



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

Revision Date: January 2023

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 (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? (see next page for PC 1203.4b eligibility)

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? (see next page for PC 1203.4b eligibility)

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 – Eligibility and Non-Eligibility

Who is eligible?

- Any person who has successfully participated in the California Conservation Camp program as an incarcerated individual hand crew member, as determined by the Secretary of the Department of Corrections and Rehabilitation, or successfully participated as a member of a county incarcerated individual hand crew, as determined by the appropriate county authority. Successful participation is defined as having adequately performed their duties without any conduct that warranted removal from the program.
- The petitioner has been released from custody.
- Completion of the term of probation, parole, or supervised release is not required.

Who is not eligible?

- Incarcerated persons who have been convicted of any of the following crimes are automatically ineligible for relief pursuant to PC 1203.4b(a)(1):
 - (A) Murder
 - (B) Kidnapping
 - (C) Ape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
 - (D) Lewd acts on a child under 14 years of age, as defined in Section 288.
 - (E) Any felony punishable by death or imprisonment in the state prison for life.
 - (F) Any sex offense requiring registration pursuant to Section 290.
 - (G) Escape from a secure perimeter within the previous 10 years.
 - (H) Arson.
- Currently charged with the commission of any other offense.

Please click on [AB 2147](#) and [PC 1203.4b](#) for additional information.

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.

Penal Code § 1203.4b – Incarcerated Individual Hand Crews

If you successfully participated in the California Conservation Camp program as an incarcerated individual hand crew member, as determined by the Secretary of the Department of Corrections and Rehabilitation, or successfully participated as a member of a county incarcerated individual hand crew, as determined by the appropriate county authority, you may petition the court to dismiss the charges under Penal Code § 1203.4b. To be eligible for consideration pursuant to PC § 1203.4b:

- Must be released from custody.
- Successful participation in the program. Successful participation means the incarcerated individual adequately performed their duties without any conduct that warranted removal from the program.
- Not have been convicted of any crimes outlined in Penal Code § 1203.4b(a)(1).

What Will Be the Effect of Having the Petition Granted?

The most common reason for obtaining relief pursuant to PC1203.4/1203.4a/1203.4b 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/1203.4b 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/1203.4b 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/1203.4b 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/1203.4b 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. Original and six (6) copies of each if seeking relief under PC 1203.4b.
- An original Order for Dismissal (Form No. CR-181) and five (5) copies of each. Original and six (6) copies of each if seeking relief under PC 1203.4b.
- 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 the Secretary of the Department of Corrections and Rehabilitation or appropriate county authority if seeking relief under PC 1203.4b.
- 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 (and Secretary of the Department of Corrections and Rehabilitation or appropriate county authority if seeking relief under PC 1203.4b).

****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. 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:

- For the filing of a 1203.4 petition the reimbursement cost is \$120.00 regardless of whether probation, parole, or a state prison term was imposed
- For the filing of a PC 17(B), a PC 1203.3, or a PC 1203.4a or PC 1203.4b petition, there is no reimbursement cost

You may pay the administrative processing cost using a credit card. Complete the Credit Card Authorization Form CR-500 included with this packet. Mail or bring this form to the court with your other documents.

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 CR-332. Your ability to pay will be determined by a judge, based on the information you provide.

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, 1203.4b, 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>.