



Riverside County Law Library

Criminal Expungement

What is expungement?

If you were convicted of an infraction, a misdemeanor, or a felony, you can petition for an expungement. An expungement is a dismissal of your conviction. It reopens your criminal case, dismisses and sets aside the conviction, and re-closes the case without a conviction. In effect, you are no longer a convicted person and your record will be changed to reflect that. However, the case itself will still exist, and the expungement will appear on your record. The record will now say “dismissed”, as opposed to “convicted”.

When am I eligible for expungement?

There are various elements involved in determining whether you are eligible for expungement. Some elements include:

- Probation status
- Payment of court fines, fees, restitutions, or reimbursements
- Conviction status (infraction, misdemeanor, felony)
- Sentencing

How do expungements effect employment?

There are a number of considerations included in the referenced website, three are listed here

- *Private employment:* Convictions can make it hard to find employment. After an expungement, you do not need to divulge a dismissed or expunged conviction
- *Obtaining government employment or a government license:* Unlike private employment, when asked if you have ever been convicted, you are legally required to say “YES – CONVICTION DISMISSED”. However, you will be treated as if the conviction was not on your record

Reference: Cleaning Your Record (2015) Retrieved 11/19/2015 from <http://www.courts.ca.gov/1070.htm>

We recommend that you begin your research with the resources followed by an asterisk.

Online Resources:

The Superior Court of California Self-Help*

<http://courts.ca.gov/1070.htm>

Website provides a step by step overview and links to forms.

Sacramento County Public Law Library*

<http://www.saclaw.org/pages/expunging-criminal-records.aspx>

Informational step-by-step guide to the expungement process.

The Superior Court of California, County of Riverside Self-Help

<http://riverside.courts.ca.gov/selfhelp/expungement.shtml>

Website provides an overview and form packet on expungement.



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Inland Empire Latino Lawyers Association (IELLA)

http://www.iella.org/index.php?option=com_content&view=article&id=40&Itemid=150&lang=en

IELLA holds free expungement clinics. Website provides dates and locations.

Law Office of the Public Defender

<http://publicdef.co.riverside.ca.us/opencms/relief.html>

Website describes Relief Program and types of relief provided with contact information and locations.

Print Resources:

Title: *California Criminal Defense Practice* (R) (I)

Publisher: LexisNexis

CallNo: KFC 1155 .C3

ISBN: N/A

Description: Volume 5 of this set contains a chapter on the expungement of criminal and juvenile records including procedural checklists and forms.

Title: *California Criminal Practice, Motions, Jury Instructions and Sentencing 3rd ed.* (R) (I)

Publisher: Thomson West

CallNo: KFC 1155 .A65R83

ISBN: 9780314118998

Description: Volume 5 of this set contains a chapter on sealing, expungement, and destruction or records including forms such as orders, points and authorities, and notices.

Title: *California Criminal Law Procedure and Practice* (R) (I) (T)

Publisher: Continuing Education of the Bar (CEB)

CallNo: CEB KFC 1155 .A75C327 2015

ISBN: 9780762622528

Description: This book has a chapter discussing cleansing and sealing of criminal records including the reduction/dismissal of charges, certificate of rehabilitation, pardon and a description of procedures.

Call numbers are for use in RCLL. Initials after title specify which library the item can be located (R) Riverside, (R-d) Riverside reference desk, (I) Indio/Desert Branch, (T) Temecula. ISBN numbers are for use outside of the library, such as for personal purchase.

Pertinent California Codes:

Penal § 1203.4-1203.41

This guide is also available on our website

<http://www.rclawlibrary.org/research/research-guides>

Please Note: The information presented in this research guide is intended to provide a foundation for legal research. For information pertaining to your case please consult with an attorney, court facilitator, or specialist.