



## STREAMLINED DNA EXPUNGEMENT APPLICATION FORM

### REQUEST TO THE CALIFORNIA DEPARTMENT OF JUSTICE CAL-DNA DATA BANK PROGRAM TO EXPUNGE MY STATE DNA DATABASE PROFILE AND REMOVE MY SAMPLE

I, \_\_\_\_\_

**(Insert Name) SET FORTH UNDER PENALTY OF PERJURY AS FOLLOWS:**

1. My name is \_\_\_\_\_ **(Insert legal name and other name(s) used)**, and my address, or an address that I can be reached at, is:  
\_\_\_\_\_  
\_\_\_\_\_
2. My email address is: **(Insert email address if you have one and would like to be contacted by email)**  
\_\_\_\_\_
3. My Social Security Number (SSN) is \_\_\_\_\_ ; my Date of Birth is \_\_\_\_\_ ;  
and my Driver's License Number (or State Identification Card Number) is \_\_\_\_\_ .
4. My CA Identification & Information (CII) Number is \_\_\_\_\_ **(Insert number if known)**.
5. On or about \_\_\_\_\_ **(Date/Year)**, I provided a DNA sample for inclusion in the  
CAL-DNA Data Bank Program (Penal Code section 295 et seq.) to a law enforcement agency in  
\_\_\_\_\_ County, under the name I entered above.  
**(Name of County where sample taken; Insert prison name if taken at a prison)**
6. To the best of my knowledge, the crime for which my DNA database sample was taken was:  
\_\_\_\_\_ **(Describe or name crime if known)**.
7. **I contend I am not required by law to provide a DNA Data Bank Sample, and there is no legal basis for the California Department of Justice to retain my DNA sample, or searchable DNA profile.**
8. **I certify to the best of my knowledge that all of the following statements are true:**
  - a. I have no past or present criminal offense that qualifies me for inclusion in the CAL-DNA Data Bank Program.  
**[Note:** (1) If you provided a DNA sample after you were validly convicted of a felony, the fact you subsequently had that felony conviction expunged under Penal Code section 1203.4, or reduced to a misdemeanor, etc., under Penal Code section 17, does not entitle you to also have your DNA profile expunged or sample removed from the Data Bank. (See, Cal. Pen. Code, § 299 (f).); (2) If you provided a DNA sample after a conviction for a misdemeanor and had any past felony conviction at that time, your sample is not eligible for expungement or removal from the Data Bank. (See, Cal. Pen. Code, § 296.1(a)(2) &(3).)]
  - b. I have no past or present duty to register as a sex or arson offender.  
**[Note:** Termination of the duty to register does not qualify as a reason for sample expungement. (See, Pen. Code, § 299(e).)]
  - c. I did not provide a DNA sample as part of a plea bargain.



9. I request that the California Department of Justice destroy my DNA sample and expunge my searchable DNA database profile as provided for in Penal Code section 299, on the following grounds (**CHECK ONE AND ATTACH THE DOCUMENTATION DESCRIBED**):

- a.  No qualifying felony charges were or will be filed after my arrest.  
[Attach a letter from a District Attorney or prosecutor, providing the case name and number, and certifying that no charge(s) will be filed based on the arrest; or attach a certified or file-stamped copy of a complaint reflecting that only misdemeanor charge(s) were filed based on the arrest.]
- b.  The felony charge(s) which formed the basis of my DNA sample collection was dismissed.  
[Attach a certified or file-stamped copy of the court docket or minute order dismissing the charge(s), or a trial court's Clerk Certificate verifying this fact.]
- c.  The conviction which formed the basis of my DNA collection has been reversed and the case dismissed. [Attach a certified or file-stamped copy of the court order(s) or opinion reversing the conviction and dismissing the charge(s).]
- d.  I have been found factually innocent under Penal Code section 851.8 or Welfare and Institutions Code section 781.5 of the offense which qualified me for inclusion in the CAL-DNA Data Bank Program. [Attach a certified or file-stamped copy of the court docket or minute order making this finding.]
- e.  I was acquitted or found not guilty of the offense which qualified me for inclusion in the CAL-DNA Data Bank Program. [Attach a certified or file-stamped copy of the court docket or minute order stating this finding.]
- f.  My previously sustained delinquency petition alleging an offense that would be a felony, if committed by an adult, has been reversed and dismissed. [Attach a certified or file-stamped copy of the court order(s) or opinion reversing the conviction and dismissing the charge(s).]

10. Additional information supporting my request for DNA sample expungement is as follows:

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11. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_ at \_\_\_\_\_, State of \_\_\_\_\_  
(Date) (City) (State)

PRINT NAME: \_\_\_\_\_

SIGNATURE (person requesting DNA profile expungement and sample removal)

<p><b>MAIL THE REQUEST FOR DNA SAMPLE EXPUNGEMENT TO:</b>  <b>California Department of Justice</b>  <b>CAL-DNA Data Bank Program</b>  <b>Attn. EXPUNGEMENT REQUESTS</b>  <b>P.O. Box 70223</b>  <b>Richmond, CA 94807-0141</b></p>
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### Privacy Notice

The information requested on this form is being requested by the State of California, Department of Justice (DOJ), Division of Law Enforcement, CAL-DNA Data Bank Program, for the purpose of determining eligibility for DNA sample/profile removal and expungement through use of DOJ's streamlined procedures. The maintenance of the information collected on this form is authorized by Penal Code Section 299. All information requested on this form is voluntary. However, failure to provide the requested information/documentation (e.g. identity, legal status and criminal history), as applicable, to enable DOJ to make a determination regarding a sample/profile's eligibility for removal/expungement, will likely result in denial of the DNA sample/profile removal and expungement request. Your information provided on this form may be disclosed to federal, state and/or local law enforcement agencies, probation and parole officers, your attorney, and attorneys for the Department of Justice, and/or courts.

Pursuant to Civil Code Section 1798.30 et seq., individuals have the right [with some exceptions] to access records containing the personal information about themselves that are maintained by the agency. The CAL-DNA Data Bank Program is the agency official responsible for the system of records that maintains the information provided on this form. For more information regarding the location of your records and the categories of any persons who use the information in those records, you may contact the CAL-DNA Data Bank Program, Department of Justice, at 1001 West Cutting Blvd., Suite 110, Richmond, CA 94804, or via telephone at (510) 620-3300.