

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**  
Petition for Relief under Penal Code §1203.4 & §1203.4a & §1203.41 & §1203.42  
Information and Instructions

General Information:

You may petition the court to dismiss the charges under Penal Code §1203.4 after successful completion of probation, or if not placed on probation, any time after the completion of your sentence. You may petition the court to dismiss the charges under Penal Code §1203.4a after one year from the completion of your terminal sentence.

You may petition the court to dismiss the charges under Penal Code §1203.41 if:

- you were sentenced and completed a county jail sentence **with** mandatory supervision, and one year has elapsed since the completion of your sentence;
- you were sentenced and completed a county jail sentence **without** mandatory supervision, and two years have elapsed since the completion of your sentence; or,
- you were sentenced and completed a state prison sentence for a felony for which you are not on parole or required to register as a sex offender, and two years have elapsed since the completion of your sentence.

You may petition the court to dismiss the charges under Penal Code §1203.42 if you were sentenced to prison but would have been sentenced to county jail under the October 1, 2011 Realignment Legislation if it had been in effect, and two years have elapsed since completion of your sentence. If it is in the interest of justice, the judicial officer may allow you to file the petition before probation ends.

- Disclosure – Granting of this petition does *NOT* relieve you of the responsibility to disclose the conviction in response to any direct question as part of any questionnaire or application for public office, for licensure by any state or local agency or by a federally recognized tribe, or for contracting with the California State Lottery.
- Department of Motor Vehicles (DMV) – Granting of this petition does *NOT* affect DMV actions or future consequences for crimes involving operation of a motor vehicle.
- Firearms – Granting of this petition does *NOT* permit you to own, possess, or have in your custody or control any firearm.
- Sealing – Granting of this petition does *NOT* seal your record. The case, including the conviction, will remain public record.
- Sex Registration – For misdemeanor convictions, granting of petition does *NOT* relieve you from any obligation to register under Penal Code §290. (Felony state prison sentences with a requirement to register as a sex offender are not qualified to submit these petitions per Penal Code §1203.41.)
- Unexpired Protective Order – Granting of petition does *NOT* terminate a protective order. Any unexpired criminal protective orders that have been issued by the court shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

*This information is for general use and not intended as full and comprehensive instruction governing the laws and rules relating to relief granted under Penal Code §1203.4. For further information you may refer to Penal Code §1203.4 and §1203.4a and §1203.41 and §1203.42, or you may wish to seek legal assistance.*

Instructions:

NOTE: Clerks cannot advise or give assistance in the completion of this petition.

**If your case has been destroyed pursuant to Government Code §68153, you must provide the court with either a copy of the probation order or the criminal history record from the California Department of Justice (RAP sheet).**

1. Complete the form, *Petition for Relief under Penal Code §1203.4, §1203.4a, §1203.41, §1203.42.*
2. A copy of the petition must be mailed or delivered to the District Attorney or City Attorney who prosecuted your case. Proof of service is required.
3. If mailed, the person mailing must complete the Proof of Service, see page 2 of the petition. If delivered, the prosecutor may acknowledge its receipt by stamping the original petition to be delivered to the court.
4. Return the original petition and the completed Proof of Service (if prosecutor was notified by mail) to the Criminal Operations Department of the Justice Center in which your case is filed.
5. A reimbursement cost of \$150.00 for a petition pursuant to Penal Code 1203.4, 1203.41 and 1203.42 is to be submitted with each petition **OR** Judicial Council Form CR-105 – Defendant's Financial Statement must be submitted if the petitioner chooses to have the court determine their ability to pay the reimbursement cost pursuant to the standards set forth in Government Code 68632. The completed form should be submitted with the original petition.