

**PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO PENAL CODE SECTION 851.8**

PETITIONER: Please type or print the following information.

Information relating to the arrest:

Last Name		First	Middle
Last Name on Arrest Record		First	Middle
Street Address/City/State/Zip Code			
Telephone ()		Driver's License No.	Date of Birth / /
Date of Arrest	Arresting Agency	Agency No.	Charge(s)
			Disposition

PETITIONER'S SIGNATURE

DATE

TO BE COMPLETED BY LAW ENFORCEMENT AGENCY OR COURT HAVING JURISDICTION OVER THE OFFENSE

I have verified the above information to be accurate.

*SIGNATURE OF LAW ENFORCEMENT REPRESENTATIVE or
COURT OFFICER*

DATE

Agency or Court Name _____ Agency or Case No _____

Petitioner's CII No. _____ FBI No. _____

Law Enforcement Agency having jurisdiction under Penal Code § 851.8(a).

- * Petition Granted
 Petition Denied

SIGNATURE OF LAW ENFORCEMENT REPRESENTATIVE

DATE

TYPED NAME AND TITLE

Court having jurisdiction under Penal Code §§ 851.8(b), (c), or (d).

- * Petition Granted
 Petition Denied

SIGNATURE OF JUDICIAL OFFICER

DATE

TYPED NAME

Waiver: Time restriction on filing is being waived under Penal Code § 851.8(l).

SIGNATURE OF AGENCY OR JUDICIAL OFFICER

DATE

TYPED NAME AND TITLE

* Having jurisdiction in the matter, the law enforcement agency or court has determined that the above-named petitioner is factually innocent of the arrest indicated and is hereby exonerated. Hereafter, the arrest shall be deemed not to have occurred, and the petitioner may answer any questions relating to this arrest accordingly.

◆ See reverse side for additional information pertaining to Penal Code Section 851.8 ◆

**PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO PENAL CODE SECTION 851.8**

PETITIONER:

Penal Code Section 851.8 provides that a person who has been arrested or detained and is determined to be factually innocent may petition the law enforcement agency or court having jurisdiction over the matter to provide for the sealing and destruction of the record of that arrest. Petitions concerning arrests may be filed for up to two years following the arrest filing date.

PENAL CODE SECTION 851.8(a) PROVIDES IN PART:

"In any case where a person has been arrested and no accusatory pleading has been filed, the person arrested may petition the law enforcement agency having jurisdiction over the offense to destroy its records of the arrest. A copy of such petition shall be served upon the prosecuting attorney of the county or city having jurisdiction over the offense."

PENAL CODE SECTION 851.8(b) PROVIDES IN PART:

"If, after receipt by both the law enforcement agency and the prosecuting attorney of a petition for relief under subdivision (a), the law enforcement agency and prosecuting attorney do not respond to the petition by accepting or denying such petition within 60 days after the running of the relevant statute of limitations or within 60 days after receipt of the petition in cases where the statute of limitations has previously lapsed, then the petition shall be deemed to be denied. In any case where the petition of an arrestee to the law enforcement agency to have an arrest record destroyed is denied, petition may be made to the superior court that would have territorial jurisdiction over the matter*. A copy of the petition shall be served on the prosecuting attorney of the county or city having jurisdiction over the offense at least 10 days prior to the hearing thereon."

PENAL CODE SECTION 851.8(c) PROVIDES IN PART:

"In any case where a person has been arrested, and an accusatory pleading has been filed, but where no conviction has occurred, the defendant may, at any time after dismissal of the action, petition the court which dismissed the action for a finding that the defendant is factually innocent of the charges for which the arrest was made. A copy of such petition shall be served on the prosecuting attorney of the county or city in which the accusatory pleading was filed at least 10 days prior to the hearing on the petitioner's factual innocence."

It is the responsibility of the petitioner to submit any declarations, affidavits, police reports or other evidence which may exist to support the petition to appropriate arresting agency or court and to serve a copy of the petition and supporting papers on the prosecuting attorney.

* *In this case the petitioner shall be responsible for obtaining the original petition from the law enforcement agency and submitting it to the Court.*