



# Judicial Council of California

Rules Committee

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[rulesmeetings@jud.ca.gov](mailto:rulesmeetings@jud.ca.gov)

## RULES COMMITTEE

### MINUTES OF OPEN VIDEOCONFERENCE MEETING

Thursday, December 7

12:10 p.m. - 1:10 p.m.

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<b>Rules Committee Members Present:</b>	Hon. Carin T. Fujisaki, Hon. Michelle Williams Court, Ms. Kate Bieker, Hon. Charles S. Crompton, Ms. Rachel W. Hill, Mr. Charles Johnson, and Hon. Erica R. Yew.
<b>Rules Committee Members Absent:</b>	Hon. Maria D. Hernandez and Mr. Maxwell V. Pritt.
<b>Rules Committee Staff Present:</b>	Ms. Anne M. Ronan and Ms. Benita Downs
<b>Advisory Bodies Chair(s) and Staff Present</b>	Hon. Jayne Chong-Soon Lee, Theresa Chiong, Sarah Fleischer-Ihn, Jenny Grantz, Ann Maves, Jamie Schechter, and Corby Sturges.
<b>Other JC Staff Present</b>	James Barolo, Audrey Fancy, Michael Giden, Oliver Greene, Anne Hadreas, Kendall Hannon, Christy Simon, and Marina Soto.

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m., and Ms. Downs took roll call.

#### DISCUSSION AND ACTION ITEMS (ITEMS 01-07)

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### APPELLATE

#### Judicial Council Report—Recommend Council Action

##### Item 01/ Circulating Order **CO-23-04**

Jointly with the Civil and Small Claims Advisory Committee.

##### **Civil Practice and Procedure: Form Revisions to Implement Senate Bill 71**

The committee reviewed a joint recommendation from the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee to revise 26 Judicial Council forms to implement statutory changes made by Senate Bill 71 (Stats. 2023, ch. 861), enacted October 13, 2023. SB 71 raises the jurisdictional limits for small claims and limited civil cases. Action must be taken between the Judicial Council's regularly scheduled meetings to ensure that council forms do not contain inaccurate statements of law as of January 1, 2024, when the law takes effect.

**Action:** *The committee unanimously approved the joint recommendation from the Civil and Small Claims and the Appellate Law Advisory Committees in the circulating order memorandum, which was circulated to the Judicial Council for action.*

## **CRIMINAL**

### **Invitation to Comment–Recommend Circulation for Comment**

#### **Item 02**

Jointly with the Appellate Advisory Committee.

#### **Criminal Procedure: Racial Justice Act**

The committee reviewed a proposal from the Appellate Advisory Committee and the Criminal Law Advisory Committee proposing amending rules 4.551, 8.385, and 8.386 of the California Rules of Court and revising Petition for Writ of Habeas Corpus (form HC-001), Motion to Vacate Conviction or Sentence (form CR-187), and Order on Motion to Vacate Conviction or Sentence (form CR-188) to implement the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

**Action:** *The committee unanimously approved the joint proposal for circulation on the regular winter cycle through January 19.*

#### **Item 03**

#### **Criminal Procedure: Appointment of Counsel for Claims Filed Under Penal Code Section 1473(f)**

The committee reviewed a proposal from the Criminal Law Advisory Committee proposing a rule of court to implement legislation requiring the Judicial Council to develop qualifications for the appointment of counsel in superior court habeas corpus proceedings under Penal Code section 1473(f).<sup>1</sup> Section 1473(f) is part of the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin and allows petitioners to make claims for relief based on violations of this Act.

**Action:** *The committee unanimously approved the proposal for circulation on the regular winter cycle through January 19.*

## Judicial Council Report—Recommend Council Action

### Item 04

#### **Child Support: Revise Income Withholding for Support and Related Instructions**

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee for the Judicial Council approve revisions to Income Withholding for Support (form FL-195) and Income Withholding for Support—Instructions (form FL-196) as Family Code section 5208 and federal law require that all earning assignment orders for support be issued using the federal forms.

***Action: The committee unanimously approved the Appellate Advisory Committee’s recommendation, which is to go to the Judicial Council for action at the January council meeting***

## PROBATE AND MENTAL HEALTH

### Invitation to Comment—Recommend Circulation for Comment

### Item 05

#### **Mental Health Law: CARE Act Rule Amendments and Form Revisions**

The committee reviewed a proposals from the Probate and Mental Health Advisory Committee to amend four rules of court and revise seven forms to implement Senate Bill 35 (Stats. 2023, ch. 283), which amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act. In addition, the statute updated the Judicial Council mandate to adopt rules implementing the policies and provisions of the act to add a requirement that the rules include “communications between the CARE Act court and the juvenile court, if applicable,” and to remove the requirement that the rules include “the clerk’s review of the petition.” The Family and Juvenile Law Advisory Committee joined in proposing amending rule 7.2210 and the revising form CARE-100 to the extent of those proposed.

***Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 19.***

**Judicial Council Report—Recommend Council Action**

**Item 06**

**Jointly with the Criminal Law Advisory Committee.**

**Rules and Forms: Elections Code Reports**

The committee reviewed a recommendation from the chairs of the Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee to adopt Chapter 15, Elections Code Reports, in Title 10, Division 4 of the California Rules of Court and placing rule 10.970 in the new chapter. The Judicial Council adopted rule 10.970, effective January 1, 2024, to implement Assembly Bill 2841, which added section 2211.5 to the Elections Code to require trial courts to report to the Secretary of State judicial determinations under Elections Code sections 2208–2211 disqualifying a person from voting or restoring a person’s right to register to vote. The legislation expressly required the Judicial Council to adopt rules and forms.

***Action: The committee unanimously approved the joint recommendation from the chairs of the Probate and Mental Health and Criminal Law Advisory, which is to go to the Judicial Council for action at the January council meeting***

**TRAFFIC**

**Judicial Council Report—Recommend Council Action**

**Item 07/ Circulating Order CO-23-03**

**Uniform Bail and Penalty Schedules: 2024 Edition**

The committee reviewed a recommendation from the Traffic Advisory Committee that the Judicial Council, effective January 1, 2024, adopt revisions to the Uniform Bail and Penalty Schedules, 2024 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing (Uniform Bail and Penalty Schedules or UBPS). Action must be taken between the Judicial Council’s regularly scheduled meetings because the Judicial Council does not have a scheduled meeting in December, and as a result of the Governor’s signing deadline, revisions to the UBPS require approval via circulating order.

***Action: The committee unanimously approved the recommendation from the Traffic Advisory Committee in the circulating order memorandum, which was circulated to the Judicial Council for action.***

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**I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Next Rules Committee Meeting:** February 2024 (date to be determined)

**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 12:45 p.m.

Approved by the committee on February 7, 2024.