

Changing Your Record: Reclassification Instructions

ARE YOU ELIGIBLE?

If you have a felony record in California for one of the following offenses – no matter how old the conviction – you may be eligible to have your record changed from a felony to a misdemeanor for these offenses:

- Simple drug possession
- Petty theft under \$950
- Shoplifting under \$950
- Forging or writing a bad check under \$950
- Receipt of stolen property under \$950

Note: If you are still serving a sentence for one of the above offenses, you may qualify for resentencing. Learn more about that process at www.MyProp47.org.

If you have a previous conviction for crimes such as rape, murder or child molestation or are in the sex offender registry, you will not be eligible to get these felonies reclassified.

STEP 1: GET A COPY OF YOUR CRIMINAL RECORD

You will need a copy of your “Rap Sheet” (criminal record) to determine that you are eligible and have no excluding offenses. If your conviction(s) are from one county, visit the Superior Court where you were convicted and obtain your record. If your conviction(s) are from multiple counties, you must visit each county where you received a conviction. You may also contact the State of California Department of Justice’s Criminal Record Review Unit. They will have your criminal record information for all of California.

You can contact them by phone (916-227-3400), and make sure to follow the directions for requesting your record carefully. There is a fee, but you may qualify for a waiver (if you provide written proof that your income is under a certain threshold). It may take several weeks for the record to arrive in the mail. Visit www.MyProp47.org for more information on obtaining your record, how to apply for a fee waiver, and other sample forms.

STEP 2: COMPLETE YOUR PROP 47 RECLASSIFICATION FORMS

In most counties, you will need to complete two documents: 1) an Application for Reclassification (record change); and 2) Proof of Service. Visit www.MyProp47.org for specific information by county.

STEP 3: MAKE YOUR RECLASSIFICATION PACKET(S)

Your Rap Sheet and completed Reclassification forms are your reclassification packet. You will need to submit a separate reclassification packet for *each* conviction you would like to have reclassified.

- Make three copies of each reclassification packet:
1) original for your records, 2) one copy provided to the District Attorney's Office, and 3) one copy filed in the Superior Court where you were sentenced.

Some counties may require you to complete additional paperwork. Visit www.MyProp47.org for specific information by county.

STEP 4: FILE YOUR RECLASSIFICATION PACKET

- One packet will go to the District Attorney's Office where you were convicted.
- One packet to the Superior Court where convicted.
- Keep the packet of original papers for your files.

For the address of the District Attorney and Superior Courthouse in your county, visit www.MyProp47.org.

STEP 5: WAIT FOR APPROVAL

After submitting your forms, the District Attorney's Office will review your application to determine if you are eligible to have your felony reduced to a misdemeanor. If the District Attorney's Office confirms your eligibility, they will notify the Superior Court. In most counties, you will be notified by mail once the Superior Court has recorded the reclassification. Some counties may require that you return to Court to learn the status of your application.

Typically there is not hearing. However, if there is a dispute and your application is denied, you will be entitled to a hearing. In some instances, it may be that your forms were completed incorrectly, which is why working with an attorney or legal clinic is so important. If you qualify, a public defender will represent you at this hearing.

STEP 6: ACCESS NEW OPPORTUNITIES

Once your felony has been removed from your record, you may be eligible for a variety of benefits and opportunities afforded to other Californians, including but not limited to professional licensing for various trades, student loan eligibility, housing benefits, holding government office and serving on a jury.

CONTACT US

For more information and to download materials, visit: www.MyProp47.org.

**Please note that the information provided here does not constitute legal advice.*

