



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

### The Adult Use of Marijuana Act (Proposition 64)

Petition/Application for Resentencing or Dismissal, for Reduction or Dismissal/Sealing  
Health & Safety Code § 11361.8

On November 9, 2016, the Adult Use of Marijuana Act ("Proposition 64") became effective after approval by a majority of California voters. Under Health & Safety Code § 11361.8, a person currently serving a sentence, or who has completed a sentence for a conviction of a violation of section 11357, 11358, 11359, and 11360 of the Health & Safety Code may be eligible to have the conviction reduced as a misdemeanor or an infraction and resentenced, or dismissed as applicable.

#### WHO IS ELIGIBLE?

Persons who are currently serving a sentence, or who has completed a sentence for a conviction, who would not have been guilty of an offense, or who would have been guilty of a lesser offense under Proposition 64 may petition for a recall or dismissal of sentence before the Court. If the court determines that the petitioner is eligible for resentencing or dismissal, the court shall grant the petition to recall or dismiss the sentence, "unless the court determines that granting the petition would pose an unreasonable risk of danger to public safety" (HS § 11361.8(b)).

If you were 18 years of age or over when charged with one or more of the violations listed above, you may complete the Petition/Application and file it with the Criminal Division of Butte County Superior Court. Only one Petition/Application form should be completed per case.

If you were under 18 years of age when charged with one or more of the violations listed above, contact the Juvenile Division of Butte County Superior Court.

#### HOW DO I PETITION FOR RESENTENCING OR A REDUCTION OF CONVICTION?

- Complete the Petition/Application for Resentencing or Dismissal, for Reduction or Dismissal/Sealing attached to this packet.
- Mail or personally deliver a copy of the Petition/Application to the Butte County District Attorney's Office.
  - If mailed, the person performing the mailing must complete the Proof of Service (see page 3 of the Petition/Application).
  - If hand delivered, the District Attorney may acknowledge its receipt by stamping the original petition to be delivered to the court.
- File the completed Petition/Application with Butte County Superior Court located at One Court Street, Oroville, CA 95965.
- The Court will review your Petition. A decision may be made ex parte (which would not require you to appear in court) or it may be placed on the Court's calendar for hearing.
  - If a hearing is required, the Court will send a Notice of Hearing to the mailing address on your Petition/Application.
  - If a hearing is not required, the Court will contact you by mail with the result of your Petition.



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### WHICH SECTION OF THE FORM SHOULD BE COMPLETED?

**NOTE:** The definitions below are intended to provide general information and do not attempt to provide legal advice about how to submit your Petition/Application. Clerks cannot advise or give assistance in the completion of this petition.

If you have been convicted of one of the eligible violations ...	Then...
and are currently serving a sentence, under supervision (probation, parole, post-release community supervision (PRCS), mandatory supervision) or are currently in custody,	for purposes of this form, you may select <b>box 1A</b> and mark the applicable box(es) to indicate the action(s) to be taken on your sentence(s).
and have completed your sentence, are no longer under supervision (probation, parole, post-release community supervision (PRCS), mandatory supervision) or in custody,	for purposes of this form, you may select <b>box 1B</b> and mark the applicable box(es) to indicate the action(s) to be taken on your conviction(s).
and are currently diverted pursuant to Penal Code section 1000,	for purposes of this form, you may select <b>box 1A</b> and mark the applicable box(es) to indicate the action(s) to be taken.

This information document is for general use and not intended as full and comprehensive instruction governing the laws and rules relating to petitions or applications filed under Health & Safety Code section 11361.8 nor does this information sheet attempt to legally define sentence term phrases. For further information you may refer to Health & Safety Code section 11361.8 or you may wish to seek legal assistance.