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## **Background**

A Certificate of Rehabilitation (“COR”) is an official court order declaring that a person convicted of a felony is now rehabilitated. Moreover, a COR acts as an automatic application for a pardon by the Governor of California.

Broadly, the effect of securing a COR informs society that the convicted individual has become an honest and upstanding member of the community. Practically speaking, benefits of a COR may include better employment prospects and fewer obstacles to professional licensing.

## **Eligibility**

Generally, an individual is eligible to apply for a COR if they:

1. Were convicted of a felony, or a misdemeanor sex offense that was dismissed pursuant to Penal Code Section 1203.4, commonly referred to as an “expungment”; and
  - a. have been discharged from custody, parole, or probation; and
  - b. have not been incarcerated in any penal institution, jail, or agency since release; and
  - c. are not on probation for the commission of any other felony; and
  - d. have resided for five (5) years in California immediately prior to filing the petition.
2. Were convicted of a felony after May 13, 1943; and
  - a. were sentenced to state prison; and
  - b. were discharged from custody or released on parole; and
  - c. have resided for five (5) years in California immediately prior to filing the petition.

Those who were convicted of misdemeanors, except certain misdemeanor sex offenses, are not eligible to apply for a COR. Additionally, certain sex offenses are not eligible. Moreover, individuals currently serving in the military are not eligible to apply for a COR.

## **Procedure**

An applicant must file a petition for a COR in the superior court of that applicant’s current county of residence. There is **no filing fee** associated with this petition. Generally, the form to file the petition can be obtained from the court clerk, or public defender’s office. If a COR petition form for the county is unavailable, courts may accept a COR petition form from another California county so long as the applicant amends the form to reflect the county that the petition will be filed. Questions should be directed to the county clerk or the criminal division of the superior court.



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The general procedures to file a petition for a COR includes:

1. Obtaining your criminal records
2. Confirming your eligibility
3. Completing the required forms (and make copies)
4. Filing your *Petition for Certificate of Rehabilitation* and corresponding documents in your county of residence's superior court
5. Serving *Notice of Filing of Petition* for Certificate of Rehabilitation to: (a) the Governor's Legal Affairs Office; (b) the District Attorney in the county you were convicted; and (c) the District Attorney in the county where the hearing will take place.
6. Filing the *Notice of Filing of Petition* (with signed proof of service) in your county of residence's superior court
7. Attending the court hearing
8. Ask the judge to appoint a public defender if you do not already have an attorney

There are many legal requirements for filing and litigating a COR. This should not be done without consulting a licensed attorney. Unlike some of the other petitions that can be brought by an individual, the COR remedy requires research into eligibility, mitigation, notice requirements, among others. Likewise, unlike other legal remedies for prior convictions, indigent people have a right to appointed counsel.

In sum, the two necessary documents to facilitate the COR process are the: (a) [Petition for Certificate of Rehabilitation](#); and (b) [Notice of Filing of Petition](#) (hyperlinks included). For additional information please visit the San Francisco Public Defender's Clean Slate resources located [here](#) and [here](#) (hyperlinks included).