

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



PROP 47 Application for San Francisco Convictions

Clean Slate Program

How to Apply

STEP 1 – Get your San Francisco Criminal History (RAP sheet)

In Person: Get a **free** copy of your RAP sheet from the San Francisco Police Department ID Bureau at 850 Bryant St., Room 475, M-F from 8am-3pm. Bring a valid photo ID.

If you live outside the San Francisco Bay Area:

By Mail:

- Send a notarized request for your RAP sheet, including your name, any aliases, date of birth, and social security number,
 - copy of your valid state ID, and
 - A self addressed stamped envelope.
- To:
SF Police Department
Attn: ID Bureau
850 Bryant St., Room 475
San Francisco, CA 94103

STEP 2 – Turn in your Prop 47 Application and RAP Sheet

You can get the Prop 47 Application from:

- The San Francisco Public Defender's Office, 555 7th Street, M-F 8am-5pm, or
- Online at www.sfpublicdefender.org, or
- By calling 415-734-3014 (leave your name and address clearly and we will mail an application to you).

Mail or drop off your completed application and a copy of your RAP sheet to:

San Francisco Public Defender's Office
CLEAN SLATE: PROP 47 Unit
555 7th Street, San Francisco, CA, 94103
Monday - Friday, 8am - 5pm

After we receive your application, we will send you a letter with further information about your case. Inform us immediately if your contact information changes.

FREE WALK IN CLINICS			
Office of the Public Defender	555 7 th St., SF	Every Tuesday	9am-11am
Community Justice Center	555 Polk St. 2nd Floor	1 st and 3 rd Monday	10am-11am
Arriba Juntos (Se habla Español)	1850 Mission St., SF	2 nd and 4 th Monday	10:30am-12:30pm
Ella Hill Hutch Community Center	1050 McAllister St., SF	1 st Thursday	9am-11am
Village Community Center	1099 Sunnysdale Ave., SF	4 th Wednesday	3pm-5pm
Southeast Community College	1800 Oakdale Ave., SF	1 st and 3 rd Thursday	9am-11am

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PROP 47 Application

The information you give us is **CONFIDENTIAL**. Please answer every question completely.

Date	Last Name	First Name		MI
Social Security Number	Driver's License #	Date of Birth	U.S. Citizen? <input type="checkbox"/> No <input type="checkbox"/> Yes	
Mailing Address: Street	City	State	Zip	
May we send you mail at this address?				<input type="checkbox"/> No <input type="checkbox"/> Yes
Phone Number/s: Cell	Home	Work	Other	
May we leave voice messages about your case at these numbers?				<input type="checkbox"/> No <input type="checkbox"/> Yes
Email Address				
Are you currently employed?				<input type="checkbox"/> Yes <input type="checkbox"/> No
What is your monthly income? \$ _____				
What is your total monthly expense for essential needs? \$ _____ (e.g. rent, groceries, utilities, medical expenses, childcare expenses, etc.)				

FOR INTERNAL USE ONLY:

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PROP 47: Frequently Asked Questions

1. What is Proposition 47?

On November 4, 2014, the voters of California passed Proposition 47, a law that reduces some felonies to misdemeanors.

2. I think I may qualify for relief. How can I get my San Francisco case or conviction reclassified as a misdemeanor?

Contact the SF Public Defender's office:

Public Defender Main Line 415-553-1671

If you are in custody, if you have a pending case, or if you are still on probation or any other form of supervision (PRCS, Mandatory Supervision, Parole), contact your lawyer at the Public Defender's office and we will handle your case.

If you have a conviction, have completed your sentence and are no longer on probation or any other form of supervision, fill out the Prop 47 application and drop it off or mail it to us. If your probation was transferred to SF from another county, you may qualify.

If you qualify, we will handle your case/s.

3. Can I get my felony reduced to a misdemeanor?

You may be able to have your most recent case, and any earlier cases, changed from felonies to misdemeanors if you were convicted of the following charges:

- Commercial Burglary of a Store during Regular Business Hours (PC §459)
- Forgery (PC §470-476)
- Fraud/Bad Checks (PC §476a)
- Grand Theft (PC §487)
- Petty Theft/Shoplifting (PC §§484, 484/666)
- Possession of Methamphetamine (HS §11377)
- Possession of Controlled Substance (HS §11350)
- Possession of Concentrated Cannabis (HS §11357(a))
- Receiving Stolen Property (PC §496)

For theft charges to be reduced, the amount stolen must have been less than \$950. Simple possession of any controlled substance or unlawful drug has now been reduced to a misdemeanor. **Note: You cannot possess or own a firearm and you could be charged with a felony for owning or possessing a firearm, even after your case is reduced to a misdemeanor through Prop 47.**

3. Who can't have their cases reduced from felonies to misdemeanors?

Charges will not be reduced for most individuals required to register as a sex offender or anyone who has specific serious prior convictions known as "super strikes," for example: rape, murder; possession of weapon of mass destruction. Please contact our office if you have been convicted of one or more of the felonies listed above and we will advise you about whether you qualify for a reduction.

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4. Can I have my felony conviction reduced to a misdemeanor even if it is not a *recent* felony conviction?

Yes, this law is completely retroactive. That means that you are eligible to have any qualifying prior felony convictions reduced to misdemeanors no matter how long ago you were convicted. This is true even if you were previously denied a reduction from a felony to a misdemeanor by the court during any pre-conviction court hearing, at sentencing, or after requesting an expungement.

5. Will there be a court hearing?

If there is any question about whether your felony case should be reduced, there may be a court hearing where you will be represented by a public defender from our office if you qualify financially.

6. If I'm in jail and my case is reduced from a felony to a misdemeanor, will I get out of jail?

The maximum jail time for most misdemeanors is one year in county jail. If you have already served more than the maximum term of confinement, you should be released. If you have not served the maximum term of confinement for the misdemeanor charge(s), the court may hold a hearing to determine if your sentence should be reduced. However, if you have other cases or charges that are holding you in custody, you will not be released even if you receive a reduction on one or more charges. **If you are currently in custody and believe you are eligible for Prop 47, contact your lawyer immediately.**

7. If I'm in prison and my case is reduced from a felony to a misdemeanor, will I get out of prison?

If you have no other charges keeping you in state prison, you may be released from prison. If your case is reduced to a misdemeanor, your maximum sentence is no more than a year in county jail per charge. You cannot be sentenced to prison on a misdemeanor, but you can be sentenced to county jail. **Contact this office if you believe you are eligible. We will file a petition on your behalf, if you qualify.**

8. If my case is reduced from a felony to a misdemeanor, will I be on probation or parole when I am released from jail or prison?

This will depend on the type of sentence you received before, and the decision will be made by the judge who resentences you. If you are resentenced, you should receive a Minute Order from the court before you are released. Please read it carefully to see if you have been ordered to report to probation or parole when you are released. Please comply with any terms and conditions ordered by the Court. If you think there has been a mistake or have any questions about any of the new terms and condition of your sentence after resentencing, please call the Office of the Public Defender at 415-553-9344.

9. If my case is reduced to a misdemeanor, will I still have to pay restitution?

Yes. Even if your case is reduced to a misdemeanor, any restitution orders will remain in full force and effect. However, your court fines and fees may be decreased if your case is reduced from a felony to a misdemeanor. The Order signed by the judge will have this amount.