

State of California
Office of Governor Edmund G. Brown Jr.

How to Apply for a Pardon

Individuals who have been convicted of a crime in California may apply to the Governor for a pardon. A gubernatorial pardon is an honor that may be granted to people who have demonstrated exemplary behavior following their conviction. A pardon will not be granted unless it has been earned. Obtaining a pardon is a distinct achievement based upon proof of a productive and law-abiding life following conviction. Historically, governors have granted very few pardons.

Applications generally will not be considered unless the applicant has been discharged from probation or parole for at least 10 years without further criminal activity during that period. There is no fee for applying for a pardon.

The Governor of California cannot grant a pardon for a conviction from another jurisdiction, such as another state or a federal proceeding. A person convicted in another state must apply for a pardon in that state. Federal pardon information may be obtained from the Pardon Attorney, U.S. Department of Justice, 500 First Street Northwest, Washington, D.C. 20530.

The Application Process

For most people, the first step in applying for a pardon is to obtain a Certificate of Rehabilitation from the Superior Court in the county where the applicant currently lives. People who live outside of California and people who are ineligible for a Certificate of Rehabilitation must use a direct pardon application. The procedure utilized will depend on the circumstances of each applicant.

1. Certificate of Rehabilitation

A Certificate of Rehabilitation is a court order declaring that a person convicted of a crime is now rehabilitated. Generally, any person convicted of a felony who still resides in California may apply to the Superior Court in the county where he or she lives for a Certificate of Rehabilitation, provided that the applicant meets the legal requirements of demonstrated rehabilitation. There are special rules that apply to individuals convicted of sex offenses.

An application for a Certificate of Rehabilitation can usually be obtained from the court clerk, probation department, or public defender's office. Once a petition is filed, the court may require an investigation by the district attorney and will schedule a hearing.

If the Court issues a Certificate of Rehabilitation, the certificate is forwarded to the Governor's Office where it automatically becomes an application for a pardon. The Governor's receipt of a Certificate of Rehabilitation does not guarantee that a pardon will be granted.

2. Direct Pardon

The direct pardon procedure is available to people who are ineligible for a Certificate of Rehabilitation. This procedure is used primarily by people who were convicted of a crime in California and now reside outside the state. The direct pardon procedure is also available to people who are not eligible for a Certificate of Rehabilitation because they have been convicted of specified sex offenses or misdemeanor offenses.

Applicants for a direct pardon may obtain the application either by accessing the Governor's website at www.gov.ca.gov, or by requesting an application in writing at the following address:

**Governor's Office
State Capitol
Attention: Legal Affairs
Sacramento, CA 95814**

The applicant should first complete the Application for Executive Clemency. Then the applicant must send the Notice of Intent to Apply for Executive Clemency to the District Attorney of each county in which the applicant was convicted so that each District Attorney receives the legally-required notice. The District Attorney acknowledges receipt of the Notice of Intent and returns the notice to the Governor's Office. Finally, the applicant should return the completed application to the Governor's Office at the address listed above.

The Review Process

There is no requirement that the Governor take any action on an application for a pardon. Once a Certificate of Rehabilitation or a completed direct pardon application is received by the Governor's Office, the Office typically forwards the application to the Board of Parole Hearings (Board). The Board may conduct a background investigation and make a recommendation on whether a pardon should be granted. The Board may contact the District Attorney, investigating law enforcement agency, and other persons with relevant information on the applicant.

If the applicant has been convicted of more than one felony, the California Supreme Court must recommend granting a pardon before the Governor may do so. However, there is no obligation that the Governor seek a recommendation from the Supreme Court, in the first instance.

The length of time needed to complete the pardon process cannot be predicted. **Once a completed application has been received by the Governor's Office, it is not necessary to contact the Governor's Office to check on the status of an application.** If the Governor takes action on an application, the applicant will be notified. Applicants should notify the Governor's Office in writing if their mailing address changes.

Effect of a Pardon

A pardon does not seal the individual's criminal record or expunge the record of conviction, and the pardon is itself a public record. When a pardon is granted, the California Department of Justice and the Federal Bureau of Investigation are notified so that they may update their records on the applicant. The pardon is filed with the Secretary of State, reported to the Legislature, and is a public record. If a pardon is granted, the Certificate of Rehabilitation or the application for a direct pardon will be reported to the Legislature in an annual report and will become a public record. However, specific personal information will be redacted (hidden) before the Certificate of Rehabilitation or the application is made available to the public.

Please see the attached "Quick Reference for Restoration of Rights" for a detailed description of the effects of obtaining a Certificate of Rehabilitation and a pardon.

CERTIFICATE OF REHABILITATION AND PARDON

QUICK REFERENCE FOR RESTORATION OF RIGHTS

In California, the granting of a Certificate of Rehabilitation or a Governor’s pardon restores to the applicant some rights of citizenship that were forfeited as a result of a conviction.

| CERTIFICATE OF REHABILITATION | GOVERNOR’S PARDON |
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| <p style="text-align: center;"><i>DOES:</i></p> <ul style="list-style-type: none"> • Relieve <u>some</u> sex offenders, as specified, of further duty to register. (Pen. Code, § 290.5.) • Enhance a felon’s potential for licensing consideration by a State board. (Pen. Code, § 4853.) • Serve as an official document to demonstrate a felon’s rehabilitation, which could enhance employment possibilities. • Serve as an automatic application for a gubernatorial pardon. <p style="text-align: center;"><i>DOES NOT:</i></p> <ul style="list-style-type: none"> • Erase the felony conviction or seal the criminal record. (Pen. Code, § 4852.17.) • Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. • Allow a felon to answer on employment applications that he/she has no record of conviction. • Give a felon the right to vote, because this right is automatically restored after discharge from parole. • Restore the right to own or possess firearms. | <p style="text-align: center;"><i>DOES:</i></p> <ul style="list-style-type: none"> • Allow a felon to serve on a jury trial. (Code Civ. Proc., § 203 subd. (a)(5).) • Allow restoration of firearms rights, upon federal approval, to specified offenders who have obtained a certificate of rehabilitation if granted a full and unconditional pardon, <i>unless</i> the conviction was for a felony involving the use of a dangerous weapon. (Pen. Code, §4852.17.) • Allow a felon to be considered for appointment as a county probation officer or a state parole agent, but not to any other peace officer positions. (Gov. Code, § 1029, subd. (c).) • Allow specified sex offenders still required to register after obtaining a Certificate of Rehabilitation to be relieved of their duty to register if granted a full and unconditional pardon. (Pen. Code, § 290.5.) <p style="text-align: center;"><i>DOES NOT:</i></p> <ul style="list-style-type: none"> • Seal or erase the record of conviction. (Pen. Code, § 4852.17.) • Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense. • Allow a pardoned person to answer on employment applications that he/she has no record of conviction. • Restore ability to own a firearm to felons convicted of any offense involving the use of a dangerous weapon. (Pen. Code, § 4854.) • Pardon convictions from another state, or federal convictions. • Necessarily prevent deportation. |

FORM 1 INSTRUCTIONS

1. After completing the ***Petition for Certificate of Rehabilitation and Pardon***, file it with the County Clerk's office in the county in which you reside. In every case, you must have resided continuously for **five** (5) years in this state prior to filing the petition.
2. The period of rehabilitation begins to run upon your discharge from custody or upon release on parole or probation, whichever is sooner. The period of rehabilitation shall constitute **five** (5) years residence in this state, **plus** a period of time determined by the following rules:
 - To the **five** (5) years there shall be added **four** (4) years in the case of any person convicted of violating Section 187, 209, 219, 4500, or 12310 of the penal code, or subdivision (a) of Section 1672 of the Military and Veterans Code, or any other offense which carries a life sentence.
 - To the **five** (5) years there shall be added **two** (2) years in the case of any person convicted of committing any offense not listed above and which does not carry a life sentence. (The majority of applicants require a **seven-year** rehabilitation period).
 - To the **five** (5) years the trial court hearing the application for the Certificate of Rehabilitation may add additional years when a person has served consecutive sentences. The amount of additional time will not exceed the sum of the maximum penalties for all the crimes.
 - Any person discharged after completion of his/her term or released on parole before May 13, 1943, is not subject to the periods of rehabilitation set forth in these rules.
3. If you were released on felony probation and successfully completed probation, you must obtain relief under Penal Code Section 1203.4 before applying for a Certificate of Rehabilitation.
4. You are entitled to be represented by an attorney of your own selection, or by the public defender. You are entitled to receive assistance from all rehabilitative agencies including officers from adult probation and parole, and for persons under the age of 30 years, from the Youth Authority.
5. It is unlawful for anyone, other than an attorney, to accept any fee, money or anything of value for their services in representing you in this proceeding.
6. You are not required to pay filing fees of any kind in connection with this proceeding.
7. When the Court sets a hearing date on your Petition, you are required to give notice of that date at least thirty (30) days before the hearing. You must formally notify the District Attorney for each county in which you have been convicted, and the Governor's Office.
8. A Certificate of Rehabilitation is not an automatic pardon; it is only an automatic application for a pardon.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____

Applicant's County of Residence

In the Matter of the Application of

Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Date of Birth _____
Month Day, Year

CII Number _____

Criminal Case Number(s) _____
List applicable Criminal Case Number(s)

| Court use only |
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PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON
Pursuant to Penal Code Sections 4852.01 and 4852.06

The above-named applicant hereby respectfully represents and shows that:

FELONY HISTORY

[All felony convictions must be listed. If you have suffered more than three (3) felony convictions, attach additional sheets following the same format.]

Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____,
Month Day, Year Indicate crime and Penal Code Section

in the county of _____, California. My sentence for this offense was:

[Check appropriate box]

Commitment to state prison or other state institution at _____ ;
Name of institution or city where located

Probation with suspended sentence to state prison or other state institution;

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;
Date released from custody

[Check appropriate box]

Discharged from state prison or other state institution after completing my sentence;

Released on parole, from which I was finally discharged _____ ;
on Discharge date

Released from custody on probation after serving a jail sentence;

As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____, and obtained relief under Penal Code section 1203.4 on _____.
Date probation ended Date 1203.4 granted by the Court

Second Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____,
Month Day, Year Indicate crime and Penal Code Section

in the county of _____, California. My sentence for this offense was:

[Check appropriate box]

Commitment to state prison or other state institution at _____;
Name of institution or city where located

Probation with suspended sentence to state prison or other state institution;

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;
Date released from custody

[Check appropriate box]

Discharged from state prison or other state institution after completing my sentence;

Released on parole, from which I was finally discharged _____;
on _____
Discharge date

Released from custody on probation after serving a jail sentence;

As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____, and obtained relief under Penal Code section 1203.4 on _____.
Date probation ended Date 1203.4 granted by the Court

Third Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____,
Month Day, Year Indicate crime and Penal Code Section

in the county of _____, California. My sentence for this offense was:

[Check appropriate box]

Commitment to state prison or other state institution at _____;
Name of institution or city where located

Probation with suspended sentence to state prison or other state institution;

Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;
Date released from custody

[Check appropriate box]

Discharged from state prison or other state institution after completing my sentence;

Released on parole, from which I was finally discharged _____;
on _____
Discharge date

Released from custody on probation after serving a jail sentence;

As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____, and obtained relief under Penal Code section 1203.4 on _____.
Date probation ended Date 1203.4 granted by the Court

RESIDENCY HISTORY

I am now a resident of the State of California, and I have continuously resided in the State of California from _____, to the present date.
Month Day, Year

APPLICANT'S DECLARATION

During the period of my rehabilitation, I have lived an honest and upright life, conducted myself with sobriety and industry, and exhibited good moral character. I have conformed to and obeyed all the laws of the land.

WHEREFORE, Your petitioner prays that the Court make its order and decree declaring that the petitioner has been rehabilitated; and for a Certificate of Rehabilitation recommending that the Governor of the State of California grant petitioner a full pardon; and that for such purpose, a time be appointed for the hearing of the foregoing petition; and that other and necessary proper orders may be made in the premises.

Applicant's Signature Month Day, Year

Applicant's Street Address

Applicant's City, State ZIP Code

FORM 2 INSTRUCTIONS

1. After completing this **Notice of Filing for Certificate of Rehabilitation and Pardon**, make enough copies to distribute one (1) copy to:
 - the Governor of California;
 - the District Attorney in your county of residence where you filed your **Petition for Certificate of Rehabilitation and Pardon**, and;
 - each District Attorney of the county in which you were convicted of a felony.

2. This **Notice of Filing for Certificate of Rehabilitation and Pardon** must be served to all of the aforementioned individuals **at least thirty (30) days prior** to the date set for your hearing. You may do so by utilizing one or both of the following forms, in any combination necessary, as long as all of the aforementioned individuals have been served.
 - **Affidavit of Service by Mail (Form 2A)** - If you intend to have a Notary Public mail a copy of the **Notice of Filing for Certificate of Rehabilitation and Pardon** to each of the aforementioned individuals, you may do so by having the Notary Public complete and sign the **Affidavit of Service by Mail**. Mailing procedures are outlined in the Affidavit.

 - **Notice of Service in Person (Form 2B)** - If you intend to hand-deliver a copy to each of the aforementioned individuals, you may do so by utilizing this form and having each individual sign in the appropriate space indicating that a copy of the **Notice of Filing for Certificate of Rehabilitation and Pardon** was received.

3. After you have served all the aforementioned individuals, personally or by mail, file this completed **Notice of Filing for Certificate of Rehabilitation and Pardon** and the **Affidavit of Service by Mail** or **Notice of Service in Person**, or both, as the case may be, with the County Clerk's office in the county in which you reside.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____

Applicant's County of Residence

In the Matter of the Application of

Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Date of Birth _____
Month Day, Year

CII Number _____

Criminal Case Number(s) _____
List applicable Criminal Case Number(s)

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|-----------------------|
| <i>Court use only</i> |
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NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON
Pursuant to Penal Code Sections 4852.01 and 4852.06

To the Governor of the State of California:

District Attorney, County of _____ ;
County of Residence

District Attorney, County of _____ ;
Most recent felony in county of conviction, if different from **County of Residence**

District Attorney, County of _____ ;
2nd most recent felony in county of conviction, if applicable

District Attorney, County of _____ ;
3rd most recent felony in county of conviction, if applicable

You and Each of You Will Please Take Notice That On the _____ day _____ ;
of _____
Date you filed your *Petition for Certificate of Rehabilitation and Pardon*

the undersigned has filed a petition in the above-mentioned court(s) for a Certificate of Rehabilitation and

Pardon in accordance with the provision of Chapter 3.5, Title 6, Part 3 of the Penal Code of the State of

California, and that said petition has, by said court, been set for a hearing on _____ day of
the _____
Day of hearing

to commence at _____ a.m. p.m., of said day, or as
soon
Month, Year Time of hearing

as the matter can be heard, in its courtroom, department _____ at the courthouse
Department

in the city _____, county _____ state of California.
of _____ of _____
City where hearing will be held County where hearing will be held

Applicant's Signature Month Day, Year

Applicant's Street Address

Applicant's City, State ZIP Code

AFFIDAVIT OF SERVICE BY MAIL

STATE OF CALIFORNIA

City of _____, County of _____

I, _____ being first duly sworn, deposes, and says:
Full Name - First Middle Last and Suffix, if applicable

I am a citizen of the United States, am over the age of 18 years, and am not a party to the above-entitled

proceeding. I am a resident of the County _____, State of
of _____ California.
County of Residence

My residence business address is _____
Street Address

City, State ZIP Code

On the _____ day of _____, I served the attached Notice to each person listed below
Day of the Month Month, Year

Full Name - First Middle Last and Suffix, if applicable Street Address County

Full Name - First Middle Last and Suffix, if applicable Street Address County

Full Name - First Middle Last and Suffix, if applicable Street Address County

Full Name - First Middle Last and Suffix, if applicable Street Address County

by placing a copy of this Notice in a sealed envelope and mailing it first class, postage pre-paid to each person as listed above. There is a delivery service by United States mail at each of the places so addressed, or there is a regular communication by mail between the place of mailing and each of the places so addressed.

Subscribed and sworn to before me this _____ *day of* _____ .
Day of the Month Month, Year

Full Name of Notary Public - TYPED or PRINTED Notary Public - SIGNATURE

In and for the City of _____, *County of* _____, *California.*

NOTICE OF SERVICE IN PERSON

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

**Governor's Office
State Capitol
Legal Affairs Division**

Full Name of Governor's staff - TYPED or PRINTED

Governor's staff - SIGNATURE

Governor's staff - TITLE

Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

Full Name of District Attorney staff - TYPED or PRINTED

District Attorney staff - SIGNATURE

County District Attorney

Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

Full Name of District Attorney staff - TYPED or PRINTED

District Attorney staff - SIGNATURE

County District Attorney

Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

Full Name of District Attorney staff - TYPED or PRINTED

District Attorney staff - SIGNATURE

County District Attorney

Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

Full Name of District Attorney staff - TYPED or PRINTED

District Attorney staff - SIGNATURE

County District Attorney

Month Day, Year

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____

Applicant's County of Residence

In the Matter of the Application of _____

Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Certificate Number _____

Date of Birth _____
Month Day, Year

CII Number _____

Criminal Case Number(s) _____
List applicable Criminal Case Number(s)

| Court use only |
|----------------|
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CERTIFICATE OF REHABILITATION

Pursuant to Penal Code Section 4852.13

The petition of _____, presently residing

Type Applicant's Full Name - First Middle Last and Suffix, if applicable

at _____, heretofore filed, praying for

Type Applicant's Street Address, City, State, and ZIP Code

a Certificate of Rehabilitation pursuant to the provisions of Chapter 3.5, Title 6 of Part 3 of the Penal Code of the State of California, came on regularly for hearing on this _____ day

Day of the Month

of _____ and proof having been made to the

Month, Year

satisfaction of the Court that notice of the time of hearing has been regularly given as required by law; and from satisfactory proof taken at said hearing the Court finds that all allegations of said petition are true, and that the required period of rehabilitation has elapsed since petitioner's date of discharge from custody due to completion of the term to which the petitioner was sentenced, or upon the release on parole or probation on _____, that, where appropriate, petitioner has

Month Day, Year

obtained relief pursuant to Penal Code Section 1203.4, and that petitioner has demonstrated by the course of conduct his/her rehabilitation and fitness to exercise all the civil and political rights of citizenship (except as provided in Penal Code Section 4852.15); and that petitioner has been _____

Total Number of Felony Convictions

time(s) convicted of a felony;

WHEREFORE, It Is Ordered, Adjudged, and Decreed, And this court does hereby order, adjudge, and decree the petitioner has been rehabilitated and is fit to exercise all the civil and political rights of citizenship (except as provided in Penal Code Section 4852.15), and by virtue thereof, this court recommends that the Governor of the State of California grant a full pardon to said petitioner.

Done in open court this _____ day of _____

Day of the Month

Month, Year

Judge of said Superior Court - TYPED or PRINTED

Judge of said Superior Court - SIGNATURE