

Clean Slate Fact Sheet

NON-EXHAUSTIVE LIST OF RESULTS & CONDITIONS:

- 851.91** **Partial Sealing of Arrests Not Leading to Conviction.**
- 17(b):** **Felony Reduction to Misdemeanor.** If your eligible felony is reduced to a misdemeanor under PC 17(b), it is reduced to a misdemeanor for almost all purposes.
- 17(d):** **Misdemeanor Reduction to Infraction.** If your eligible misdemeanor is reduced to an infraction under PC 17(d), it is reduced to an infraction for almost all purposes.
- 1203.3:** **Early Termination of Probation.** If the judge grants a PC 1203.3, then you are no longer on probation for that case.
- 1203.4:** **Dismissal.** This relief does not erase/seal the conviction from your record or court records, but it can relieve some of the effects of your conviction and help with obtaining employment and, in certain circumstances, occupational licensure in California. Additionally, a dismissal limits who is entitled to receive/review information about your dismissed conviction. If you have to register as a sex offender pursuant to the Sex Offender Registration Act, a dismissal does **not** end that requirement. A dismissal of a conviction also does not reinstate firearm rights that are lost with a felony conviction and in other circumstances. (For more info. about eligibility for firearms, visit <https://oag.ca.gov/firearms>.)
- 1203.4a:** This relief does not erase/seal the conviction from your record or court records, but it can relieve some of the effects of your conviction and help with obtaining employment and, in certain circumstances, occupational licensure in California. Additionally, a dismissal limits who is entitled to receive/review information about your dismissed conviction. If you have to register as a sex offender pursuant to the Sex Offender Registration Act, a dismissal does **not** end that requirement. A dismissal of a conviction also does not reinstate firearm rights that are lost with a felony conviction and in other circumstances. (For more info. about eligibility for firearms, visit <https://oag.ca.gov/firearms>.)
- 1203.41:** This relief does not erase/seal the conviction from your record or court records, but it can relieve some of the effects of your conviction and help with obtaining employment and, in certain circumstances, occupational licensure in California. Additionally, a dismissal limits who is entitled to receive/review information about your dismissed conviction. If you have to register as a sex offender pursuant to the Sex Offender Registration Act, a dismissal does **not** end that requirement. A dismissal of a conviction also does not reinstate firearm rights that are lost with a felony conviction and in other circumstances. (For more info. about eligibility for firearms, visit <https://oag.ca.gov/firearms>.)
- 1203.42:** This relief does not erase/seal the conviction from your record or court records, but it can relieve some of the effects of your conviction and help with obtaining employment and, in certain circumstances, occupational licensure in California. Additionally, a dismissal limits who is entitled to receive/review information about your dismissed conviction. If you have to register as a sex offender pursuant to the Sex Offender Registration Act, a dismissal does **not** end that requirement. A dismissal of a conviction also does not reinstate firearm rights that are lost with a felony conviction and in other circumstances. (For more info. about eligibility for firearms, visit <https://oag.ca.gov/firearms>.)
- 1203.4b:** These dismissals generally have the same limitations as those listed above and some additional benefits about which you can contact your Clean Slate attorney.
- 1203.425** This CA Department of Justice automated conviction record relief has largely the same benefits and limitations as PC 1203.4 relief. You will not receive an order for PC 1203.425 relief.

****Please review your court orders for more information about the impact and limitations of the relief you received.**

CALIFORNIA EMPLOYMENT APPLICATIONS:

Some employers ask only about felony convictions or recent convictions, not misdemeanor convictions or arrests that did not lead to conviction. **Disclose ONLY the information requested.** If you have concerns about how to answer a question related to **any** application, please contact the Clean Slate Unit at either the Public Defender's Office or the East Bay Community Law Center.

Please Note: Most California employers may not ask you any questions about criminal history until after they have made a conditional offer of employment. Exceptions include law enforcement and criminal justice employers, and employers required by law to run a background check (e.g., schools, banks, ride sharing companies like Uber or Lyft).

Public Jobs:

Generally, "public jobs" are those at government entities, that require a LiveScan (fingerprinting), that require a permit or certificate, government issued license or security clearance, or that involve working with children or the elderly, healthcare

work, etc.

A criminal background check prepared for a “public” entity will sometimes include all convictions, including, for example, those dismissed under PC 1203.4, PC 1203.4a, PC 1203.41, PC 1203.42, and PC 1203.425. If your convictions have been dismissed pursuant to those sections and the job-related document asks you about dismissed convictions, you may provide the information requested and write: “conviction dismissed pursuant to PC (1203.4, 1203.4a, 1203.41, 1203.42, 1203.425).”

Private Jobs:

Many other jobs are considered “private” (e.g., non-government companies hiring for jobs that do not involve work with sensitive populations or government contracts; jobs that do not require fingerprinting.)

With certain exceptions, your California background report for private employers should **not** include any of the following information about your criminal history:

- Convictions over seven years old (how this period is calculated depends on your sentence; note that transportation network companies (e.g., Uber and Lyft) have different rules and, for example, can receive information about some convictions older than seven years);
- Arrests not leading to conviction (typically unless they are pending pronouncement of judgment);
- Dismissed convictions;
- Successful diversion programs.

After you have had ALL of your convictions dismissed under PC 1203.4, etc., in California you are legally permitted to state that you have “no convictions” when applying for a private job.

YOUR RIGHTS:

- Potential private employers must first get your permission before running your criminal background check.
- You have the right to request a copy of your background check report. Always ask for a copy.
- Your criminal record should be reported correctly. If for some reason there is an error, you have the right to have those mistakes corrected.

CONTACT INFORMATION:

For more information or for questions about the relief you have received, contact:

- Alameda County Public Defender’s Office, Clean Slate Unit
 - 510-268-7400
 - <https://publicdefender.acgov.org/index.page?>
- East Bay Community Law Center, Clean Slate Unit
 - 510-548-4040
 - www.ebclc.org

Disclaimer: *This flyer provides general information only. It does not constitute legal advice, nor does it substitute for the advice of an expert representative or attorney who knows the particulars of your case. We have made every effort to provide reliable, up-to-date information but we cannot guarantee its accuracy.*