Superior Court of California
County of Humboldt
825 5th St
Eureka, CA 95501
(707)445-7256

CERTIFICATE OF REHABILITATION AND PARDON
Information
Penal Code 4852.01, and 4852.06

Does	➢ Allow an ex-felon to serve on a jury. (Code Civ. Proc. § 203(a)(5)) ➢ Allow restoration of firearm right, with federal approval, to specified offenders if granted a full and unconditional pardon, unless the conviction was for a felony involving the use of a dangerous weapon. (Pen. Code § 4854) ➢ Allow certain ex-felons to be considered for appointment as a county probation officer or state parole agent, but not to any other peace officer positions. (Gov. Code § 1029) ➢ Allow specified sex offenders still required to register after obtaining a Certificate of Rehabilitation to be relieved of the duty to register. (Pen. Code § 290.5(b)(1))
Does not	➢ Seal or erase the record of conviction. (Pen. Code § 4852.17) ➢ Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense. ➢ Allow a pardoned person to answer on employment applications that he/she has no record of conviction. ➢ Restore ability to own a firearm to ex-felons convicted of any offense involving the use of a dangerous weapon. (Pen. Code § 4854) ➢ Pardon convictions from another state or federal convictions. ➢ Necessarily prevent deportation.

Petition for Certificate of Rehabilitation and Pardon Instructions

These are the instructions for completing the Humboldt County Superior Court forms entitled "Petition for Certificate of Rehabilitation and Pardon" (Form No. CR21-0003), "Notice of Filing Petition for Certificate of Rehabilitation and Pardon" (Form No. CR21-0004), "Proof of Service-Petition for Certificate of Rehabilitation and Pardon" (Form No. CR21-0006), and the "Certificate of Rehabilitation" (Form No. CR21-0005).

The petition must be filed in the superior court of the county in which the petitioner currently resides. If the court grants the petition, the certificate of rehabilitation will be transmitted to the Governor and will constitute an application for a full pardon. (Penal Code § 4852.16.)
Only one petition should be filed, even if the petitioner has multiple convictions. All felony convictions and convictions of misdemeanor sex offenses specified in Penal Code Section 290 must be disclosed in the petition.

Section 1 - Are You Eligible?

If you were convicted of a felony and committed to a state prison, institution, or agency including commitment to a county jail pursuant to subdivision (h) of Section 1170, you may file a petition for a certificate of rehabilitation and pardon if you can demonstrate the following:

(1) That you have resided continuously in California, after leaving prison or other institution or agency, for the five years immediately preceding the filing of this petition;

(2) That you have completed the applicable rehabilitation period set forth below in Section 2 of these instructions; and

(3) That you have lived an honest and upright life, conducted yourself with sobriety and industry, exhibited a good moral character, and conformed to and obeyed the laws of the land since being released. (Penal Code §§4852.01(a); 4852.01(b); 4852.03; 4852.05; 4852.06.)

If you were convicted of a felony sex offense specified in Penal Code Section 290, and you were sentenced pursuant to Penal Code Section 1170(h), you may file a petition for certificate of rehabilitation and pardon if you meet all of the following requirements:

(1)You have obtained relief under Penal Code Section 1203.41;

(2) You have not been incarcerated in any prison, jail, detention facility, or other penal institution or agency after your Penal Code Section 1203.41 petition was granted;

(3) You are not currently on probation or mandatory supervision for any other felony;
(4) You present satisfactory evidence of five years continuous residence in this state immediately prior to the filing of this petition;

(5) You have completed the applicable rehabilitation period set forth below in Section 2 of these instructions; and

(6) You have lived an honest and upright life, conducted yourself with sobriety and industry, exhibited a good moral character, and conformed to and obeyed the laws of the land since being released. (Penal Code §§4852.01(b); 4852.03; 4852.05; 4852.06.)

If you were convicted of a felony or a misdemeanor sex offense specified in Penal Code Section 290, and you were placed on probation, you may file a petition for certificate of rehabilitation and pardon if you meet all of the following requirements:

(1) You have obtained relief under Penal Code Section 1203.4;

(2) You have not been incarcerated in any prison, jail, detention facility, or other penal institution or agency after your Penal Code Section 1203.4 petition was granted;

(3) You are not currently on probation or mandatory supervision for any other felony;

(4) You present satisfactory evidence of five years continuous residence in this state immediately prior to the filing of this petition;

(5)You have completed the applicable rehabilitation period set forth below in Section 2 of these instructions; and

(6) You have lived an honest and upright life, conducted yourself with sobriety and industry, exhibited a good moral character, and conformed to and obeyed the laws of the land since being released. (Penal Code §§ 4852.01(b); 4852.03; 4852.05; 4852.06.)

You are not eligible to apply for a certificate of rehabilitation and pardon if any of the following are true:

(1) You are serving a mandatory life parole;

(2) You were committed under a death sentence;

(3) You were convicted of any of the following: Penal Code Section 269; Penal Code Section 286, subdivision (c); Penal Code Section 288; Penal Code Section 288a, subdivision (c); Penal Code Section 288.5; Penal Code Section 288.7 ; or Penal Code Section 289, subdivision (j);

(4) You are in the military service. (Penal Code § 4852.01(d)).

Section 2 - When Can You File?

You may file for a certificate of rehabilitation and pardon after your period of rehabilitation ends. The period of rehabilitation begins when you are either discharged from custody after completing the term to which you were sentenced, or upon your release on parole or probation, whichever occurs first. (Penal Code § 4852.03(a)) The period of rehabilitation consists of five years of residence in this state plus one of the following applicable periods.

1) To the five years of residency, four years will be added, making the rehabilitation period a total of nine years, if you were convicted of violating Penal Code Sections 187, 209, 219, 4500, or 18755, or Military and Veterans Code Section 1672, subdivision (a), or of committing any other offense which carries a life sentence. (Penal Code § 4852.03(a)(1)).

2) To the five years of residency, five years will be added, making the rehabilitation period a total of ten years, if you were convicted of committing any offense or attempted offense for which sex offender registration is required (Penal Code § 290). However, if you were convicted of violating Penal Code Section 311.2, subdivision (b),(c) or (d), or Penal Code Sections 311.3, 311.10, or 314, only two years will be added to the five years of residency, making it a total of seven years. (Penal Code § 4852.03(a) (2)).

3) To the five years of residency, two years will be added, making the rehabilitation period a total of seven years, if you were convicted of any offense that is not listed in paragraphs 1) or 2) above. (Penal Code § 4852.03(a) (3)).

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Section 3 - Can You Receive Assistance?

If you are eligible to file the petition, you are entitled to receive assistance from all rehabilitative agencies including the adult probation officer of the county, all state parole officers, and the youth authority (for those under the age of 30). (Penal Code § 4852.04) You may be represented by an attorney of your own selection, or if you have no such counsel, then by the public defender. (Penal Code. § 4852.08)

Other than an attorney licensed to practice law in California, it is a misdemeanor for any person to solicit or accept any money, fee (or anything of value) for representing you in connection with your petition for certificate of rehabilitation or in an application for a pardon. (Penal Code § 4852.2).

There are no filing fees or court fees which must be paid to obtain a certificate of rehabilitation and pardon. (Penal Code § 4852.09).

Section 4 - How Do You File the Documents and Notify the Proper Entities?

PREPARING THE PETITION AND RELATED DOCUMENTS:

A. You must completely fill out the petition (Form No. CR21-0003), sign it, and file it with the Clerk of the Court. When filling out this petition, you must list all California convictions for felony offenses and for misdemeanor sex offenses which are specified in Penal Code Section 290.

   Because the petition for rehabilitation must list all the foregoing convictions, you should file only one petition, regardless of the number of convictions you have sustained. If the court determines that you are rehabilitated, the certificate of rehabilitation will apply to all convictions listed on your petition. If you have failed to list all required offenses, then even if your petition is granted by the court, the Governor's Legal Affairs Office will not proceed to the next step in your application for a pardon.

   If you received a Penal Code section 1203.4 dismissal, attach a copy of the dismissal order to the Petition.

B. You must also completely fill out and sign the Notice (Form No.CR21-0004). Before serving the documents you must fill in the hearing date. You may obtain the hearing date from the clerk's office.

C. In addition, you must fill out the Certificate of Rehabilitation (Form No. L-0410.2), but do not sign it. If your petition is granted, the Certificate will be signed by the judge at the time the petition is granted.

D. The Proof of Service (Form No.CR21-006), must be filled out by the person who has served the documents, which must be someone other than the petitioner. (See below.)

SERVING (NOTIFYING) THE PROPER ENTITIES:

Thirty (30) days written notice of the hearing date on your petition must be given to:

(1)The district attorney of the county in which you filed the petition;
(2) The district attorney of each county in which you were convicted of a felony or of an offense that was dismissed pursuant to Penal Code § 1203.4; and
(3) The office of the Governor. (Penal Code § 4852.07).

To accomplish this, you will need at least four copies of the following forms:
The Petition, the Notice, the Proof of Service and the Certificate of Rehabilitation:

- The original is for the court;
- One copy is for Petitioner's records;
- One copy is for the Humboldt County District Attorney;
- One copy is for the Governor;
- One copy is for each District Attorney of any other county in which the Petitioner was convicted.

The Governor, the Humboldt County District Attorney, and the District Attorney of each county of conviction must be "served." "Served" means to be formally provided with notice of the proceedings and copies of all relevant documents. These documents may be "served" either by mail or in person.

The person serving the above-referenced documents must be over the age of 18 years and MAY NOT BE THE PETITIONER. The person who serves the documents must also complete and sign the Proof of Service.

The above-referenced documents must be served on the following:

- GOVERNOR OF THE STATE OF CALIFORNIA
Department of Legal Affairs
State Capitol Building
1303 10th St.
Sacramento, CA 95814-4910

- HUMBOLDT COUNTY DISTRICT ATTORNEY
825 5th St.
Eureka, CA 95501

- District Attorney of any other County where the Petitioner was convicted

Personal service must be completed at least 30 days prior to the hearing date.
Service by mail must be completed at least 35 days prior to the hearing date.

FILING THE DOCUMENTS WITH THE COURT CLERK:

After service is made, take all the documents (The Petition, the Notice, the Certificate

and the Proof of Service) to the Clerk's Office at 421 I St Eureka and submit them to the court clerk for filing.

Section 5 – The Hearing and Disposition

On the hearing date, the Petitioner or his or her attorney must appear in court in the appropriate department at the designated time.

Please be aware that if the court grants the Petition and signs the Certificate of Rehabilitation, this does not constitute a pardon. If the court grants the Petition, the Criminal Clerks' Office will send a certified copy of the Certificate of Rehabilitation to the Governor. The certified copy of the Certificate becomes an application to the Governor for a full pardon. The Governor will decide whether or not to issue the pardon.