



THE REHABILITATED PROJECT

Post Office Box 1355
San Juan Capistrano, California 92693
949-240-3000 | Cell : 949-510-1100 | Fax : 949-240-9300 | Webmaster@Rehabilitated.Org
www.Rehabilitated.Org

What is a “Certificate of Rehabilitation” (COR)?

A COR is functionally equivalent to an expunged or “cleaned-up” conviction that is allowed many ex-offenders who have been convicted by a State. For example, several states, including California, permit their courts to issue such certificates.¹

Billions now being spent by the federal government on the Second Chance Act and other programs have little benefit to federal ex-offenders because they cannot obtain jobs.

The Federal Rules of Evidence §609(c) states that a prior conviction cannot be used to impeach a witness if...

... the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted...

While state prisoners with a COR may have a criminal record far more extensive than a rehabilitated federal ex-offender, it will be the federal ex-offender’s word that will be impeached as there is currently no uniform method for a federal ex-offender to obtain a COR.

It is thus proposed that the following legislation be enacted permitting a federal ex-offender the opportunity to seek and, if qualified, obtain a COR. The immediate benefit of such a provision would be the heightened employability of rehabilitated federal ex-offenders.

Petition for Certificate of Rehabilitation. A person convicted of a crime in a United States Federal District Court may, five years after release from physical custody, or, if there is no physical custody ordered five years from the date of sentencing, petition to receive a Certificate of Rehabilitation after an evidentiary showing of such rehabilitation by clear and convincing evidence. Such a petition shall be heard in the form of a noticed motion and shall be held without reliance on the record of conviction. Venue for the motion shall be in that section of the federal district in which the petitioner maintains his, or her, abode. A showing of continued good citizenship, no other conviction of any crime (minor misdemeanors excepted), and acceptance of responsibility for the detrimental effects caused to society by lawless behavior through such continued conduct as community service, civic participation, social readaptation, lack of chemical or alcohol dependence and morality shall constitute such evidence. Upon receipt of such a showing, the Court shall issue a Certificate of Rehabilitation to the petitioner which shall fulfill Federal Evidence Code §609(c) and disallow the placement into evidence in any other federal or state process, hearing or decision relating to testimony, licensing or public office the existence or circumstances surrounding the conviction(s) for which the Certificate shall have been issued.

The Rehabilitated Project receives letters and emails from around the USA from federal ex-offenders requesting help to get a job. These ex-offenders include medical, engineering, computer, legal and other professionals. All have a single theme – they have worked years to rehabilitate themselves yet – since their conviction is federal – they cannot get a job or are continuously fired from jobs that they once had.

¹ See for example California Penal Code §§ 4852.01 to 4852.21