



Am I eligible for Expungement?

Not everyone is eligible for expungement, but many are.

The following slides describe who is eligible for expungement.

What makes one eligible?

You may be eligible for expungement of your convictions under Penal Code sections:

- 1203.4 Misdemeanor or felony conviction w/ probation granted
- 1203.4(a) Misdemeanor or infraction with sentence other than probation
- 1203.4(b) Sentenced to prison *and* successfully participated in California Camp Program at CDCR, *and* released from custody (with some exceptions)
- 1203.41-1170(h) Felony conviction, and sentenced to serve a jail sentence under 1170(h)

What makes one eligible?

You may be eligible for expungement of your convictions under Penal Code sections:

- 1203.42 Sentenced to prison, but under current laws would be served in County jail under 1170(h)(5), and more than 2 years have elapsed since the sentence was completed
- 1203.43 Plea entered and placed on deferred entry of judgment on or after January 1, 1997, and completed all terms of DEJ
- 1203.49 Defendant convicted of PC § 647(b) (Solicitation or prostitution), *And* successfully completed probation, and defendant shows by clear and convincing evidence that the conviction resulted from human trafficking

What makes one eligible?

You may be eligible for expungement of your convictions under Penal Code sections:

- 1203.41(a)(6) As of January 1, 2023, formerly ineligible defendants who were sentenced to time in state prison may now be eligible to petition for dismissal of their convictions. These petitioners may bring their petitions if:
 - Not required to register as a sex offender, and
 - 2 years have elapsed since completing the sentence
 - There are no pending criminal charges against them
 - They are not under any form of supervision (probation, parole, etc.)

What does that mean, exactly?

You may be eligible for expungement of your convictions if you

- 1) Have successfully completed your sentence, which means you
 - a. Paid all fines/restitution
 - b. Have not committed any new criminal offenses
 - c. Attended all court appearances (whether personally or represented by counsel)
- 2) You were not convicted under Penal Code Sections 286(c), 287(c), 288, 288a, 288.5, 289(j), 261.5(d) as a felony, 311.1, 311.2, 311.3, 311.11, or certain misdemeanor violations

Special Note

These are general guidelines, and not intended to stand in as a prediction of an outcome for *your* petition or an assessment of *your* eligibility.

More importantly: laws change, and in order to be sure you are getting totally current information, you would either need to research your eligibility for expungement personally, or consult with a criminal defense attorney who works regularly in this area.

You may always consider reaching out to Kern County Public Defender about their Clean Slate program by calling at (661) 868-4799 or emailing them at pubdef-web@kerncounty.com if you want to see if they can assist you in determining your eligibility and preparing your paperwork.

What if I am ineligible?

There are certain offenses for which one is never eligible for expungement.

If you are ineligible for expungement, you may wish to speak to an attorney or contact the Kern County Law Library about the process of petitioning for a Certificate of Rehabilitation, or Public Defender about their Clean Slate Program.

If you are ineligible for either expungement or a Certificate of Rehabilitation, you should consult with an attorney to determine if any other remedies may be available to you.