



OFFICE OF THE PUBLIC DEFENDER

Reentry Expungement Program

(Public Safety Realignment Act Funding AB109)

- **Are criminal convictions on your record keeping you from getting a job?**

- The Santa Clara County Office of the Public Defender will begin providing expungement services starting September 16, 2013, for Reentry Program Clients through the Public Safety Realignment Act (AB109). This program will provide record clearance (expungement) services to clients who have misdemeanor or felony convictions on their record.
- Assistance is available for individuals provided that financial eligibility criteria for Public Defender assistance are met.
- If you have misdemeanor(s) or felonies where you **were not** sentenced to State Prison, the Office of the Public Defender may be able to assist you in clearing your record. Clearing your record may improve your opportunity for employment.
- Penal Code Section 1203.4 permits you to withdraw your plea of guilty or plea of nolo contendere (No Contest) and enter a plea of not guilty; or if you have been convicted after a plea of not guilty, the court can set aside the verdict of guilty.

- **You are not eligible for record clearance if any of the following conditions exist:**

- You have a conviction for Sections 2800, 2801, or 2803 of the Vehicle Code, or for Sections 286(c), 288, 288a(c), 288.5, or 289(j) of the California Penal Code are also not eligible for record clearance.
- You are still on Court or formal probation or are in a Diversion program.
- You were sentenced to State Prison as opposed to County Jail.
- You are presently charged with the commission of any offense.
- You are serving a sentence.
- There is an outstanding warrant for your arrest.
- You have a criminal charge pending.

- **Conviction Remains on Your Record**

- While dismissing your conviction does help with many job, housing, student aid and other opportunities, it does not completely erase the conviction. Information relating to your record may be made available to public employers or others, where the release is authorized by law. You may still be required to disclose the conviction in response to certain direct questions. You may be prohibited from owning a firearm because of the conviction. In addition, record clearance will not keep the charge from being alleged against you as a prior conviction in any future criminal proceedings.

- Interviews will be done by appointment and on walk in basis during office hours if time permits. If you are not financially eligible for Public Defender assistance, you can pursue record clearance by obtaining an application from the Probation Department or by retaining a private attorney.

**PLEASE CALL TO MAKE AN
APPOINTMENT.**

- **Office Hours:**
Monday 9:30 a.m. – 11:00 a.m.
Tuesday 1:00 p.m. – 4:00 p.m.
Thursday 1:00 p.m. – 4:00 p.m.
Friday 9:30 a.m. – 11:00 a.m.

(408) 535-4290
Office of the Public Defender
Location: Reentry Resource Center
151 W. Mission Street
San Jose, CA 95110