

EXPEDITED EXPUNGEMENT: DNA DATABASE SAMPLE

DISTRICT ATTORNEY CERTIFICATION IN SUPPORT OF EXPEDITED DNA SAMPLE EXPUNGEMENT

Re: PENAL CODE SECTION 299 EXPUNGEMENT REQUEST FOR:

(NAME OF PERSON QUALIFYING FOR SAMPLE EXPUNGEMENT ["PETITIONER"])

CASE No. _____ (if any) CII No. _____ SOCIAL SECURITY NO. _____

DATE OF BIRTH: _____ TODAY'S DATE: _____

CRIME OF ARREST/CONVICTION _____

DNA Data Bank Expungement Administrator:

Please be advised that the District Attorney's Office of _____ County has researched the records of the above-named person and has determined that:

(I) S/he is eligible to have his/her DNA sample destroyed and searchable DNA database profile expunged as provided in Penal Code section 299 based upon the following grounds: **(Check all that apply)**

- a. No qualifying charges have been filed or will be filed within the applicable period allowed by law following petitioner's arrest.
- b. The qualifying charges were dismissed before adjudication.
- c. The qualifying conviction has been reversed and the case dismissed.
- d. Petitioner has been found factually innocent of the qualifying offense under Penal Code section 851.8 or Welfare and Institutions Code section 781.5.
- e. Petitioner was acquitted or found not guilty of the qualifying offense.
- f. Petitioner's previously sustained delinquency petition alleging an offense that would be a felony, or, if committed by an adult, has been reversed and dismissed; **OR**

(II) **This is a Proposition 47-based expungement request.** The above-named person qualifies to have **an arrestee** DNA sample expunged from the State's DNA database because the felony crime of arrest has been converted to a misdemeanor by Proposition 47. I also hereby certify all of the following are true according to the best of my knowledge and all available records: **(i)** Petitioner was not convicted or otherwise adjudicated of any felony crime in the case for which his or her DNA database sample was collected; **(ii)** Petitioner is no longer charged with a felony crime and no felony charges will be filed against the petitioner for the conduct resulting in his/her arrest for the case number set forth above; **(iii)** The trial court of record has already made a final decision in this case to reclassify to a misdemeanor the felony crime of arrest for which petitioner's DNA database sample was taken; **(iv)** Petitioner has never been required to register as a sex or arson offender for any offense of record, and there is no other provision of law that requires this petitioner to provide a DNA database sample at this time, such as his or her agreement to provide a DNA database sample as part of a plea bargain.

By: DISTRICT ATTORNEY _____ (Signature)

(Print Name & Date)

DISTRICT ATTORNEY OR PETITIONER RETURN OF FORM: PLEASE RETURN THIS SIGNED FORM TO THE CAL-DNA DATA BANK EXPUNGEMENT UNIT AS SOON AS POSSIBLE BY ONE OF THE FOLLOWING METHODS:

(1) FAX AT (510) 231-8744; (2) EMAIL .PDF TO PC296.PC296@DOJ.CA.GOV; OR (3) MAIL TO CAL-DNA DATA BANK PROGRAM, ATTN. EXPUNGEMENT UNIT, 1001 W. CUTTING BLVD., RICHMOND, CA 94804.

NOTE: IF THE DISTRICT ATTORNEY IS SENDING A PROPOSITION 47 EXPUNGEMENT REQUEST DIRECTLY TO DOJ BY MAIL, THIS FORM SHOULD BE ACCOMPANIED BY A SHORT COVER LETTER ON DISTRICT ATTORNEY LETTERHEAD THAT INCLUDES: "ENCLOSED PLEASE FIND EXPUNGEMENT REQUEST(S) FROM OUR OFFICE BASED ON CHANGES IN THE LAW FROM PROPOSITION 47." MULTIPLE REQUESTS MAY BE SUBMITTED WITH ONE COVER LETTER.