



# JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

[www.courts.ca.gov/itac.htm](http://www.courts.ca.gov/itac.htm)  
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## ITAC RULES AND POLICY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

January 12, 2021

12:10 PM to 1:00 PM

Videoconference

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**Advisory Body Members Present:** Hon. Peter Siggins, Chair; Hon. Julie Culver; Hon. Samantha Jessner; Hon. Louis R. Mauro; Hon. Kimberly Menninger; Mr. Darrel Parker; Mr. Don Willenburg

**Advisory Body Members Absent:**

**Others Present:** Judicial Council Staff

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:13 PM and took roll call.

##### **Approval of Minutes**

The advisory body reviewed and approved the minutes of the November 4, 2020, Rules and Policy Subcommittee meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1 - 2)

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##### **Item 1**

##### **Trial Court Rules and Statutes Revisions: Proposed Amendments to the Government Code, Code of Civil Procedure, Penal Code, and the California Rules of Court (Action Required)**

Consider whether to recommend circulating proposed amendments to the Government Code, Code of Civil Procedure, and Penal Code, and to permit courts to use vendors for storage of electronic exhibits and electronic evidence. Consider also whether to recommend circulating a proposed new rule to the California Rules of Court defining “lodged electronic exhibits.” These proposals are based on the recommendations of the Digital Evidence Workstream.

**Presenters:** Hon. Peter Siggins, Chair, Rules and Policy Subcommittee  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Action:** Ms. Jaramillo presented the new language regarding electronic evidence. Digital evidence can be stored at the court, but not currently with vendors. Some subcommittee members worry about security of digital evidence stored at the court. In relation to the

statute, it would be subject to the rules of the judicial branch as set forth by the Judicial Council. By staying general with statutory proposal, then call out for comment on materials that should be excluded from the vendors storage.

B – As it is written. no objections.

C – Should be only judicial officers and court authorized persons by law or court order. No objections.

D – Is by the direction of the court and the clerk for disposal.

E – Destruction of exhibits or evidence as directed by court, who could give vendor a purge schedule.

F – Relates to disaster recovery and vendor backups.

New F – When the vendor's contract ends.

New F – There are no fee charges for exhibits. This item will be removed at this time.

Final F – Add the “the Judicial Council shall adopt rules to implement this provision”

**Motion to approve as amended the proposed amendments to the Government Code, Code of Civil Procedure, Penal Code, and the California Rules of Court.**

**Approved.**

*Consider also whether to recommend circulating a proposed new rule to the California Rules of Court defining “lodged electronic exhibits.” These proposals are based on the recommendations of the Digital Evidence Workstream.*

Ms. Jaramillo explained there needs to be a decision on where the lodged electronic exhibits would be placed in the rules. The subcommittee agreed on her selected placement as the appropriate section. The lodged electronic exhibits rule will be placed in Title 2, Division 7, Chapter 1 of the California Rule of Court.

Discussion around lodged electronic exhibits that are not part of the court records cannot be made public unless it is marked and/or introduced into evidence. If lodged records are not filed or not in the possession of the court clerk, they would not be available to the public.

**Item 2**

**Trial Court Rules and Statutes Revisions: Proposed Amendments to Amend the California Rules of Court (Action Required)**

Consider whether to recommend circulating proposed amendments to the California Rules of Court to reference Penal Code section 690.5.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Action:** This item was deferred until the next meeting.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 1:45 PM.

Approved by the advisory body on July 6, 2021.