



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Information Regarding Petitions for Expungement of DNA (Penal Code §299)

~~ The following information is not intended to be legal advice or complete instruction. If you have questions, please seek legal advice from an attorney. ~~

1. Is your DNA in the Department of Justice Database? Does Expungement apply to you?

California law (Penal Code §296) requires that anyone arrested for a felony in California must provide a DNA sample as part of the arrest procedure. If you were arrested for a felony after January 1, 2009, or were convicted of a qualifying offense prior to 2009, you may have provided a “DNA Sample” which is preserved as a “DNA Profile” in a Department of Justice database. The information in the database is used to match evidence found at crime scenes to help identify individuals involved in unsolved crimes.

2. How can you petition to have your DNA removed from the Database?

California law (Penal Code § 299(a)) provides that you may request to have your DNA specimen and sample destroyed, and your searchable database profile “expunged,” from the database if you qualify. To successfully destroy your DNA sample and expunge your DNA profile from the database, you must file a “Petition for Expungement.” If the judge grants your petition for expungement, your DNA sample will be destroyed and your DNA profile will be removed from the database.

The judge will only review petitions for expungement that have been filed correctly. It is your responsibility to file the petition correctly. This information sheet and [“Instructions: How to Fill Out the Petition for Expungement”](#) are intended to help you understand and complete the expungement process. Your petition can only be granted if you accurately complete the petition and qualify under California law.

3. What happens after you file your Petition for Expungement?

After you have filed your petition and proof of service with the court, the District Attorney and the Department of Justice have 180 days to review your case. Your petition will either be: (1) granted, or (2) a formal hearing will be scheduled.

(1) The Petition may be GRANTED.

Details: You will receive notification telling you the exact date that the court will be reviewing your Petition for Expungement. You do not need to attend that informal hearing. If no objection is filed with the court by the District Attorney or the Department of Justice, the court has the discretion to grant your petition.

If the judge grants your petition, the order will be signed and a copy will be mailed to you, and a copy will be sent to the Department of Justice. On the other hand, if there appears to be a legal reason to deny your petition, the judge will schedule a formal hearing to decide whether or not you qualify for expungement.

2) A FORMAL HEARING may be scheduled for further presentation of the facts.

Details: If the District Attorney or the Department of Justice objects to the expungement petition, the court will schedule a formal hearing. You will be notified of the date, time and department of the hearing based upon the contact information that you provide on your Petition (in Box 1). You will also be notified of the reasons for the objection to the petition.

At this hearing you will have the opportunity to tell the judge why you believe you qualify for expungement and you should bring any paperwork that you have to support your claim. The prosecution will also have an opportunity to present evidence to the court and to explain why they believe you do not qualify. The judge will grant or deny your petition for expungement based upon the facts received at the hearing.