

# Proposition 47 and You

## December 8, 2014

Proposition 47 was passed by the voters and became law on November 5, 2014. The law made some non-violent property crimes, where the value does not exceed \$950, into misdemeanors. It also made some simple drug possession offenses into misdemeanors. Proposition 47 does not apply to everybody. In general, you are disqualified from getting the benefit of Proposition 47 if you have specified prior convictions or if you are required to register as a sex offender pursuant to Penal Code section 290, subdivision (c).

Please keep in mind that the information presented here is general and may or may not apply to your specific case.

**Who Do I Contact for Help?** If you were represented by the Los Angeles County Public Defender or the Alternate Public Defender, you should call the office in the courthouse where your case was heard. Public Defender locations and phone numbers are available [by clicking here](#). Alternate Public Defender locations and phone number are available [by clicking here](#).

If you hired your own lawyer, you should call that lawyer. You may also seek information and assistance from the Indigent Criminal Defense Appointments Program (ICDA) at (213) 896-6437 and/or the Post Conviction Assistance Center at (310) 207-4014.

You may also get information from the Los Angeles Superior Court's website. The Los Angeles County Public Defender is not affiliated with that website and cannot answer any questions about the court's website.

**I'm in prison or serving a non-probationary felony sentence in county jail. Does Proposition 47 help me?**

**My felony case is closed. I am not serving a sentence and am not on probation or parole. Does Proposition 47 help me?**

**I am on probation. Does Proposition 47 help me?**

If you were convicted of a specified felony and are not disqualified, Proposition 47 can apply to you regardless of whether you are currently serving a sentence, on parole or probation, or your case is long over with.

If you are currently serving a sentence (including being on parole or Post Release Community Supervision), you must file a "petition" to be resentenced. The court will determine if you are eligible for relief (you were convicted of a qualifying crime and have no disqualifying priors or sex registration). The court must then determine if you are suitable for resentence. Suitability is defined by Proposition 47. If you are both

eligible and suitable, then your crime will be reduced to a misdemeanor and you will be resentenced. In addition the court may place you on one year of parole.

If your case is over - you are not serving a sentence and are not on probation or parole, you must file an "application." The court will determine if you are eligible for relief, meaning you were convicted of a qualifying crime and have no disqualifying priors or sex registration. Unlike the petition process, the court does not determine suitability. If you are eligible, your crime will be reduced to a misdemeanor.

If you are on probation for a specified crime and are not otherwise disqualified, you should benefit from Proposition 47. You should talk to your lawyer about how to file for a reduction. Whether you will have to go through the "petition" process or whether your case is automatically a misdemeanor has not yet been decided by a reviewing court.

### **How long do I have to ask for Proposition 47 relief?**

Proposition 47 says that petitions and applications must be filed within three years after the effective date of the proposition, which means 3 years from November 5, 2014. This time can be extended if you can show good cause. It is better to act now, rather than wait.