

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT SPR14-07

Title	Action Requested
Criminal Justice Realignment: Petitions for Revocation of Supervision	Review and submit comments by June 18, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise form CR-300	January 1, 2015
Proposed by	Contact
Criminal Law Advisory Committee Hon. Tricia Bigelow, Chair	Arturo Castro, 415-865-7702 arturo.castro@jud.ca.gov
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Executive Summary and Origin

The Criminal Law Advisory Committee proposes revisions to the *Petition for Revocation* (form CR-300) to apply the form to proceedings to revoke probation and mandatory supervision under Penal Code section 1170(h)(5)(B). This proposal was developed at the request of courts to promote uniform revocation procedures in response to recent legislation that applied long-standing probation revocation procedures to all categories of supervision engendered by criminal justice realignment.

Background

After criminal justice realignment legislation was enacted in 2011, the Judicial Council adopted the *Petition for Revocation* (form CR-300) for use by supervising agencies to initiate revocations of postrelease community supervision (PRCS). The form was then amended in 2012 to apply to parole revocations and revised from mandatory to optional.¹

Recent legislation² amended Penal Code section 1203.2 to apply long-standing probation revocation procedures to all postrealignment categories of supervision, including parole, PRCS, and mandatory supervision under section 1170(h)(5)(B). To promote uniform revocation

¹ In 2013, the Criminal Law Advisory Committee circulated proposed revisions to the form that, among other things, would have returned to the form a previously deleted data field for courts to note certain probable cause findings. The committee, however, ultimately declined to recommend the proposed revisions to the Judicial Council because the findings are not expressly required by statute.

² Senate Bill 76 (Comm. on Budget & Review; Stats. 2013, ch. 32).

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

procedures as required by the legislation, courts have suggested that form CR-300 be revised to apply to probation and mandatory supervision revocations, in addition to parole and PRCS revocations.

The Proposal

In light of the recent amendments to Penal Code section 1203.2, the Criminal Law Advisory Committee proposes revising form CR-300 by adding check boxes to the caption of the form for supervising agencies to note that the petition applies to a revocation of probation or mandatory supervision and by replacing the data field for “CDCR Number” with “Supervising Agency Number.” The proposal is designed to promote uniform revocation procedures by eliminating the need for courts and supervising agencies to develop and employ distinct forms for different categories of supervision.

The committee also proposes adding the following phrase to item 3, which was inadvertently deleted during a past revision: “and sentenced to (*specify sentence*).”

Alternatives Considered

No alternatives were considered.

Implementation Requirements, Costs, and Operational Impacts

No significant implementation requirements, costs, or operational impacts for courts are expected.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more easily or simply in a court of your size?
- Should the box currently titled IN THE MATTER OF (*name of supervised person*) be changed to PEOPLE v. (*name of defendant*)?

Attachment

1. *Petition for Revocation* (form CR-300) with proposed revisions

