

## Clean Slate Fact Sheet

### RESULTS & CONDITIONS:

- 17(b): Felony Reduction to Misdemeanor.** After your felony is reduced to a misdemeanor under Penal Code section 17(b), it is reduced to a misdemeanor for almost all purposes.
- 17(d): Misdemeanor Reduction to Infraction.** This provision of the law reduces a misdemeanor to an infraction for almost all purposes.
- 1203.3: Early Termination of Probation.** If the judge grants a 1203.3, then you are no longer on probation for that case.
- 1203.4: Dismissal.** This relief does not remove the conviction from your record or court records, but it can relieve some of the effects of your conviction and help with obtaining employment. If you have to register as a sex offender
- 1203.4a:** (PC section 290), this dismissal does **not** end that requirement. This dismissal also does not reinstate firearm
- 1203.41:** rights that are lost with a felony conviction and in other circumstances. (For more info. about eligibility for
- 1203.42:** firearms, visit [www.ag.ca.gov/firearms](http://www.ag.ca.gov/firearms).)

### CALIFORNIA EMPLOYMENT APPLICATIONS:

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

Please Note: As of January 1, 2018, 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 fingerprinting (LiveScan), that require a permit or certificate, government issued license or security clearance, or that require working with children or the elderly, healthcare work, etc.

A criminal background check prepared for a “public” entity will almost always include all convictions, including those dismissed under sections 1203.4, 1203.4a, 1203.41 and 1203.42. If your convictions have been dismissed pursuant to those sections, you may write: “dismissed pursuant to Penal Code section (1203.4; 1203.4a, 1203.41 or 1203.42).”

## **Private Jobs:**

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

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

- ANY convictions over seven years old (how this period is calculated depends on your sentence; note that ride sharing companies (e.g. Uber and Lyft) will receive convictions older than seven years);
- Arrests not leading to conviction (unless they are pending pronouncement of judgment);
- Dismissed convictions;
- Successful diversion programs.

After you have had ALL of your convictions dismissed under section 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 INFO:**

**For more information or to answer any of your questions, contact:**

- ❖ Alameda County Public Defender’s Office Clean Slate Unit
  - 510-268-7400
  - [cleanslate@acgov.org](mailto:cleanslate@acgov.org)
  - <http://publicdefender.acgov.org/>
- ❖ East Bay Community Law Center (EBCLC)
  - 510-548-4040
  - [www.ebclc.org](http://www.ebclc.org)

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