



RULES COMMITTEE

MINUTES OF OPEN VIDEOCONFERENCE MEETING

Wednesday, February 7
4:00 p.m. - 5:00 p.m.

Rules Committee Members Present:	Hon. Carin T. Fujisaki, Hon. Michelle Williams Court, Ms. Kate Bieker, Hon. Charles S. Crompton, Hon. Maria D. Hernandez, Ms. Rachel W. Hill, Mr. Charles Johnson, and Hon. Erica R. Yew.
Rules Committee Members Absent:	Mr. Maxwell V. Pritt.
Rules Committee Staff Present:	Ms. Anne M. Ronan and Ms. Benita Downs
Advisory Bodies Chair(s) and Staff Present	Hon. Maria D. Hernandez, Hon. Lisa R. Rodriguez, Mr. James Barolo, Ms. Deirdre Benedict, Ms. Grace DiLaura, Ms. Sarah Fleischer-Ihn, Ms. Jenny Grantz, Ms. Anna Maves, Ms. Saskia Kim, Ms. Kara Portnow, Mr. Daniel Richardson, and Ms. Marina Soto. Mr. Oliver Greene
Other JC Staff Present	Mr. Michael Giden

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:05 p.m., and Ms. Downs took roll call.

Approval of Minutes (Approved)

Approve minutes of the August 22, August 28, October 11. October 13, October 26 and December 7, Rules Committee meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 01-07)

ADVISORY COMMITTEE ON CRIMINAL JURY INSTRUCTIONS (CALCRIM)

Judicial Council Report—Recommend Council Action

Item 01

Jury Instructions: Criminal Jury Instructions (2024 Edition)

The committee reviewed a recommendation from the Advisory Committee on Criminal Jury Instructions to approve for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. The proposed changes will keep

the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2024 supplement of Judicial Council of California Criminal Jury Instructions (CALCRIM).

Action: The committee unanimously approved the Advisory Committee on Criminal Jury Instructions recommendation, which is to go to the Judicial Council for action at the March council meeting.

CRIMINAL

Rules Committee–Action Only

Item 02

The committee reviewed a request from the Criminal Law Advisory Committee to amend its annual agenda, including approval of the creation of the Pretrial Policy and Data Subcommittee as a standing CLAC subcommittee to address the increase scope of pretrial justice issues.

Action: The committee unanimously approved the Criminal Law Advisory Committee’s request to amend its annual agenda to create the Pretrial Policy and Data Subcommittee as a standing CLAC subcommittee, after discussing that the committee expects to review Criminal Law Advisory Committee’s proposed annual agenda items for the subcommittee before the subcommittee takes any action.

FAMILY AND JUVENILE LAW

Invitation to Comment–Recommend Circulation for Comment

Item 03

Child Support: Implementing Amendments to the Family Code

The committee reviewed a proposal from the Family and Juvenile Law Advisory Committee proposing approval of 2 new forms, revising 20 forms, and revoking 3 forms related to child support. This action is necessary to implement changes to the Family Code made by Assembly Bill 207 (Stats. 2022, ch. 573) and Senate Bill 343 (Stats. 2023, ch. 213) to bring California into compliance with federal regulations requiring child support orders be based on evidence of actual income or, where actual income is unknown, the specific circumstances of the obligor parent. The proposed action is also necessary to implement changes made to the Family Code by Assembly Bill 2960 (Stats. 2022, ch. 420), which mandates that local child support agencies provide notice regarding payment of support to parents and the court when they begin and cease to provide child support enforcement services, and Assembly Bill 1148 (Stats. 2023, ch. 565), which increases the time period before child support resumes after an obligor parent has been released from incarceration or confinement.

Action: The committee unanimously approved the proposal for circulation on a special Cycle through March 22.

TRIAL COURT PRESIDING JUDGES ADVISORY COMMITTEE

Invitation to Comment–Recommend Circulation for Comment

Item 04

Civil Remote Proceedings: When a Judicial Officer May Preside Remotely

The committee reviewed a proposal from the Trial Court Presiding Judges Advisory Committee recommending the adoption of proposed rule 3.674 to satisfy Code of Civil Procedure section 367.10's statutory mandate. As required by the statute, the rule sets out the limited circumstances under which, in the interest of justice, a judicial officer may preside remotely from a location other than a courtroom.

Action: The committee unanimously approved the recommendation with one abstention (Judge Hernandez), which is to go to the Judicial Council for action at the March council

JUDICIAL COUNCIL STAFF

Judicial Council Report–Recommend Council Action

Item 05

Rules and Forms: Order for Debtor's Examination

The committee reviewed a proposal from the Judicial Council staff recommending revising the instructions on one Judicial Council form to implement a statutory change made by Assembly Bill 1119 (Stats. 2023, ch. 562), enacted October 8, 2023. Staff recommended revising the form without circulation to ensure it conforms to existing law and to avoid causing confusion for court users, clerks, and judicial officers.

Action: The committee unanimously approved the recommendation, which is to go to the Judicial Council for action at the March council meeting.

Item 06

Rules and Forms: Technical Form Changes to Reflect Federal Poverty Guidelines

The committee reviewed a proposal from Judicial Council staff recommending the revision of four Judicial Council forms containing figures that are based on the federal poverty guidelines. Staff recommended revising the forms without circulation to ensure they conform to existing law.

Action: The committee unanimously approved the recommendation, which is to go to the Judicial Council for action at the March council meeting.

Item 07

Rules and Forms: Adjustments to Dollar Amounts of Civil Penalty

The committee reviewed a proposal from Judicial Council staff recommending that the Judicial Council amend Appendix H of the California Rules of Court to reflect changes in the California Consumer Price Index as required by Health and Safety Code section 25249.7(k)(2)(B)(ii). Appendix H sets out the five-year adjustment to the dollar amount of a civil penalty for an alleged violation of Health and Safety Code section 25249.6. Because the necessary revision to the CPI had not yet been issued, this proposal contains only the text of the report and appendix item, with the final version including dollar amounts to be emailed to committee when available.

Action: The committee unanimously approved the recommendation, pending final approval of the dollar amounts, and it is to go to the Judicial Council for action at the March council meeting.

I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Next Rules Committee Meeting: March 28, 2024

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 4:55 p.m.

Approved by the committee on March 28, 2024.