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 Review and submit comments by June 18,

Revocation of Supervision 20

Proposed Rules, Forms, Standards, or Statutes Proposed Effective Date

Revise form CR-300 January 1, 2015

Proposed by Contact

Criminal Law Advisory Committee Arturo Castro, 415-865-7702 Hon. Tricia Bigelow, Chair 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).

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

SI	JPERVISING AGENCY (Name and ad	dress):		FOR COURT USE ONLY	
	TELEPHONE NO.: MAIL ADDRESS (<i>Optional):</i>	FAX NO. (Optiona	<i>)</i> :	DRAFT	
S	UPERIOR COURT OF CALIFORNI	Not Approved by the			
	STREET ADDRESS:			Judicial Council	
	CITY AND ZIP CODE:				
	BRANCH NAME:	_			
IN THE MATTER OF (name of supervised person): Date of birth:					
	PETITION FOR REVOCATION			SUPERVISING AGENCY NUMBER:	
	PAROLE (Pen. Code, §§	3000.08 <mark>, 1203.2</mark>) PRCS e, § 1203.2) MAND	(Pen. Code, § <mark>§</mark> 3455 <mark>, 1203.2</mark>) ATORY SUPERVISION	COURT/CASE NUMBER:	
_		-	Code, §§ 1170(h)(5)(B), 1203.2)		
• Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1. • Petitioner must note whether the petition applies to a parole (beginning July 1, 2013), postrelease community supervision, probation, or mandatory supervision matter by marking the appropriate check box above.					
1.	1. HEARING INFORMATION: A hearing on this petition for revocation has been scheduled as follows:				
	Date:	Time:	Dept.:		
	Location (if different than court address above):				
	If an interpreter is needed, please specify the language:				
2.	2. CUSTODY STATUS (Select one): not in custody in custody (specify location): Booking number (if any):				
3.	. CONVICTION INFORMATION: The supervised person was originally convicted of the following offenses:				
	on (date):	in case	numbers (specify):		
	in county of (specify):		tenced to (specify sentence):		
	in county of (apcomy).	and sen	terioda to (specify seritorios).		
4.	 SUPERVISION INFORMATION: The supervised person was released on supervision on (specify date): Name of current supervising agent or officer: Supervision is scheduled to expire on (i.e., the controlling discharge date is) (date): 				
5.	SPECIFIC TERMS AND CONDITIONS: Petitioner alleges that the supervised person has violated the following terms and conditions of supervision (if more space is needed, please use Attachment to Judicial Council Form (MC-025)):				
6.	5. SUMMARY: The supervising agency established probable cause for the alleged violation on <i>(date)</i> : The circumstances of the alleged violation are <i>(if more space is needed, please use</i> Attachment to Judicial Council Form <i>(MC-025)</i> ,				
7.	SPECIAL PAROLE STATUS (check this box only if the supervised person is subject to parole under Penal Code section 3000.1): The supervised person is on parole under Penal Code section 3000.1. If the court determines that the person has violated parole, the court is required to remand the person to the custody of CDCR for future parole consideration. (Pen. Code, § 3000.08(h).)				
Ιd	eclare under penalty of perjury a	and to the best of my informati	on and belief that the foregoing is t	rue and correct.	
Date:			Ву		
		NAME AND TITLE OF PETITIONER	SIGNA	TURE OF PETITIONER Page 1 of 1	