STATE OF CALIFORNIA
BCIA 8270
(Rev. 08/2017)

PRINT RESET

PETITION TO SEAL AND DESTROY ADULT ARREST RECORDS

(Per Penal Code section 851.8)

Print or type required information ***Note: DOJ does NOT accept petitions or documents from the public***

FULL NAME OF PETITIONER	LAST	FIRST	MIDDLE

ALIASES	DATE OF BIRTH	DRIVER LICENSE NUMBER	SOCIAL SECURITY (OPTIONAL)

STREET NUMBER	STREET NAME	APARTMENT OR UNIT NUMBER

CITY	COUNTY	STATE	ZIP CODE

DATE(S) OF ARREST	NAME OF ARRESTING AGENCY	AGENCY CASE NUMBER	CHARGE(S)	DISPOSITION

SIGNATURE OF PETITIONER DATE

SECTION TO BE COMPLETED BY LAW ENFORCEMENT AGENCY/COURT WITH JURISDICTION FOR OFFENSE(S)

I have verified the above information to be accurate.

PRINT NAME (GRANTOR) PHONE NUMBER / EMAIL ADDRESS

SIGNATURE OF AGENCY (GRANTOR) DATE

NAME OF LAW ENFORCEMENT AGENCY OR COURT	LAW ENFORCEMENT AGENCY CASE NUMBER OR COURT CASE NUMBER
CII NUMBER OF PETITIONER	FBI NUMBER OF PETITIONER

SECTION TO BE COMPLETED BY LAW ENFORCEMENT AGENCY (851.8(a) PC)

☐ **PETITION GRANTED** ***(Send to DOJ)*** ☐ **PETITION DENIED** ***(Do NOT send to DOJ)***

PRINT OR TYPE NAME OF AGENCY AND GRANTOR PHONE NUMBER / EMAIL ADDRESS

SIGNATURE OF AGENCY (GRANTOR) DATE

SECTION TO BE COMPLETED BY COURT OF JURISDICTION (851.8(b), (c), or (d) PC)

☐ **PETITION GRANTED** ***(Send to DOJ)*** ☐ **PETITION DENIED** ***(Do NOT send to DOJ)***

PRINT NAME OF AGENCY OR COURT OFFICIAL PHONE NUMBER / EMAIL ADDRESS

SIGNATURE OF AGENCY OR COURT OFFICIAL DATE

WAIVER: TIME RESTRICTION ON FILING WAIVED (851.8 (l) PC)

PRINT NAME OF AGENCY OR COURT OFFICIAL

SIGNATURE OF AGENCY OR COURT OFFICIAL DATE

Submit Approved Petition to:	Also Distribute to:	AREA FOR AGENCY/COURT SEAL OR ADDITIONAL REMARKS
Department of Justice Record Sealing Unit PO Box 903417 Sacramento, CA 94203-4170	District Attorney Petitioner	

(SEE REVERSE SIDE FOR MORE INFORMATION ON PENAL CODE § 851.8)

PETITION TO SEAL AND DESTROY ADULT ARREST RECORDS

(Per Penal Code section 851.8)

PETITIONER:

Penal Code (PC) section 851.8 provides that a person who has been arrested or detained, and is determined to be factually innocent, may petition the law enforcement agency or the court having jurisdiction over the matter to provide for the sealing and destruction of the record of that arrest. Petitions concerning arrests occurring on or after January 1, 1981, or accusatory pleadings filed on or after January 1, 1981, may be filed for up to two years following the arrest filing date. Until January 1, 1983, petitions can be filed for arrests which occurred or accusatory pleadings which were filed up to five years prior to the statute's effective date of September 29, 1980. ***Note**: DOJ does not accept denied petitions or record sealing documents from the public.*

PETITION THE ARRESTING AGENCY (851.8(a) PC)

PC section 851.81(a) provides in part: "In any case where a person has been arrested and no accusatory pleadings have been filed, the person arrested may petition the law enforcement agency having jurisdiction over the offense to destroy its record of the arrest. A copy of such petition shall be served upon the district attorney of the county having jurisdiction over the offense."

PETITION DENIED OR NO RESPONSE TO PETITION (851.8(b) PC)

PC section 851.8(b) provides in part: "If, after receipt by both the law enforcement agency and the district of a petition for relief under subdivision (a), the law enforcement agency and district attorney do not respond to the petition by accepting or denying such petition within 60 days after the running of the relevant statute of limitations or within 60 days after receipt of the petition in cases where the statute of limitations has previously lapsed, then the petition shall be deemed to be denied. In any case where the petition of an arrestee to the law enforcement agency to have an arrest record destroyed is denied, petition may be made to the municipal or justice court. A copy of such petition shall be served on the district attorney of the county having jurisdiction over the offense at least 10 days prior to the hearing." Note: The petitioner shall be responsible for obtaining the original petition from the law enforcement agency and submission to the court of jurisdiction.

PETITION TO THE COURT OF JURISDICTION (851.8(c) PC)

PC section 851.8(c) provides in part: "In any case where a person has been arrested, and an accusatory pleading has been filed, but where no conviction has occurred, the defendant, may, at any time after dismissal of the action, petition the court which dismissed the action for a finding that the defendant is factually innocent of the charges for which the arrest was made. A copy of such petition shall be served on the district attorney of the county in which the accusatory pleading was filed at least 10 days prior to the hearing on the petitioner's factual innocence."

It is the responsibility of the petitioner to submit any declarations, affidavits, police reports, or other evidence, which may exist to support the petition to appropriate the arresting agency or court and to serve a copy of the petition and supporting papers on the district attorney.

PETITION TO SEAL AND DESTROY ADULT ARREST RECORDS

(Per Penal Code section 851.8)

Privacy Notice

As Required by Civil Code §1798.17

Collection and Use of Personal Information. The Bureau of Criminal Information and Analysis's Record Sealing Unit in the Department of Justice collects the information requested on this form as authorized by Penal Code section 851.8. The Record Sealing Unit uses this information so that a person who has been arrested or detained, and is determined to be factually innocent, may petition the law enforcement agency or the court having jurisdiction over the matter to provide for the sealing and destruction of the record of that arrest. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at **http://oag.ca.gov/privacy-policy**.

Providing Personal Information. All the personal information requested in the form must be provided. This form may not be processed for failure to provide the requested personal information.

Access to Your Information. You may review the records maintained by the Record Sealing Unit in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process this information so that a person who has been arrested or detained, and is determined to be factually innocent, may petition the law enforcement agency or the court having jurisdiction over the matter to provide for the sealing and destruction of the record of that arrest, the Department of Justice may need to share your information with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Record Sealing Unit by mail at:

Department of Justice
Bureau of Criminal Information & Analysis
Record Sealing Unit
P.O. Box 903417
Sacramento, CA 94203-4170