

# Changing Your Record: Reclassification Frequently Asked Questions

## What is Proposition 47?

On November 4, 2014, the voters of California passed Proposition 47, a law that changes some low-level crimes, like drug possession and petty theft offenses, from potential felonies to misdemeanors. This will reduce incarceration costs, and those savings will be invested (via grants) into drug treatment and mental health services for people in the criminal justice system, programs for at-risk students in k-12 schools, and victim services.

## Can I get my felony changed to a misdemeanor?

You may be able to have your most recent case, and as well as any earlier charges, changed from felonies to misdemeanors if you were convicted of the following charges in California:

- Shoplifting, i.e. Commercial Burglary of \$950 or less of a Store during Business Hours (PC §459)
- Forgery of \$950 or less (PC §470-476)
- Fraud/Bad Checks of \$950 or less (PC §476a)
- Grand Theft of \$950 or less (PC §487)
- Petty Theft/Shoplifting of \$950 or less (PC §§484, 484/666)
- Possession of Methamphetamine (HS §11377)
- Possession of Controlled Substances (HS §11350)
- Possession of Concentrated Cannabis (HS §11357(a))
- Receiving Stolen Property of \$950 or less (PC §496)

You will be ineligible to have your record changed if you have a prior conviction for certain violent crimes such as murder, rape or child molestation. Visit [www.MyProp47.org](http://www.MyProp47.org) for a complete list.

## Can I have my felony conviction changed to a misdemeanor on my old criminal record, even if I am no longer in the criminal justice system?

Yes, this law is retroactive. That means that you are eligible to have any qualifying prior felony convictions reduced to misdemeanors, no matter how long ago you were convicted. This is true even if you were previously denied a reduction from a felony to a misdemeanor by the court during any pre-conviction court hearing, at sentencing or after requesting an expungement.

## How do I get my felony record changed?

In each California county that you have a felony conviction (for a Prop. 47 eligible offense), you can file a request to change your record by submitting a reclassification packet. Your packet will include the reclassification form and a copy of your RAP sheet. You will submit this packet to the court clerk and the District Attorney's Office in the county in which you were convicted. Save a copy for your files. Visit [www.MyProp47.org](http://www.MyProp47.org) for more detailed information on this process.



## What form(s) do I need to complete to change my record?

Check the website for your county court to see if they have their own reclassification form for you to use. You should have an attorney review your form before you submit it. If your county does not provide its own form, you can use the sample form found at [www.MyProp47.org](http://www.MyProp47.org).

The process for record change may be different in each county. However, in most instances, you will need to complete two documents: 1) an Application for Reclassification (record change); and 2) Proof of Service. You will submit the form to the court clerk and the District Attorney's Office for the county in which you were convicted, along with a copy of your RAP sheet.

Contact the Office of the Public Defender in your county or your attorney with any questions regarding these forms or the process. For specific information by county, visit [www.MyProp47.org](http://www.MyProp47.org).

## Will there be a court hearing?

Typically there is no requirement for a court hearing to get your record changed. If there is any question about whether your felony case should be reduced, there may be a court hearing where you will be represented by a public defender if you qualify financially.

## I have questions about my cases and Prop. 47. Whom can I call for help?

Please call the Office of the Public Defender in your county.

## Contact Us:

For more information and to download materials, visit: [www.MyProp47.org](http://www.MyProp47.org).

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