



Judicial Council of California

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Subject Details (With Text)

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9/21/2018	1	Judicial Council	approved	Pass

Title

Criminal Procedure: Petition to Seal Arrest and Related Records (Action Required)

Summary

The Criminal Law Advisory Committee recommends the Judicial Council approve three new optional forms, including an information sheet, in response to recent legislation that added section 851.91 to the Penal Code. (Sen. Bill 239; Stats. 2017, ch. 537). Section 851.91 outlines the procedure for an individual who suffered an arrest that did not lead to a conviction to file a petition to have the arrest and related records sealed. Penal Code section 851.91(b)(3) directs the Judicial Council to develop forms to incorporate the new statutory basis for resentencing and dismissal relief. Since a significant number of petitioners are likely to be self-represented, the forms strive to use plain language (also known as “plain English”) so that users can readily understand the forms on their first reading.

Recommendation

The Criminal Law Advisory committee recommends that the Judicial Council, effective January 1, 2019, approve:

1. Petition to Seal Arrest and Related Records (Pen. Code, § 851.91) (form CR-409);
2. Order to Seal Arrest and Related Records (Pen. Code, §§ 851.91, 851.92) (form CR-410); and
3. Information on How to File a Petition to Seal Arrest and Related Records Under Penal Code Section 851.91 (form CR-409-INFO).