney to assist you, or you may be entitled to representation from the Public Defender's Office regardless of financial need. 61 Ops. Cal. Atty. Gen. 181, Penal Code §4852.08
- Show up at your scheduled hearing. Bring the Certificate of Rehabilitation (Order) with you.

What do I do after the hearing?

If the judge grants your petition, the Certificate of Rehabilitation (order) will be signed and processed. The court will then forward Certified Copies to the appropriate agencies. If the judge denies your petition, there is nothing more to do.

GETTING ASSISTANCE:

Public Defender's Office 420 May St. Santa Cruz, CA 95060 Phone 831-454-5300

**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 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 in which you reside. (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

**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 _____ ;
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 _____ ;
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

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 _____, State of California.
County of Residence

My residence business address is: _____
Street Address

City, State and ZIP Code

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

_____ 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

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

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