



JUDICIAL COUNCIL OF CALIFORNIA

CRIMINAL LAW
ADVISORY COMMITTEE

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CRIMINAL LAW ADVISORY COMMITTEE

CLOSED MEETING AGENDA

Closed to the Public (Cal. Rules of Court, rule 10.75(c)(3))

Date: January 8, 2016
Time: 10:00 a.m.

Meeting materials will not be posted on the advisory body web page on the California Courts website. Materials are only posted for open meetings. (Cal. Rules of Court, rule 10.75(h).)

I. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(C)(3))

Call to Order and Roll Call

Approve Minutes

Approve minutes of 2015 Criminal Law Advisory Committee meetings.

Item 1 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Proposed Rule Amendments: Realignment, Military Status, and Mandatory Supervision

Consideration of proposed amendments to the Criminal Rules of Court in three categories: realignment-related and non-substantive amendments; military information in probation officer's presentence investigation report; and presumption of mandatory supervision.

Item 2 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Proposed Legislation: Multi-County Sentences and Trial Court Jurisdiction to Resentence

Consideration of legislative proposal to amend sections 1170(h) and 1170.3 regarding multi-county sentences, and possible legislative proposal to extend court jurisdiction to recall/resentence under 1170(d)(1).

Item 3 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Proposed Legislation: Penal Code section 1203.2a

Update on potential legislative proposal to apply the provisions of Penal Code section 1203.2a to county jail sentences under section 1170(h).

Item 4 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Rule Proposal: Vehicle Code section 41500

Consideration of proposal to develop rule of court and/or forms to provide uniformity to Vehicle Code section 41500 procedures for verifying eligibility and processing requests for relief.

Item 5 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Risk/Needs Assessment Information at Sentencing

Update: consideration of standard of judicial administration to provide court guidance on use of risk/needs assessments in criminal proceedings.

Item 6 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Judicial Council Felony Plea Form: Waiver of Appellate Rights

Consideration of proposal to revise form CR-101 (Plea Form, With Explanations and Waiver of Rights – Felony (Criminal)) to include an option for waiver of appellate rights.

Item 7 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Probation Officers as Jurors

Consideration of potential proposal to excuse probation officers from jury duty or to allow voir dire in chambers.

Item 8 Closed under rule 10.75(c)(3)(C) (Rules Committees)

CR-290: Abstract of Judgement Form

Consideration of potential revisions to CR-290 relating to multiple-count enhancements.

Item 9 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Legislative Update

Discussion of criminal law-related legislation.

Item 10 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Intercounty Transfer Procedures

Consideration of potential legislative proposals to amend Penal Code section 1203.9; discussion of potential amendments to criminal rules of court and development of Judicial Council forms; discussion of impact of Proposition 47 on inter-county transfer procedure.

Item 11 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Parole Revocation Procedures

Consideration of potential action to encourage consistency in parole revocation proceedings, such as recommending the development of a new rule or surveying courts regarding their experiences with parole revocation proceedings.

Item 12 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Legislative Proposal: OR Release under Penal Code section 1319.5

Consideration of potential proposal to amend Penal Code section 1319.5 to allow for pre-arraignment OR release when the arrestee is released under a court-operated or court-approved pretrial release program.

Item 13 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Appellate Procedure: Penal Code section 1237.2

Consideration of potential proposal to expand the scope of Penal Code section 1237.2 relating to appealing the erroneous imposition of fines and fees.

Item 14 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Penal Code section 1203.43: Deferred Entry of Judgement Procedures

Consideration of proposal to develop new forms or revise current *Petition for Dismissal* and *Order for Dismissal* form to address the relief provided Penal Code section 1203.43 for withdrawal of a plea following satisfactory completion of Deferred Entry of Judgment.

Item 15 Closed under rule 10.75(c)(3)(C) (Rules Committees)

Legislative Proposal: Commissioners as Magistrates

Consideration of proposal to amend Penal Code section 808 to expand the definition of “magistrate” to include commissioners.

Item 16 Closed under rule 10.75(c)(3)(C) (Rules Committees)

New Rule: Bail in infraction Proceedings

Consideration of proposal regarding bail in infraction proceedings.

II. ADJOURNMENT

Adjourn Closed Session