

SETTING ASIDE A CONVICTION (Expungement)

Who is eligible?

An adult who was granted and has successfully completed probation, either by fulfilling the conditions of probation or being successfully discharged before the end of his/her probationary period, **for Sacramento County cases only.**

He/she must not be on probation or serving a sentence for any other offense. (Pen. Code. §1203.4)

What are the effects of expungement?

It will:

- Result in the dismissal of the case;
- Allow you to answer on job applications that you have not been convicted. If, however, you are applying for a government job or a job which requires a government-issued license, certificate or permit, or a job which involves a security clearance, the conviction will be discovered – in such cases, you should disclose the conviction and its expungement;
- If the conviction was for a felony, it is the first step in obtaining a pardon.

It will not:

- Remove the conviction from your “Rap Sheet” – California and FBI criminal history record will still show the conviction and a dismissal “per PC 1203.4”;
- Reinstate the right to possess firearms (reduction to a misdemeanor may accomplish this if the offense is not one of violence);
- Allow you to omit the conviction from applications for government issued licenses;
- Seal or otherwise remove the court case file from public inspection – anyone who knows where to look will be able to find the court case file (probation reports are in confidential files and are not subject to public inspection 90 days after sentencing);
- Prevent the conviction from being used as a “prior” to increase punishment in case of a subsequent conviction;
- Prevent the conviction from being used for impeachment purposes if called as a witness;
- Prevent the conviction from being considered and used to refuse or revoke government licenses and permits such as real estate sales license, teaching credential, bus driver’s license, security guard certificate, etc., however, the expungement may reduce the weight given the conviction by the licensing agency.
- Prevent the conviction from being used by INS for removal and exclusion purposes.

For more information, please contact:

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