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AB-1924 Criminal law: certificate of rehabilitation. (2021-2022)

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Assembly Bill No. 1924

CHAPTER 766

An act to amend Section 4852.01 of the Penal Code, relating to criminal law.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1924, Gipson. Criminal law: certificate of rehabilitation.

Existing law allows a person convicted of a felony or a person who is convicted of a misdemeanor violation of a registrable sex offense to file a petition for a certificate of rehabilitation and pardon if, among other requirements, the accusatory pleading has since been dismissed and the person has not been incarcerated since the dismissal.

This bill would allow a person convicted of a felony, other than a registrable sex offense, to file a petition without certain requirements including, among other requirements, the dismissal of the accusatory pleading and that the person has not been incarcerated since the dismissal. The bill would retain the existing requirements for filing a petition for any person convicted of a registrable sex offense.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4852.01 of the Penal Code is amended to read:

4852.01. (a) Except as specified in subdivision (b), a person convicted of a felony may file a petition for a certificate of rehabilitation and pardon pursuant to the provisions of this chapter.

(b) A person convicted of a misdemeanor violation of any sex offense specified in Section 290, or a felony violation of any sex offense specified in Section 290 who is granted probation, the accusatory pleading of which has been dismissed pursuant to Section 1203.4, may file a petition for certificate of rehabilitation and pardon pursuant to the provisions of this chapter if the petitioner has not been incarcerated in a prison, jail, detention facility, or other penal institution or agency since the dismissal of the accusatory pleading, is not on probation for the commission of any other felony, and the petitioner presents satisfactory evidence of five years' residence in this state prior to the filing of the petition.

(c) This chapter does not apply to persons serving a mandatory life parole, persons committed under death sentences, persons convicted of a violation of Section 269, subdivision (c) of Section 286, subdivision (c) of Section 287, Section 288, Section 288.5, Section 288.7, subdivision (j) of Section 289, or subdivision (c) of former Section 288a, or persons in military service.

(d) Notwithstanding any other law, the Governor has the right to pardon a person convicted of a violation of Section 269, subdivision (c) of Section 286, subdivision (c) of Section 287, Section 288, Section 288.5, Section 288.7, subdivision (j) of Section 289, or subdivision (c) of former Section 288a, if there are extraordinary circumstances.