

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address): NAME: ADDRESS: CITY, STATE, ZIP: TELEPHONE NO: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ 701 Ocean Street, Room 120 Santa Cruz, Ca 95060 Santa Cruz Branch	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____ DATE OF BIRTH: _____	
APPLICATION FOR REDESIGNATION AS MISDEMEANOR (Penal Code § 1170.18 (f))	CASE NUMBER: _____

1. On (date) _____ Applicant, the defendant in the above-entitled criminal action, was convicted of the following felony offense(s) that have now been reclassified as misdemeanors (specify code(s) and section(s)):

2. Defendant alleges he/she has completed his/her sentence and applies to have the felony offense(s) designated as misdemeanor(s).

3. Defendant is incarcerated on another case and is currently housed in: _____

4. Defendant understands the following requirements pursuant to 1170.18 (check each box):
 - a. A copy of this application will be served on the *Santa Cruz County District Attorney's Office* immediately after filing this application with the Court. It may take a minimum of 30 court days for the Court to process and review this application. The applicant will be contacted by the Court once a determination is made. Unless requested by the applicant, no hearing is necessary.
 - b. Any felony conviction that is designated as a misdemeanor under subdivision (g) shall be considered a misdemeanor for all purposes, **except that such redesignation shall not permit that person to own, possess, or have in his or her custody or control any firearms or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 Part 6.**

5. Defendant understands that it is their responsibility to pay any outstanding fines or fees owed on the case even if the offense is reclassified as a misdemeanor, unless instructed otherwise by the Court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief, and that this application is executed on date: _____
in the (City/County) of _____, State of _____.

Signature of applicant: _____

Instructions for use of this form:

Applications for redesignation must be filed within three years after the effective date of the law (November 5, 2014) or at a later date upon a showing of good cause. Applications must be filed with the trial court that entered the original judgment.

If the trial court determines that the applicant is eligible for redesignation, the court shall designate the felony offense(s) as a misdemeanor. Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (f).

After you have filed an application with the trial court, the district attorney's office will be given sufficient time (minimum of 30 court days) to review your case and provide information to the court about your eligibility. The following list of felony offenses are considered disqualifying offenses and shall prevent a defendant's offenses from being redesignated:

<input type="checkbox"/> Any "sexually violent offense" (W&I §6600(b)): Any following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury, or threatening to retaliate in the future: A) <input type="checkbox"/> rape (PC §261), <input type="checkbox"/> rape of a spouse (PC §262) <input type="checkbox"/> rape, rape of a spouse or penetration by foreign object in concert (PC §261.4) <input type="checkbox"/> sodomy (PC§286) <input type="checkbox"/> lewd or lascivious act on child or dependent person (PC §288) <input type="checkbox"/> oral copulation (PC§288a) <input type="checkbox"/> continuous sexual abuse of a child (PC §288.5) <input type="checkbox"/> penetration by foreign object (PC §289) Any of the following when committed with intent to commit an offense listed in A): B) <input type="checkbox"/> kidnapping (PC §207) <input type="checkbox"/> aggravated kidnapping (PC §209) <input type="checkbox"/> assault (PC §220)
<input type="checkbox"/> Oral copulation, sodomy, or sexual penetration with a child under 14 and more than 10 years younger than defendant (PC §288a, Pc §286, PC §289)
<input type="checkbox"/> A lewd or lascivious act with a child under 14 (PC §288)
<input type="checkbox"/> Any homicide or attempted homicide (PC §187 - 191.5)
<input type="checkbox"/> Solicitation to commit murder (PC §653f)
<input type="checkbox"/> Assault with a machine gun on peace officer or firefighter (PC §245(d)(3))
<input type="checkbox"/> Possession of a weapon of mass destruction (PC §11418(a)(1))
<input type="checkbox"/> Any serious or violent felony punishable in California by life imprisonment or death
<input type="checkbox"/> Any offense requiring lifetime sex offender registration under PC §290(c)