

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional) _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CRUZ 701 Ocean Street, Room 120 Santa Cruz, CA 95060	
THE PEOPLE OF THE STATE OF CALIFORNIA: vs. DEFENDANT:	
ORDER SEALING ARREST RECORDS Penal Code §§ 851.8, 851.91	CASE NUMBER:

1. The court **GRANTS** the petition under Penal Code §851.8. The court finds the defendant factually innocent of the charge(s) for which the arrest was made.

The court orders the law enforcement agency having jurisdiction over the offense, the Department of Justice and any law enforcement agency which arrested the petitioner or participated in the arrest of the petitioner for an offense which the petitioner has been found factually innocent under the Penal Code § 851.8 to seal their records of the arrest and the court order to seal and to destroy such records, for three years from the date of the arrest and thereafter to destroy their record of the arrest and the court order to seal and destroy such records.

The court order the law enforcement agency having jurisdiction over the offense and the Department of Justice to request the destruction of any records of the arrest which they have given to any local, state, or federal agency, person or entity.

2. The court **DENIES** the petition under Penal Code §851.8.

3. The court **GRANTS** the petition under §851.91.

The court orders the record of the arrest sealed, the arrest is deemed not to have occurred, the petitioner may answer any question relating to the sealed arrest accordingly, and the petitioner is released from all penalties and disabilities resulting from the arrest, except as provided for in Penal Code §851.92 and as follows:

The sealed arrest may be pleaded and proved in any subsequent prosecution of the petitioner for any other offense, and shall have the same effect as if it had not been sealed.

The sealing of an arrest pursuant to Penal Code §851.91 does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.

The sealing of an arrest pursuant to this section does not affect petitioner’s authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

The sealing of an arrest pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

4. The court **DENIES** the petition under §851.91.

Date: _____

Judicial Officer