

Criminal Law Advisory Committee
Annual Agenda¹—2025–2026
Approved by Rules Committee: October 16, 2025

I. COMMITTEE INFORMATION

Chair:	Hon. Lisa Rodriguez, Chair, Judge, Superior Court of San Diego County Hon. Alison Tucher, Vice Chair, Presiding Justice of the Court of Appeal, First Appellate District, Third Division
Lead Staff:	Sarah Fleischer-Ihn, Attorney, Criminal Justice Services
Committee’s Charge/Membership: Rule 10.42(a) of the California Rules of Court states the charge of the Criminal Law Advisory Committee, which is to make recommendations to the Judicial Council for improving the administration of justice in criminal proceedings. Rule 10.42(b) sets forth the membership categories of the committee. The Criminal Law Advisory Committee currently has 21 voting members. The current advisory body roster is available on the advisory body’s webpage.	
Subgroups of the Advisory Body²: 1. Pretrial Policy and Data Subcommittee 2. Protective Orders Working Group (POWG) (with the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee) 3. Joint Mental Health Legislation Subcommittee (with the Collaborative Justice Courts Advisory Committee)	

¹ The Annual Agenda outlines the work an advisory body will focus on in the coming year or cycle and identifies areas of collaboration with other advisory bodies and Judicial Council staff resources.

² For the definition of “subcommittee” see Cal. Rules of Court, rule 10.30(c); for “working group,” see rule 10.70; for “workstream,” see rule 10.53(c); and for “education curriculum committee,” see rule 10.50(c)(6).

Advisory Body and Subgroup Meetings Planned for 2026³

- January 2026 (remote annual meeting to discuss rule and form proposals and pending legislation)
- February, March 2026 (remote meetings to discuss rule and form proposals and pending legislation)
- April, May, June 2026 (remote meetings to discuss pending legislation)
- July 2026 (remote meeting to discuss rule and form proposals and pending legislation)
- August, September, October 2026 (remote meetings to discuss pending legislation)
- November, December 2026 (remote meetings to discuss rule and form proposals)
- Other remote meetings as needed

Subcommittee Meetings:

- Pretrial Policy and Data Subcommittee: remote meetings as needed to work on rule and form proposals and review proposed legislation
- Protective Orders Working Group (POWG): remote meetings as needed to work on rule and form proposals
- Joint Mental Health Legislation Subcommittee: remote meetings as needed from February through September to review proposed legislation

☐ Check here if in-person meeting is approved by the internal committee oversight chair.

³ Refer to section IV. 2 (Meeting frequency) of the [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

Note: Because of the current budget and staffing constraints, advisory body chairs and staff must first consider meeting remotely. The chair of the Executive and Planning Committee is extending the suspension of advisory body in-person meetings for the 2025–2026 annual agenda cycle. If an in-person meeting is needed, the responsible Judicial Council office head must seek approval from their advisory body’s internal oversight committee chair. Please see the prioritization memo dated June 23, 2025, for additional details.

II. COMMITTEE PROJECTS

Priority Levels and Branch Goals Key:

Refer to the following key for populating your project priority levels and branch goals. For each Priority Level 1 proposal, the advisory body **must** provide a specific reason why it should be done this year and how it fits within the identified category. If an advisory committee is interested in pursuing any Priority Level 2 proposals, please include justification as to why the proposal should be approved at this time.

Priority Levels for Non-Rules/Forms	
1	Must be done
2	Should be done
Priority Levels for Rules/Forms Proposals	
1a (Legal Compliance)	Proposal urgently needed to conform to or accurately reflect the law.
1b (Council Directive)	Council has directed the committee to consider new or amended rules and forms.
1c (Urgent Remedial Action)	Change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public.
1d (Financial/ Legal Risk Mitigation)	Proposal is otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk.
2a (Useful Changes in Law)	Useful, but not necessary, to implement changes in law.
2b (Responsive to Concerns)	Responsive to identified concerns or problems.
2c (Helpful Advancing Branch Goals)	Helpful in otherwise advancing Judicial Council goals and objectives.

Judicial Branch Strategic Plan–Branch Goals	
I.	<u>Access, Fairness, Diversity, and Inclusion</u>
II.	<u>Independence and Accountability</u>
III.	<u>Modernization of Management and Administration</u>
IV.	<u>Quality of Justice and Service to the Public</u>
V.	<u>Education for Branchwide Professional Excellence</u>
VI.	<u>Branchwide Infrastructure for Service Excellence</u>
VII.	<u>Adequate, Stable, and Predictable Funding for a Fully Functioning Branch</u>

#	New or One-Time Projects								
1.	<i>Amend sentencing rules of court to conform with recent law (one-time)</i>	<i>Priority: 1a</i>							
<i>Supported Strategic Plan Branch Goals:</i> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">I <i>Access</i> ☐</td> <td style="text-align: center;">II <i>Independence</i> ☐</td> <td style="text-align: center;">III <i>Modernization</i> ☐</td> <td style="text-align: center;">IV <i>Quality</i> ☒</td> <td style="text-align: center;">V <i>Education</i> ☐</td> <td style="text-align: center;">VI <i>Infrastructure</i> ☐</td> <td style="text-align: center;">VII <i>Funding</i> ☐</td> </tr> </table>			I <i>Access</i> ☐	II <i>Independence</i> ☐	III <i>Modernization</i> ☐	IV <i>Quality</i> ☒	V <i>Education</i> ☐	VI <i>Infrastructure</i> ☐	VII <i>Funding</i> ☐
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<i>Project Summary:</i> Amend sentencing rules of court to conform with recent case law and statutory changes under Senate Bill 567 (Stats. 2021, ch. 731), including <i>Lovelace v. Superior Court</i> (2025) 108 Cal.App.5th 1081 (“residual clause” in rule 4.421(c) violates the separation of powers clause of the California Constitution) and <i>People v. Wiley</i> (2025) 17 Cal.5th 1069 (whether a defendant’s prior convictions are of increasing seriousness and whether defendant has performed unsatisfactorily on probation, are aggravating circumstances that must be proven beyond a reasonable doubt by a jury for a court to rely on them to justify an upper term sentence). The committee will also consider amending the rule on circumstances in aggravation to implement AB 352 (Stats. 2025, ch. 554), which would allow a court to consider, as a factor in aggravation, that a defendant knowingly and willfully threatened to commit a crime that would result in death or great bodily injury of specified government officials. <i>Status/Timeline:</i> Anticipate circulating for comment in winter cycle, for an effective date of July 1, 2026. <i>Fiscal Impact/Staff Resources:</i> Committee staff, in consultation with Legal Services staff, will prepare the amended rules. ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. <i>Advisory body staff will coordinate with Budget Services to ensure its review of relevant materials.</i> <i>Internal/External Stakeholders:</i> Trial courts, justice system partners <i>AC Collaboration:</i> None									
2.	<i>Revise the felony plea form (one-time)</i>	<i>Priority: 1a</i>							
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#	New or One-Time Projects								
	Project Summary: To implement SB 281 (Stats. 2025, ch. 666), the committee will consider revising the felony plea form to update the immigration advisement to incorporate the verbatim language specified in Penal Code section 1016.5(a). The committee will also consider additional revisions requested by judicial officers on clarifying the advisement given under <i>In re Tellez</i> (2024) 17 Cal.5th 77 and adding a waiver of appellate rights. Status/Timeline: Anticipate circulating for comment in winter cycle, for an effective date of July 1, 2026. Fiscal Impact/Staff Resources: Committee staff, in consultation with Legal Services staff, will prepare the revised form. ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. <i>Advisory body staff will coordinate with Budget Services to ensure its review of relevant materials.</i> Internal/External Stakeholders: Trial courts, justice system partners AC Collaboration: None								
3.	Amend rules and revise forms to implement AB 1071 (one-time)	Priority: 1a, 1c							
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	Project Summary: Develop rules and forms recommendations as needed to implement AB 1071 (Stats. 2025, ch. 721). AB 1071 revises and clarifies procedures and remedies under Penal Code section 745, which was enacted by the Racial Justice Act. In addition to changes needed to implement legislation, the committee will consider additional substantive rule and form changes based on suggestions made by courts, stakeholders, and the public, or to increase useability of rules and forms for courts and litigants. Status/Timeline: Anticipate circulating for comment in winter cycle, for an effective date of July 1, 2026. Fiscal Impact/Staff Resources: Committee staff, in consultation with Legal Services staff, will prepare the amended rules and revised forms. ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: Trial courts, appellate courts, justice system partners								

#	New or One-Time Projects						
	<i>AC Collaboration:</i> Appellate Advisory Committee						
4.	Protective orders related to hate crimes (one-time)						Priority: 1a
Supported Strategic Plan Branch Goals:							
I Access ☒ II Independence ☐ III Modernization ☐ IV Quality ☒ V Education ☐ VI Infrastructure ☐ VII Funding ☐							
Project Summary: There are currently no statewide criminal protective orders for orders issued for hate crimes pursuant to Penal Code sections 422.85, 422.88, and 422.865. The committee will consider developing new protective orders or modifying existing protective orders for use by courts issuing these orders. This was brought to the committee's attention by the California Department of Justice. Status/Timeline: Anticipate circulating for comment in spring cycle, for an effective date of January 1, 2027. Fiscal Impact/Staff Resources: Committee staff, in consultation with Legal Services, will prepare new or revised forms. ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. <i>Advisory body staff will coordinate with Budget Services to ensure its review of relevant materials.</i> Internal/External Stakeholders: Trial courts, California Department of Justice, justice system partners AC Collaboration: None							
5.	Expiration dates for pretrial criminal protective orders (one-time)						Priority: 1c, 1d, 1
Supported Strategic Plan Branch Goals:							
I Access ☐ II Independence ☐ III Modernization ☐ IV Quality ☒ V Education ☐ VI Infrastructure ☐ VII Funding ☐							
Project Summary: The committee will consider developing a rule of court or a recommendation for Judicial Council-sponsored legislation addressing expiration dates for pretrial criminal protective orders. This is in response to enforcement concerns by a law enforcement agency due to the lack of a set expiration date at the time the order issues, as pretrial criminal protective orders expire upon sentencing or dismissal. The proposal will incorporate and complement recent legislation on service and enforcement of protective orders if practicable.							

#	New or One-Time Projects								
	Status/Timeline: For a rule of court, the committee anticipates circulating for comment in spring cycle, for an effective date of January 1, 2027. For a legislative proposal, the committee anticipates circulating for public comment in spring cycle, submitting to the council in fall/winter 2026, and, if approved, leading to introduction of legislation that would, if enacted, take effect no sooner than January 1, 2028. Fiscal Impact/Staff Resources: Committee staff, in consultation with Legal Services and Governmental Affairs ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. <i>Advisory body staff will coordinate with Budget Services to ensure its review of relevant materials.</i> Internal/External Stakeholders: Trial courts, justice system partners, including law enforcement AC Collaboration: Legislation Committee (for Judicial Council-sponsored legislation)								
6.	Implement consistent and clear procedures for sealing court records (one-time)	Priority: 1c and 1							
	Supported Strategic Plan Branch Goals: <table border="0"> <tr> <td>I Access ☐</td> <td>II Independence ☐</td> <td>III Modernization ☐</td> <td>IV Quality ☒</td> <td>V Education ☐</td> <td>VI Infrastructure ☐</td> <td>VII Funding ☐</td> </tr> </table>		I Access ☐	II Independence ☐	III Modernization ☐	IV Quality ☒	V Education ☐	VI Infrastructure ☐	VII Funding ☐
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	Project Summary: The committee will consider developing a recommendation for Judicial Council-sponsored legislation, a rule of court, and/or form revisions to promote consistency and clarity in the process for sealing court records when relief is granted under a record cleaning statute. Status/Timeline: For a rule of court or revised forms, the committee anticipates circulating for comment in spring cycle, for an effective date of January 1, 2027. For a legislative proposal, the committee anticipates circulating for public comment in spring cycle, submitting to the council in fall/winter 2026, and, if approved, leading to introduction of legislation that would, if enacted, take effect no sooner than January 1, 2028. Fiscal Impact/Staff Resources: Committee staff, in consultation with Governmental Affairs ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. <i>Advisory body staff will coordinate with Budget Services to ensure its review of relevant materials.</i> Internal/External Stakeholders: Trial courts, justice system partners								

#	New or One-Time Projects								
	<i>AC Collaboration:</i> Legislation Committee (for Judicial Council-sponsored legislation)								
7.	<i>Pretrial release implementation through court outreach (new)</i>	<i>Priority: 1</i>							
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	Project Summary: Consistent with the committee's charge to improve administration of justice in criminal proceedings and related to the committee's ongoing work on pretrial release rules and forms, the committee will provide subject matter expertise for the Judicial Council's Criminal Justice Services Pretrial unit to provide information to trial courts on implementation of <i>In re Humphrey</i> (2021) 11 Cal.5th 135 and related cases for consistent implementation statewide. Status/Timeline: Ongoing Fiscal Impact/Staff Resources: Committee staff, Criminal Justice Services staff ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. <i>Advisory body staff will coordinate with Budget Services to ensure its review of relevant materials.</i> Internal/External Stakeholders: Trial courts AC Collaboration: None								

#	Ongoing Projects and Activities								
1.	Pretrial release implementation through rules and forms	Priority: 1a, 1c							
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	Project Summary: The committee will consider developing rule and form proposals on pretrial release implementation, such as the use of actuarial risk assessment tools, pretrial release or detention in light of <i>In re Humphrey</i> (2021) 11 Cal.5th 135 and related cases, the imposition of pretrial release conditions, and a defendant's ability to pay. Status/Timeline: Anticipate circulating for comment in spring cycle, for an effective date of January 1, 2027. Fiscal Impact/Staff Resources: Committee staff, Criminal Justice Services, Legal Services ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: Trial courts, justice system partners AC Collaboration: None								
2.	Review pending legislation	Priority: 1							
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	Project Summary: The committee will review pending criminal law legislation and provide recommendations as to whether the Judicial Council should support or oppose the legislation. The committee will provide subject matter expertise on pending criminal law legislation, including efforts to extend the sunset date for criminal remote proceedings beyond January 1, 2027. Status/Timeline: Ongoing Fiscal Impact/Staff Resources: Governmental Affairs, committee staff ☐ Check this box if this project may result in an allocation or distribution of funds to the courts.								

#	Ongoing Projects and Activities								
	Internal/External Stakeholders: None AC Collaboration: Joint Mental Health Legislation Subcommittee (with Collaborative Justice Courts Advisory Committee)								
3.	Review enacted legislation Supported Strategic Plan Branch Goals: <table border="0"> <tr> <td>I Access ☐</td> <td>II Independence ☐</td> <td>III Modernization ☐</td> <td>IV Quality ☒</td> <td>V Education ☐</td> <td>VI Infrastructure ☐</td> <td>VII Funding ☐</td> </tr> </table> Project Summary: Review all enacted legislation referred to the committee by the Judicial Council's Governmental Affairs staff to determine whether it raises issues within the advisory committee's purview and, when appropriate, develop recommendations for amendment to the rules of court or revisions to Judicial Council forms to implement the legislation or to bring rules and forms into conformity with it. Status/Timeline: Ongoing Fiscal Impact/Staff Resources: Committee staff ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: To be determined AC Collaboration: To be determined	I Access ☐	II Independence ☐	III Modernization ☐	IV Quality ☒	V Education ☐	VI Infrastructure ☐	VII Funding ☐	Priority: 1
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4.	Provide subject matter expertise for other advisory committees Supported Strategic Plan Branch Goals: <table border="0"> <tr> <td>I Access ☐</td> <td>II Independence ☐</td> <td>III Modernization ☐</td> <td>IV Quality ☒</td> <td>V Education ☐</td> <td>VI Infrastructure ☐</td> <td>VII Funding ☐</td> </tr> </table> Project Summary: The committee will provide subject matter expertise for the Judicial Council and other advisory committees working on proposals involving criminal law and procedure. Status/Timeline: Ongoing	I Access ☐	II Independence ☐	III Modernization ☐	IV Quality ☒	V Education ☐	VI Infrastructure ☐	VII Funding ☐	Priority: 1
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#	Ongoing Projects and Activities								
	Fiscal Impact/Staff Resources: Committee staff ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: None AC Collaboration: Respective advisory committees								
5.	Participate in the Protective Orders Working Group	Priority: 1							
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	Project Summary: Continue participation in the Protective Orders Working Group, which assists in ensuring consistency and uniformity in the different protective orders used in family, juvenile, civil, criminal, and probate proceedings, and helps to develop and update protective order forms and rules of court. Status/Timeline: Ongoing Fiscal Impact/Staff Resources: Committee staff ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: California Department of Justice AC Collaboration: Civil and Small Claims Advisory Committee, Family and Juvenile Law Advisory Committee								
6.	Gender neutrality in rules and forms	Priority: 1							
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#	Ongoing Projects and Activities													
	Project Summary: As rules are amended and forms are revised for independent reasons, the committee will continue to review and, when possible, replace gendered terms or gender identity questions to conform to legislation providing for gender neutrality and nonbinary gender identity. Status/Timeline: Ongoing Fiscal Impact/Staff Resources: ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: None AC Collaboration: None													
7.	Miscellaneous technical changes to rules and forms						Priority: 1a							
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Project Summary: Develop rule and form changes as necessary to make corrections and adjustments meeting the criteria of rule 10.22(d)(2): “a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy....”. Status/Timeline: Ongoing Fiscal Impact/Staff Resources: Committee staff, Legal Services ☐ Check this box if this project may result in an allocation or distribution of funds to the courts. Internal/External Stakeholders: None AC Collaboration: None														

III. LIST OF 2024–2025 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<i>Develop a stay-away order from protected retail establishments under AB 3209.</i> At its April 2025 meeting, the Judicial Council approved new form CR-164, a postconviction retail crime restraining order, to implement AB 3209. The form became effective July 1, 2025.
2.	<i>Revise the felony plea form.</i> At its April 2025 meeting, the Judicial Council approved revisions to CR-101 to include advisements from Prop. 36 and a recent Supreme Court case on sexually violent predators (In re Tellez). The form became effective July 1, 2025.
3.	<i>Amend the rule of court on mental competency proceedings to implement new laws.</i> It is anticipated that at its October 2025 meeting, the Judicial Council will approve amendments to the rules of court to implement SB 1323, SB 1400, and simplify and streamline the rules addressing mental competency proceedings. The amendments would be effective January 1, 2026.
4.	<i>Amend rules and forms related to criminal protective orders to implement new laws.</i> It is anticipated that at its October 2025 meeting, the Judicial Council will approve a proposal to implement SB 2907 and SB 899 through changes to the rules of court and forms. The amendments would be effective January 1, 2026.
5.	<i>Develop procedures for affordable bail determination and pretrial release processes.</i> It is anticipated that at its October 2025 meeting, the Judicial Council will approve a new pretrial release or detention form which would be effective January 1, 2026.
6.	<i>Develop a new form on firearm prohibitions while on mental health diversion.</i> It is anticipated that at its October 2025 meeting, the Judicial Council will approve a new form specifying prohibited items while on diversion which would be effective January 1, 2026.
7.	<i>Review pending legislation.</i> The committee provided subject matter expertise or a recommended position on 30 criminal law bills, including: AB 285 , Criminal procedure: protective order; AB 321 , Misdemeanors; AB 352 , Crimes: criminal threats; AB 394 , Public transportation providers; AB 704 , Criminal records: destruction; AB 1018 , Automated decision systems; AB 1036 , Criminal procedure: postconviction discovery; AB 1071 , Criminal procedure: discrimination; AB 1231 , Criminal procedure: felony diversion; AB 1483 , Supervision: violations; SB 281 , Pleas: immigration advisement; SB 396 , Corrections: supervision; SB 562 , Bail; SB 821 , Probable cause determinations.
8.	<i>Criminal justice and mental health.</i> The committee reviewed pending legislation related to criminal justice and mental health and provided recommendations as to whether the Judicial Council should support or oppose the legislation. Committee members participated in a joint subcommittee on mental health legislation with members of the Collaborative Justice Courts Advisory Committee.