

CLEARING YOUR ADULT CRIMINAL RECORD IN CALIFORNIA

A STEP-BY-STEP GUIDE

INCLUDING:

- Determine if you are eligible
- How to get your criminal record
- How to correct your record
- How to expunge your record
- What convictions can be expunged
- Sample forms and petitions

LASSEN COUNTY SUPERIOR COURT
ACCESS TO JUSTICE CENTER
145 SOUTH LASSEN STREET
SUSANVILLE, CA 96130
530-251-8353

STEP 1

Determine whether you are ELIGIBLE and READY to expunge.

AM I ELIGIBLE?

My conviction resulted in jail time and/or probation, not prison time and parole.

- **If you are a parolee, you are not eligible for expungement, but you may be eligible for a Certificate of Rehabilitation. Please contact your parole officer for assistance.**

AM I READY?

To be ready, you must:

Not be serving a sentence

Not be on probation or parole (for any conviction)

Not be charged with a crime

Have paid all court fines and fees (on this case)

- **You should contact Lassen County Superior Court Clerk's Office at 530-251-8204 to make sure that all fines or fees have been paid.**

STEP 2

Now that you have determined that you are eligible and ready – You need your criminal record

You need the following information for your expungement petition:

- **Court where you were convicted**
- **Name you were convicted under**
- **Case Number**
- **Section number and code of violation**
- **Conviction date**
- **Where you got probation**
- **If you got probation, whether you picked up any other offense during the period of probation – *regardless of whether you formally violated probation***

You can get this information from:

1. **Your court file (if you know where you were convicted)**
 - **Call or go to the court where you were convicted and request a case history.**

Or

2. **Your Department of Justice “Rap Sheet”**
 - **(if you know where you were convicted or have multiple convictions across the state, it is safer to get your rap sheet**
 - **Attached is information regarding obtaining your criminal record and a form to complete and submit to the Department of Justice in Sacramento.**

STEP 3

Fill out and file your expungement petitions(s)

- **Fill out the Petition (attached are sample forms and instructions)**
- **Pay the fee or apply for a fee waiver (see fee waiver information sheet and instructions attached)**
- **Serve the district attorney with a copy of the Petition.**
- **The court will decide on your petition within 2 – 3 months**
 - **If denied, you have 60 days to file an appeal.**
 - **You also have the option to simply re-file your petition.**
- **The court will order your record to be updated.**
- **What if you violated probation?**
 - **You should file a declaration in addition to your expungement petition.**

STEP 4

Serve the Prosecuting Attorney:

One copy of your expungement petition is for the district attorney. One copy is for your files.

- 1. The law requires that the prosecuting agency get notice (also known as “service”) of the filing of the petition at least 15 days before the judge hears your petition for an expungement. Service can be done in person, or by mail, by delivering a copy of the petition to the office of the prosecuting attorney.**
- 2. “Serving” the petition merely means that you hand-deliver or mail a copy of the petition to the district attorney’s office.**
- 3. You, as the defendant who is filing the expungement petition, cannot be the one to serve the D.A. You must have an adult who is 18 years of age or older serve the prosecuting attorney.**
- 4. Once the D.A. has been served, you need to complete a Proof of Service form (attached please find a Proof of Service form). The person who did the service should fill out the proof of service form and file it with the court. The form tells the judge that the prosecuting attorney has been served as required by law. Without it, the judge cannot hear your petition for expungement.**