

## Clean Slate Eligibility Chart

Situation	Remedy	When eligible	Mandatory if: (note: if not mandatory, it will be discretionary)	Next Steps:
Felony or Misdemeanor Sentenced to <u>probation</u> <i>can include other penalties</i>	PC 1203.4	has no open cases not on probation for any case	<ul style="list-style-type: none"> <li>– The <i>conviction</i> is not discretionary only</li> <li>– Completed probation without revocation of prob. or a new case during prob. for this case.</li> </ul>	– look at “ <a href="#">weird list</a> ” to learn if there are any reductions or oddities for the specific charges
<u>Misdemeanor or infraction</u> sentenced to anything but NOT probation	PC 1203.4a	has no open cases not on probation for any case  specific to this case: 1 year after completion of sentence for this case	<ul style="list-style-type: none"> <li>– The <i>conviction</i> is not discretionary only</li> <li>– Went one year without a new conviction (from time of release) for this case</li> </ul>	– look at “ <a href="#">weird list</a> ” to learn if there are any reductions or oddities for the specific charges
Sentenced under <u>PC 1170(h)</u> or to state prison	PC 1203.41	has no open cases not on probation for any case  specific to this case: if prison: 2 years after completing parole; this case did not trigger registration under PC 290	– Always discretionary	
Sentenced to state prison before October 2011, but would have been eligible for jail sentence per 1170(h) if filed post-Realignment.	PC 1203.42	has no open cases not on probation for any case  specific to this case: 2 years after completing parole	– Always discretionary	
Went to prison; fought fires while in prison (not listed in the RAP, R&R will let you know if this applies)	PC 1203.4b	Anytime out of prison/jail and not facing charges (can be on probation/parole)	– Always discretionary	
Cannabis Offense (listed in materials)	Prop 64	Now	– Mandatory (by law should be automatic, but courts have not implemented)	<ul style="list-style-type: none"> <li>– look at DPA P64 guide for reduction/dismissal options</li> <li>– pair with dismissal, if P64 doesn’t dismiss</li> </ul>
Non-Violent / Non-Serious felonies eligible for reclassification to misdemeanor	Prop 47	client does not have any disqualifying prior convictions  eligible non-violent, non-serious, non-sex-related convictions	– The client was convicted and completed sentence for a Prop 47 eligible offense	– look at “ <a href="#">weird list</a> ” to learn what felonies are eligible for reduction.
Remedy of Last Resort	Cert. of Rehab.	minimum of 7 years after completing the incarceration; must expunge everything else first.	– discretionary, but a higher bar than normal	– look at felony weird list to ensure it is not one of the few cases that is not eligible for COR

