



How **Proposition 47**
opens the path to
housing and jobs for
people with low-level,
nonviolent offenses

Removing Barriers — to a — **Fresh Start**

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Put Your Past Behind You

Prop. 47 can help you remove a felony from your record

by Mike Blount



There are more than 4,800 restrictions in California that come with having a criminal record. Even if you've completed your sentence and turned your life around, a felony record can continue to affect your future. A felony can keep you from getting the job you want or renting a home. You lose the right to hold a public office or obtain certain permits and licenses. It can even keep you from receiving a college loan or food assistance. But thanks to a new law enacted by California voters, you may now be able to get a fresh start.

Proposition 47 was approved by voters in November 2014 and allows people who have been convicted of certain low-level, nonviolent criminal offenses — like drug possession or shoplifting — to have the felony on their record reclassified as a misdemeanor. Not only do misdemeanors carry lighter sentences, they also have fewer

and less severe restrictions compared to those that come with having a felony on your record. That means you can put your past behind you and concentrate on new opportunities for your future.

Six felonies are affected by the new law: simple drug possession and five petty-theft offenses (when under \$950 in value). The law applies to past felonies, so no matter how long ago you were convicted, you will have the opportunity to file paperwork to have felonies on your record changed to misdemeanors. But you only have a limited time to do it. All requests to change your record must be received by November 4, 2017. Contact your county's public defender for more details.

Hillary Blount works for the nonprofit Californians for Safety and Justice. As the Proposition 47 statewide implementation director, she says the new law will do more

than help individuals reintegrate back into the community. It's also helping reduce California's overcrowded prison population, while freeing up taxpayer money to get people the substance abuse and mental health treatment they need. This is a historic shift for California's penal system.

"They have been confronting these barriers for decades. This law allows them to remove the felony and the barriers that come with it."

Hillary Blount, Prop. 47 statewide implementation director

THE CALIFORNIA ENDOWMENT

The California Endowment is a private health foundation with the mission of expanding access to affordable, quality health care for underserved individuals and communities, and promoting fundamental improvements in the health status of all Californians. That's why The California Endowment wants to get the word out about Prop. 47. It allows people to remove barriers that may have prevented them from getting a better job, finding a new place to live or taking advantage of opportunities for college loans and food assistance.

Removing an old felony charge for a nonviolent crime committed long in the past also helps restore an individual's dignity and allows reintegration back into the community.

When people have more opportunities for a better life, they are more likely to give back to their community. Healthy and happy people make better communities.

"California voters have sent a clear message in approving Proposition 47: Our public dollars should be spent on prevention — proven solutions such as drug treatment, mental health services and improving our schools," says Christine Tien, program manager at The California Endowment. "These investments — not more prisons — are what will keep our communities safe and healthy."

For more information on The California Endowment, please visit www.calendow.org.

"Prop. 47 is really aimed at spending taxpayer money more effectively to protect public safety," Blount says. "We were spending so much money per person per year to house people in prison when their crimes are low-level and nonviolent, typically involving drug use or mental health issues. But we were not getting them the treatment they needed."

Blount says this move toward prevention and treatment will allow the criminal justice system to focus on more serious and violent crimes. She adds that implementation of the law in Sacramento County is going well, but there are still many people who are unaware of this life-changing opportunity.

"There is an estimate that there could be a million people who can benefit from this law," Blount says. "Even if they committed a crime a long time ago, they have been confronting these barriers for decades. This law allows them to remove the felony and the barriers that come with it."

Read on to learn more about Prop. 47 and how the law might affect you and your community.

Breaking the Cycle

Prop. 47 removes barriers to allow formerly incarcerated individuals to rebuild their lives

by Brittany Wesely

Sara Volkerts is all too familiar with hardship. As a child she was the victim of molestation and abuse. She spent much of her youth in foster care and later aged out without a steady place to call home.

"No one really helped prepare me for being an adult. I didn't have much guidance," Volkerts says. "I was instantly in survival mode. I was using drugs, very quickly lost my job and ended up homeless."

Volkerts says she never felt safe when she was living on the streets and she'd often find ways to get arrested so that she'd have shelter.

"I remember the first time I did it. I stole a car so that I didn't have to sleep outside in the middle of the night," Volkerts says. "I was glad I got arrested. When I got to jail, I felt safe."

Volkerts' drug use and trouble with the law continued for years. When she was released from jail and five-months pregnant, Volkerts decided to try to make a change. She stopped using drugs and was offered a job, but wasn't hired because of her criminal record.

"All they could see me as was a criminal, a thief," Volkerts says. "I felt

trapped and didn't know what to do. So I started selling drugs."

The vicious cycle of Volkerts' criminal activity, incarceration, sobriety and desperation continued for years. Her world unraveled as she became addicted to drugs and found herself in an abusive relationship. Her two children were taken into foster care and later adopted by another family.

"I felt like I had been recognized for all the hard work I had been doing to turn my life around."

Sara Volkerts
Beneficiary of Proposition 47

When Volkerts found out she was pregnant again, she knew she really needed to turn her life around. She checked into rehab, received counseling and participated in parenting classes.

Volkerts found hope once she heard about Proposition 47, the California law approved in 2014 that provides the



Sara Volkerts, mother of two young children, was able to reduce her four nonviolent, low-level felonies to misdemeanors and turn her life around with help from Prop. 47.
PHOTO BY TONY NGUYEN

opportunity for some low-level felony charges to be reduced to misdemeanors.

She went to the public defender's office to get help completing the forms. Two months later, Volkerts received a letter in the mail saying that her four felony charges were reduced to misdemeanors.

"I had been fighting to find that young girl I was at 17, before I let the world around me tear me down. I felt like I had been recognized for all the hard work I had been doing to turn my life around," Volkerts says.

Volkerts was able to finally start over with a clean slate. Today she is studying electrical engineering at American River College, where she has received a scholarship and has maintained a 4.0 grade point average. She is working as a math tutor and supporting her two young children.

"I want to set an example for my children to not give up on their dreams," Volkerts says. "I want them to learn that hard work pays off, and not to let any distractions steer them away from who they want to be."

THE COST OF HOUSING AN INMATE

Is keeping people convicted of low-level offenses behind bars the best use of taxpayer dollars? Here's some numbers showing how Proposition 47 saves money, while getting people the substance abuse and mental health treatment they need:



\$62,396/year
is the avg. amount spent to incarcerate a prison inmate in California.

The State of California will save an est.
\$100-\$200 million
a year by implementing Prop. 47.

Counties will save an est.
\$400-\$600 million.



As of July 2015, judges have resentedenced and released nearly
4,000
state prison inmates under Prop. 47.



65% of the money saved by Prop. 47 will be spent on community-based mental health and substance abuse treatment.

25% of the money saved by Prop. 47 will be spent on reducing K-12 truancy and dropout prevention.

Get a Clean

WHY RECLASSIFY? *The top reasons to change your record*

If you have one of the applicable felonies covered by the law, you should take the time to reclassify your felony as a misdemeanor. If you've ever been turned down for a job or housing because of a felony conviction, changing your record could open access to better housing and new career paths. It could make opportunities for college loans and

food assistance available to you again. You can run for and hold public office. You have the right to apply for certain permits and licenses. Getting a felony removed from your record can eliminate barriers, so you can improve your life.

There's also a restoration of dignity that comes with reclassification under Proposition 47. Changing your record

means that you can hold your head up high and pursue opportunities that were previously unavailable to you. Change your life for the better today. **You only have until November 4, 2017, to file your petition.** Don't wait another second to begin building the future you deserve.

For more information on how to reclassify your felony under Proposition 47, please visit MyProp47.org.



HOW TO FILE

Follow these easy steps to begin the process of changing your record

Step 1: *Find out if you're eligible and get your record.*

- You may be eligible if you've been convicted of a qualifying low-level, nonviolent felony (see list at top of page 5).
- If you are currently serving a sentence or you are on probation or parole, you may be eligible for resentencing.
- You will not be eligible if you have a prior conviction for rape or murder or if you are registered as a sex offender.
- Before you begin the process, go to the Superior Court where you were convicted or contact the California Department of Justice to obtain a copy of your criminal record, also known as a rap sheet.

Step 2: *Fill out the correct forms.*

Some counties have created unique forms for the process. To find your appropriate form, visit MyProp47.org.

Step 3: *Make reclassification packets.*

For each felony conviction that you want reclassified as a misdemeanor, you will need to submit one packet. Each packet will need to contain your reclassification forms and proof of service. Some counties may require additional forms. Visit MyProp47.org for specific filing instructions by county.

Step 4: *File your paperwork.*

Once you have your packet ready, you will need to submit one to the District Attorney's Office in the county where you were convicted and one to the Superior Court in the county where you were convicted. Keep a copy for your own records.

Slate

Why and how to reclassify your felony under Prop. 47.

WHO CAN BENEFIT FROM PROP. 47?

Certain felonies can be reclassified under the new law

If you have one of the following felonies on your record, you may be eligible to have it reclassified as a misdemeanor:

- Shoplifting, i.e. commercial burglary of \$950 or less of a store during business hours
- Forgery of \$950 or less
- Fraud/writing bad checks of \$950 or less
- Grand theft of \$950 or less
- Petty theft/shoplifting of \$950 or less
- Receiving stolen property of \$950 or less
- Simple drug possession

Exclusions

You may not be eligible to file a petition if you have also been convicted of a violent or serious crime.

For a complete list of offenses excluded under Proposition 47, visit MyProp47.org.



WHERE CAN I GO FOR HELP?

The public defender in the county where you were convicted should be your primary point of contact. He or she will already have access to your criminal record and know the particular process for filing a petition in each county.

For Sacramento County, visit www.publicdefender.sacounty.net or call 916-874-5732.

There are also various “clean slate” clinics throughout the state that can help with getting a record expunged. Voluntary Legal Services Program of Northern California (VLSP) is a no-cost legal aid program that provides free assistance with civil legal matters to low-income clients living in the Sacramento region. If you are interested in getting your record expunged, contacting an organization like VLSP may be a good option.

Recorded information about Voluntary Legal Services Program of Northern California is available at 916-551-2155.



Step 5: **Wait for approval.**

In most counties, the Superior Court will notify you by mail if your application is approved. On average, this takes about one to two months, but each county is different and may require additional time to process. If your application is not approved or there is a dispute, you are entitled to a hearing.

Step 6: **Access new opportunities.**

Now that you have changed your felony to a misdemeanor, you can apply for certain benefits or take advantage of opportunities that were not available to you before. These could include a better job, a new place to live or access to college loans, food assistance and more.

For more information on the process of reclassifying a felony under Prop. 47, visit MyProp47.org.

Opening Doors to a Better Future

Prop. 47 helps reduce barriers created by youthful indiscretions

by Brittany Wesely

We all make mistakes when we are young, although some mistakes carry greater consequences.

Some young people in our community face additional challenges in their most impressionable years. Neglect and abandonment, abuse, sexual exploitation, homelessness and the death of friends from gun violence are just some of the harsh realities that many young people confront.

According to the National Research Council’s Panel on Juvenile Crime, children growing up in a neighborhood where there are high levels of poverty and crime are at higher risk of involvement in serious crime.

It’s a problem Greg King knows well. He’s the founder of Always Knocking, Inc., a nonprofit rehabilitation program in Sacramento that focuses on community interaction and life planning. King admits that there are many reasons why youth commit crimes, but if we want to help youth stop such activity and turn their lives around, we need to first show them compassion.

“When it comes to our young people, society has not been so forgiving,” King says. “So many of us have made

mistakes in the past and so few get a chance to turn their lives around.”

For many people with felonies on their record, attempts to move their lives forward are often stifled by an inability to obtain jobs, secure housing and access opportunities available to others. Not having access to these things makes it much more difficult to get back on their feet and stay out of trouble, King says.

In 2014, Proposition 47 – also known as the Safe Neighborhoods and Schools Act – was passed to allow individuals with certain low-level felony offenses to reclassify those to misdemeanors.

King says the legislation is going to alleviate the suffering many people face because of mistakes they made in their youth.

“Proposition 47 is going to benefit so many people. It’s going to show them that they really do have a second chance at life.”

Greg King
Founder of Always Knocking, Inc.

“Proposition 47 is going to benefit so many people. It’s going to show them that they really do have a second chance at life,” King says.

Reducing charges will not solve the problem alone, King says. But by reducing criminal records and increasing support programs, the cycle of criminal behavior among juveniles may be reduced.

Proposition 47 is projected to save the state hundreds of millions of dollars annually, with those funds going to crime-prevention programs. That means funding to support programs that provide mental health and substance abuse treatment, offer victim services, and help keep kids in school.



Greg King, founder of the nonprofit Always Knocking, Inc., is helping inform the community about Prop. 47.
PHOTO BY TONY NGUYEN

“Proposition 47 is going to intercept that pipeline to the prison industry,” King says. “It is helping put funds into programs that can prevent and stop criminal activity.”

King and his team at Always Knocking, Inc. are going to great lengths to spread community awareness about the legislation.

“We’re motivated to get this information out to the community,” King says. “We have a full street outreach team and we’re partnering with people throughout the city of Sacramento to host events and trainings to help people get started.”

Always Knocking, Inc. has helped many people apply to reduce their felony convictions through Proposition 47. King says he is looking forward to the changes it will make in the lives of the youth he serves.

“When their felonies go away, they won’t be hindered from getting good jobs and getting an education,” King says. “We all want to be successful and this is going to enable them to move forward in life.”

A COMMUNITY CONCERN

Having a felony record can create barriers for individuals, and the impact on our community may be greater than we realize:

SOURCE: www.prop47impacts.org

1 in 4 American adults has a criminal record.

More than half of all people in prison have children.

Children of mothers arrested for a felony were **5x more likely** to be placed in foster care than mothers arrested for misdemeanors.

Nearly 75% of people formerly in prison are unemployed up to one year out of prison.

Prop. 47: Frequently Asked Questions



When did Proposition 47 become law?

Proposition 47 became law on November 5, 2014, the day after it was approved by California voters.

Will my felony automatically be reduced to a misdemeanor?

No. You need to be eligible, fill out a form and file your paperwork in the county where you were convicted. To find out if you qualify and more about the process, go to MyProp47.org.

Which felonies are eligible to be reduced to misdemeanors?

Six felonies can be reduced to misdemeanors. These offenses are nonviolent drug possession and property crimes of \$950 or less. Property crimes could include theft, shoplifting, receipt of stolen property, passing bad checks and forgery.

How long does the process take?

On average, it will take one to two months to receive an answer from the court. However, each county's process is different and may require additional time.

If I am currently incarcerated, am I still eligible?

If you are currently serving a sentence for a listed Prop. 47 offense, you may be eligible for resentencing and release. To begin, contact the public defender's office or the lawyer who represented you.

If I served prison time as a result of my felony conviction, am I still eligible?

Yes. Proposition 47 is a retroactive law, so you will still be able to petition the court to have your felony changed on your record. Prop. 47 is different than other expungement processes, which can be explored separately or after changing your record under Prop. 47.

Who is not eligible?

Individuals with specific prior convictions for murder or rape or who are registered as sex offenders are excluded. Individuals who are also a risk of danger to public safety may be excluded at the judge's discretion.

Will there be a court hearing?

There is no requirement for a court hearing, unless there is a need to address a question of your eligibility. If there is any question about whether your felony case should be reduced, there may be a court hearing where you will be represented by a public defender if you qualify financially.

If my conviction is reduced to a misdemeanor, will I still have to pay restitution?

Yes. Even if your case is reduced to a misdemeanor, any restitution orders will remain in effect. However, your court fines and fees will likely be decreased if your case is reduced from a felony to a misdemeanor. Please check your Minute Order when you are released to see how much you owe.

Where can I go for help?

Throughout the state, there are various "clean slate" clinics that can provide resources. The best point of contact when you are ready to file will be the public defender in the county where you were convicted.

How long do I have to reclassify my felony?

All petitions to change your felony to a misdemeanor must be received by November 4, 2017.

Why should I reclassify my felony to a misdemeanor?

Clearing a felony from your criminal record could mean better job opportunities, a new place to live and the ability to take advantage of opportunities for college loans, food assistance and more.

What form do I need to complete to change my record?

Some counties have created a unique form to change your record. To see if your county has created a unique form and to find a sample form, visit MyProp47.org.

Get a Fresh Start

When Californians voted in 2014 to pass Proposition 47, they embraced smart justice approaches that aim to reduce crime, incarcerations and costs. Under the legislation, individuals with certain nonviolent felony convictions are able to shed the “felon” label that often prevents them from obtaining the stable housing and jobs that allow them to turn their lives around.

Help the Community

Proposition 47 is expected to save hundreds of millions of dollars annually at the state and county levels. A promising opportunity of the legislation is the potential to use the dollars saved to invest in prevention and treatment in order to stop the cycle of crime.

Help advocate for the reinvestment of the money saved by Proposition 47. Join the effort by visiting MyProp47.org.



Change Your Record

The following crimes committed in the state of California are now misdemeanors under Proposition 47:

- Simple drug possession
- Petty theft under \$950
- Shoplifting under \$950
- Forgery under \$950
- Receipt of stolen property under \$950
- Writing a bad check under \$950

If you have a felony record in California for one of these offenses, you may be eligible to have these offenses changed on your record, no matter how old the conviction.

DON'T DELAY!

The deadline to file a petition is Nov. 4, 2017. Apply today to ensure your applicable felonies are reclassified.

To find out more about Proposition 47 and to download materials, visit

MYPROP47.ORG

For answers about your cases or to begin the process of reclassifying your felony, contact the local Office of the Public Defender.

Sacramento County Public Defender

700 H St., Suite 0270
Sacramento, CA 95814
916-874-5732

www.publicdefender.saccounty.net
flynnk@saccounty.net

Open 8 a.m. – 5 p.m.,
Monday through Friday
(except holidays)

ADDITIONAL RESOURCES

Always Knocking, Inc.

Provides resources, education and support to at-risk and incarcerated youth in order to encourage positive changes in their lives.

2251 Florin Road, Suite 24
Sacramento, CA 95822
916-470-2077

Voluntary Legal Services Program of Northern California

Offers volunteer-based free aid with civil legal matters for low-income people living in the Sacramento region.

517 12th St.
Sacramento, CA 95814
916-551-2102
www.vlsp.org
vlsp@vlsp.org

This guide is brought to you by:

The California Endowment

www.calendow.org
questions@calendow.org
@CalEndow

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