

**Do you have a past felony or misdemeanor conviction?  
Have past convictions made it difficult to obtain jobs?  
Are you unsure how to respond to questions about past convictions?**

**CONTRA COSTA COUNTY  
OFFICE OF THE PUBLIC DEFENDER**

**CLEAN SLATE**

If you answered “YES” to any of these questions, contact the Office of the Public Defender. Our Clean Slate Program offers free legal assistance to clear criminal convictions suffered in Contra Costa County courts. The program is designed to help people move forward by providing them with legal assistance in cleaning up a past criminal record, as well as in knowing their rights regarding past convictions and arrests.

**What are the benefits of “Clean Slate?”**

- Clearing felony convictions or reducing them to misdemeanors.
- Improving employment opportunities.
- Knowing what employers can legally ask regarding past convictions.
- Knowing how to respond to questions regarding past convictions and arrests.

**Contact Information**

**Office of the Public Defender  
3811 Bissell Avenue  
Richmond, Ca 94804  
(510) 412-4900**

**Office of the Public Defender  
800 Ferry Street  
Martinez, Ca 94553  
(925) 335-8000**

# Penal Code § 1203.4 governs dismissal of past convictions

## What DOES a 1203.4 Dismissal Do?

- ✓ You may legally answer “no” on job applications for private employers that ask if you have any convictions. Since it is a public record, the conviction can be accessed by anybody; However, you can say that the conviction was dismissed.
- ✓ A dismissal can help with job licensing and certification.
- ✓ A dismissal can help with housing applications.
- ✓ If you were ineligible for student loans because of a drug conviction, you will be eligible after a dismissal.

## What DOESN'T a 1203.4 Dismissal Do?

- When an offense is dismissed, the conviction does not disappear. The record states that the conviction was “set aside” or “dismissed.”
- You must still disclose dismissed convictions to public or government employers.
- If you are charged with a crime in the future, your dismissed conviction can still be used as a “prior.” If your dismissed conviction was a “strike,” it can still be used as a “strike.”
- If you couldn't possess a firearm, you still can't possess a firearm.
- If you had to register as a sex offender or arson offender, you still have to register.

## Who Qualifies for a Dismissal:

- ✓ If you were sentenced to county jail
- ✓ If you successfully completed probation
- ✓ If you repaid all court fines and fees
- ✓ If you are not currently incarcerated, on probation or charged with another offense
- ✓ If you have no warrants for your arrest

## Who Does NOT Qualify for a Dismissal:

- If you were sentenced to state prison
- If you had probation revoked and it was not reinstated or if you had probation unsuccessfully terminated
- If you are currently serving a sentence or are on parole
- If you have any pending criminal charges or currently have a warrant out for your arrest
- If you were convicted of certain sex offenses

## Related Issues

### Penal Code 17 Motion to Reduce Certain Felonies to Misdemeanors:

- Crimes that can be classified as either a felony or a misdemeanor are known as “*wobblers*.” Common *wobblers* are driving under the influence, battery with serious bodily injury, petty theft, receiving stolen property, assault with a deadly weapon, and certain domestic violence crimes.
- If you were convicted of a felony *wobbler*, you can petition to have it reduced to a misdemeanor and dismissed under 1203.4.

### Certificates of Rehabilitation:

- A Certificate of Rehabilitation is designed for people who have served sentences in state prison (not county jail) and have not been arrested for any offenses since release (for a minimum of 7 years). It serves as an application for a pardon to the Governor.
- People convicted of sex offenses are generally excluded from receiving a Certificate of Rehabilitation.

### Voting Rights:

- BEING CONVICTED OF A FELONY DOES NOT TAKE AWAY YOUR RIGHT TO VOTE!
- Only people on parole cannot vote.
- If you are on probation, YOU CAN STILL VOTE.

### Arrests and Diversion:

- Both public and private employers CANNOT ask questions about detentions or arrests that did NOT lead to conviction OR about participation in a diversion program.