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 https://www.gov.ca.gov/pardons-and-commutations/, 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.

<table>
<thead>
<tr>
<th>CERTIFICATE OF REHABILITATION</th>
<th>GOVERNOR’S PARDON</th>
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**DOES:**

- Relieve some 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.

**DOES NOT:**

- 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.

**DOES:**

- 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, unless 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.)

**DOES NOT:**

- 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.
Certificates of Rehabilitation in Contra Costa County
Filing Instructions

1. You must be a resident of Contra Costa County to file a certificate of rehabilitation in Contra Costa County. However, the offense may have occurred in any county in California.

2. Complete the Notice of Filing for Certificate of Rehabilitation (Form 2). Leave the date, time, and department blank. Make five copies of the Notice of Filing for Certificate of Rehabilitation.

3. Complete the Petition for Certificate of Rehabilitation (Form 1). Make one copy of the Petition for Certificate of Rehabilitation and Pardon.

4. File both forms with the court. The clerk will not charge you any money for filing the petition. (Pen. Code, § 4852.09.)

5. Ask the clerk to set the date, time, and department for the hearing. There is space for the court to fill this information in on the Notice of Petition for Certificate of Rehabilitation. Make sure the clerk leaves enough days for you to serve the documents on the people designated below at least 30 days before the hearing. Add 5 extra days if service is by mail.

6. Ask the clerk to file-stamp your copies of the Petition for Certificate of Rehabilitation and the Notice of Filing for Certificate of Rehabilitation. (Forms 1 and 2)

7. You will need to present proof of service to the court. At least 30 days prior to the hearing (35 days if sent by mail), serve the copies of the Notice of Filing for Certificate of Rehabilitation and Pardon on:

   Gavin Newsom
   Governor
   State Capitol Building
   Sacramento, CA 95814

   Diana Becton
   District Attorney
   900 Ward Street,
   Martinez, CA 94553

   The district attorney in the California county in which you were convicted if different than Contra Costa County

8. File with the court the proof of service for the Notice of Filing for Certificate of Rehabilitation. The proof of service that you file should be stapled to the Notice of Filing for Certificate of Rehabilitation.

9. You will then hear from the District Attorney’s Office, which will request information from you. Answer their questions.

10. Attend the hearing. Request the judge to appoint the Office of Public Defender.

SCC Revised 2019
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF  CONTRA COSTA  
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  

CII Number  

Criminal Case Number(s)  

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 ___________________________  

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 ___________________________ ;  
□ Probation with suspended sentence to state prison or other state institution;  
□ Probation, after the sentencing proceedings were suspended.  

Thereafter, on or about ___________________________ , I was;  

[ 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  

FORM 1  (Revised 1/21/98)  
This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.
Second Most Recent Felony Conviction

On or about ____________ , I was convicted of the crime of ________________ ,
Month Day, Year
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 ;
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
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 ;
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

FORM 1 (Revised 1/21/98)

This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.10.
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 1 (Revised 1/21/98)  This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA
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)

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 the day of

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 of , county of state of California.

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

FORM 2 (Revised 1/21/99) This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.
STATE OF CALIFORNIA

City of _________________________, County of _________________________

I, _________________________ being first duly sworn, deposes, and says:

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 of _________________________, State of _________________________.

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

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.

FORM 2A (Revised 1/21/98)

This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.
NOTICE OF SERVICE IN PERSON

Receipt of copy of this Notice is hereby admitted this __________ day of __________, __________.

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, __________

__________________________  __________________________
Full Name of District Attorney staff - TYPED or PRINTED  District Attorney staff - SIGNATURE

__________________________  __________________________________
County District Attorney  Month Day, __________

__________________________  __________________________
Full Name of District Attorney staff - TYPED or PRINTED  District Attorney staff - SIGNATURE

__________________________  __________________________________
County District Attorney  Month Day, __________

__________________________  __________________________
Full Name of District Attorney staff - TYPED or PRINTED  District Attorney staff - SIGNATURE

__________________________  __________________________________
County District Attorney  Month Day, __________

__________________________  __________________________
Full Name of District Attorney staff - TYPED or PRINTED  District Attorney staff - SIGNATURE

__________________________  __________________________________
County District Attorney  Month Day, __________

FORM 2B (Revised 1/21/98)  This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ____________________________

In the Matter of the Application of

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)

CERTIFICATE OF REHABILITATION

Pursuant to Penal Code Section 4852.13

The petition of ____________________________, presently residing at ____________________________, heretofore filed, praying for 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 of ____________, Month, Year and proof having been made to the 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 ____________, Month Day, Year, that, where appropriate, petitioner has 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

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 ____________, Month, Year

Judge of said Superior Court - TYPED or PRINTED

Judge of said Superior Court - SIGNATURE

FORM 3 (Revised 12/5/01)
This form was prepared by the Investigations Division of the Board of Prison Terms pursuant to Penal Code Section 4852.18.