
Criminal Record Expungement

Central CA Legal Services
Public Defender | Root & Rebound
Law Students for Community Advancement



LAW STUDENTS
FOR COMMUNITY
ADVANCEMENT
AT SAN JOAQUIN COLLEGE OF LAW



Meet the Team



Law Students for Community Advancement

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Fresno County Clean Slate

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Roadmap

- Why is cleaning your record important?
- What services do we offer?
- The Clinic Process
- What is an Expungement/ Dismissal?
- Who qualifies?
- What crimes can be expunged/ dismissed?
- What do you need?
- How long does it take?

Collateral Consequences:

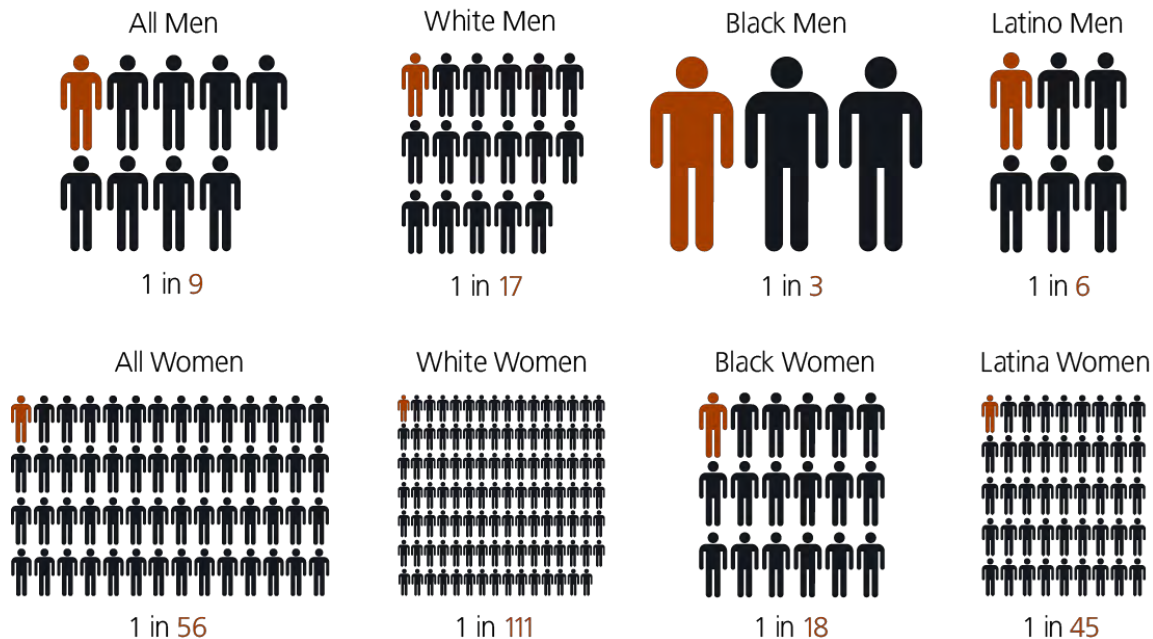
Why is cleaning your record important?

- The U.S. is the world leader in incarceration.
- Incarceration disproportionately impacts communities of color.
- Impact on families:
 - In 2007, more than half of Americans imprisoned were parents of minor children.
- As many as 100 million Americans have criminal records.
- Barriers to employment.
- Barriers to public assistance.
- Mass incarceration and convictions is a major driver of poverty.

Information provided by The Sentencing Project

“Licensure barriers rest on a shaky foundation—a criminal justice system born from systemic racism”

Lifetime Likelihood of Imprisonment of U.S. Residents Born in 2001



Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, DC: Bureau of Justice Statistics.

The Clinic Process

1. Call CCLS at (800) 675-8001
2. Intake interview with law student
3. Get your RAP sheet
 - a. List of all convicted crimes
 - b. County where it happened
4. Meet your assigned Attorney and complete the forms
 - a. Form CR-180
 - b. MC-031
5. File the Forms with correct fee
 - a. Or with a fee waiver
6. Attend Court Date

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER: FOR COURT USE ONLY DATE: TIME: DEPARTMENT:
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)	

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	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 under charge of commission of 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 the Attached Declaration (form MC-031) and attach it to this petition.)

SERVICES

EXPUNGEMENT

- AKA Dismissal
- **Does NOT** erase the offense from the person's criminal record or RAP sheet.
- It **DOES** change your record to show the conviction was dismissed
- It hides the conviction from some people
 - Most private employer background checks do not show expunged convictions

SENTENCE REDUCTION/

Some felonies and wobblers can be reduced to a misdemeanor

What is an Expungement/ Dismissal?

- In CA, expungements do NOT completely destroy the record
- **Dismissal** - court will set aside and/or dismiss the conviction
 - Conviction is still on your record
 - Next to the conviction record it will say "dismissed"

Benefits:

- **Private Employer** cannot ask you about or consider criminal history involving
 - Conviction that was dismissed, sealed, expunged
- **Exceptions**
 - Criminal Justice Agencies
 - Work Licensing
 - Working with vulnerable populations: elderly, children, & persons with disabilities

What an Expungement does NOT do

- Does **not** restore right to possess a firearm.
- Does **not** protect against prosecution for illegal possession of a firearm.
- Does **not** prevent the conviction from being used in a later prosecution--enhancement, predicate felony, or impeachment.
- Does **not** prevent use under federal law or for immigration purposes.
- Does **not** provide relief from registration under Sex Offender Registration Act or from being listed on Megan's Law website.
- Does **not** restore driving privilege or prevent conviction from being used to suspend or revoke driving privilege.

How to Qualify for Expungement

Court **MUST** grant expungement for a qualifying crime if:

- Fulfilled the conditions of probation for the entire probation period,
 - or probation was ended early
- Not currently on probation
- Not currently charged with a crime
- Not currently serving a sentence for any offense
- Do not owe any court ordered fees, fines or victim restitution

Court **MAY** grant

- in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief.
- If you served an AB 109 sentence the court is not required to grant an expungement but it has discretion to do so.

What Crimes Can Be Expunged?

Most crimes can be expunged at the discretion of the Judge.

NEVER - certain crimes can never be expunged

- Sex crimes with minors
- Crimes related to child pornography
- Failure to pull over when stopped by police for unsafe condition

What Do You Need?

1. Rap Sheet

2. **Do you owe any fines and fees?** Call the Revenue & Reimbursement Division to find out

- a. Fresno County (559) 600-3815
- b. For all other counties, call your County Courthouse

3. Filing fee or fee waiver

4. Complete court forms

- a. CR-180 - petition for dismissal
- b. MC-210 - financial statement
- c. TCR-10 - proof of service
- d. CR-181 - order for dismissal
- e. Fresno County CLETS form

f. Disclaimer: Additional forms may be needed depending on County and the crime

5. Supporting Evidence

- a. Completion of Probation letter or certificate
- b. Criminal minute order(s)
- c. Declaration - explain why dismissal is in the "interest of justice." Form MC-030
- d. Evidence of good moral character
 - i. Letters from employer, volunteer services, religious institution
- e. Other motivating factors
 - i. Immigration status-seeks to prevent detention/ or seeks naturalization (citizenship)
 - ii. Person has Rehabilitated
 - iii. Prevent conviction from deterring possible employment.

How to get your RAP Sheet

DOJ LIVE SCAN

1. Fill out Fee Waiver
2. Fill out the Request for Live Scan form
3. Take the form to a Live Scan location and get fingerprinted
4. Wait for results to be mailed to you

Fees

- DOJ - \$25 or free if your fee waiver is approved
- Live Scan Facility - varies from \$12 - \$41 most charge \$20 or \$25

DOJ Fee Waiver for Live Scan

Apply Online At:

<https://oag.ca.gov/fingerprints/record-review/fee-waiver>

1. Click Start

Apply for a Fee Waiver

How to apply for a DOJ fee waiver

1. Find out if you are eligible 2. Fill out the form 3. Print the form

Start

1. Find out if you are eligible

You may qualify to waive the \$25 Department of Justice fee to get your criminal history record if you live in California and any of the following situations apply to you:

- You receive public assistance like CalFresh / Food Stamps, Medi-Cal, or Disability.
- Your income is low for your area and your household size.
- You have no income.

We will ask you for a small amount of additional information. For example, your EBT ID card number or an estimate of your monthly income.

2. Click the option that applies to you

Apply for a Fee Waiver

1. Find out if you are eligible 2. Fill out the form 3. Print the form

Find out if you are eligible

If you live in California, you may be eligible to waive the \$25 DOJ fee to get your criminal history record if any of the following situations apply:

- You receive public assistance
- Your income is low for your area and your household size
- You have no income

You will need to provide a small amount of additional information.

I don't live in California

Lets get started. Which situation below applies to you?

Select one, but don't worry, you can always go back.

- I receive public assistance**
EBT/ Food Stamps, Medi-Cal, Disability
- My income may qualify me**
Low or no income or cannot afford the fee
- None of the above**
See next steps without a fee waiver

← Go Back

Next →

If you clicked "I receive public assistance"

1. Choose the benefit you receive

The DOJ will accept the following common types of assistance to qualify for a fee waiver. Which type of public assistance do you receive? *Choose one.*

More information -

- CalFresh / EBT / Food Stamps
- Medi-Cal (CA Medicaid)
- SSI / Disability
- My assistance type is not listed -

1. Enter the info it asks for:

CalFresh / EBT / Food Stamps

Great, please enter your CalFresh / EBT ID Number.

ID Number

Medi-Cal (CA Medicaid)

Great, please enter your Benefits Identification Card ID Number for Medi-Cal.

ID Number

ID No. 9000000000000001
State of RECEIPT
F 05 20 1983 Issue Date 01 0 0 03

SSI / Disability

Great, please estimate your SSI monthly benefit amount.

\$.00

Where do I find this? -

My assistance type is not listed -

1. Click "next" at the bottom of the screen

If you click “my income may qualify me”

My income may qualify me
Low or no income or cannot afford the fee

Ok, which California county do you live in?

Select your county

How many people live in your household, including yourself?

What is a household?~

1 2 3 4 5 6 7 8+

Also, what is your monthly household income?
Your best estimate is OK.

\$.00

Household: you and anyone who lives with you and depends on you for support

If your fee waiver is approved you will see this screen:

Apply for a Fee Waiver

1. Find out if you are eligible 2. Fill out the form 3. Print the form



Great! Based on what you told us, we can offer you a fee waiver for the DOJ portion of the fees.

Next steps:

Next

- Add your personal information
- Verify the information
- Electronically sign your form

Note: This fee waiver does not include the additional fees charged by a live scan fingerprinting service provider. You can compare fingerprinting service provider fees at the end of this application.

Add your personal info:

Personal Information

Note: All fields are required except for middle initial.

First Name Middle Last Name

Date of Birth

Sex (as shown on your photo ID)

Male Female

Mailing Address

Note: All fields are required.

Street Address

City State

Zip Code Telephone Number

Sign the Declaration and click "submit"

Declaration and Signature

I declare that I am unable to pay the fee to obtain a copy of my California state summary criminal history record without impairing my obligation to meet the common necessities of life.

I declare, under penalty of perjury, that the foregoing is true and correct.

Sign this form electronically by entering your full name.

[← Go Back](#)

[Submit](#)

Live Scan

1. Check “Record Review” as the “type of Application;”
2. Enter “Record Review” on the “Reason for Application” line;
3. Fill out “Applicant Information” with your personal information;

STATE OF CALIFORNIA
BCIA 8016RR
(orig. 04/2001; rev. 10/2014)

DEPARTMENT OF JUSTICE
Page 1 of 2

REQUEST FOR LIVE SCAN SERVICE (Record Review or Foreign Adoption)

[Print Form](#) [Reset Form](#)

Applicant Submission

CA0349435 Type of Application (Check One Only) Record Review Foreign Adoption

ORI (Code assigned by DOJ)
Record Review

Reason for Application

Contributing Agency Information:

DEPARTMENT OF JUSTICE
Agency Authorized to Receive Criminal Record Information

07041
Mail Code (five-digit code assigned by DOJ)

P.O. BOX 903417
Street Address or P.O. Box

RECORD REVIEW UNIT
Contact Name (mandatory for all school submissions)

SACRAMENTO **CA 94203-4170**
City State ZIP Code

(916) 227-3835
Contact Telephone Number

Applicant Information:

Last Name _____ First Name _____ Middle Initial _____ Suffix _____
Other Name (AKA or Alias) _____ First _____ Suffix _____
Last _____

Date of Birth _____ Sex Male Female Driver's License Number _____

Height _____ Weight _____ Eye Color _____ Hair Color _____ Misc. Number (Other Identification Number) _____

Place of Birth (State or Country) _____ Social Security Number _____ Telephone Number _____

Street Address or P.O. Box _____ City _____ State _____ ZIP Code _____

Level of Service: DOJ Only

How Long Does it Take

Getting Rap Sheet

DOJ Live scan - 7-10 days

Getting a Court Date

Up to 6 months depending on how impacted the Court is

Clinic Eligibility and Process

1. Please call CCLS at (800) 675-8001 or online at www.centralcallegal.org
 - a. Generally you must
 - i. Qualify as low income
 - ii. Be a resident of Fresno, Tulare, Kings, Merced, Mariposa, Tuolumne Counties
2. If you do not qualify
 - a. You may be eligible for help from Root and Rebound or Fresno County Clean Slate Program

Clinic Eligibility and Process

3. Intake Interview with law student
4. Obtain your rap sheet and supporting documents
5. Meet with your assigned attorney
6. File your petition

Other Resources

- **Root & Rebound** - <https://www.rootandrebond.org/get-support/>
 - Reentry legal hotline for free legal advice, Fridays 9am-5pm: (510) 279-4662
 - Clinic Thurs & Friday, 10/29 & 10/30
- **Clean Slate Program** - by Fresno County Public Defender
 - <https://www.co.fresno.ca.us/departments/public-defender/how-to-clean-up-your-record/clean-slate-program>
 - (559) 263-8915
 - Email: cleanslate@co.fresno.ca.us
- **Youth Offender Program** - through Workforce Connection
 - Call or text (559) 226-0028

Thank You for attending

1. Please call CCLS at (800) 675-8001 or online at www.centralcallegal.org