



RULES COMMITTEE

MINUTES OF OPEN VIDEOCONFERENCE MEETING

Thursday, December 5, 2024

4:10 p.m. – 5:10 p.m.

Rules Committee Members Present: Hon. Carin T. Fujisaki (Chair), Hon. Joan K Irion (Vice-chair), Hon. Khymberli S.Y. Apaloo, Hon. Bunmi O. Awoniyi, Ms. Kate Bieker, Hon. Charles S. Crompton, Hon. Ryan Davis, and Mr. Charles Johnson

Rules Committee Members Absent: Mr. Craig M. Peters and Mr. Maxwell V. Pritt

Rules Committee Staff Present: Mr. James Barolo, Mr. Eric Long, and Ms. Benita Downs

JC Staff Presenting: James Barolo, Eric Divine, Sarah Fleischer-Ihn, Jenny Grantz, Anne Hadreas, Jamie Schechter, Tyler Shill, Corby Sturges, and Jeremy Varon

JC Staff Present: Audrey Fancy, Michael Giden, Sarah Jacobvitz, Stephanie Lacambra, and Marymichael Smrdeli

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:10 p.m., and Ms. Downs took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 01 – 11)

JUDICIAL BRANCH ADMINISTRATION

Invitation to Comment–Recommend Circulation for Comment

Item 01

Judicial Branch Technology: Rules for Adoption of Technological and Data Security Standards

The committee reviewed the joint proposal from the Court Executives Advisory Committee (CEAC) and the Information Technology Advisory Committee (ITAC) proposing amending one rule and adopting one rule to create a process for adopting and revising technology and data security guidelines for the courts and the Judicial Council. This proposal originated with the Joint Information Security Governance Subcommittee, which reviews and recommends security-related guidelines, policies, and other proposals for action by ITAC and CEAC.

Action: The committee unanimously approved the joint proposal for circulation on the regular winter cycle through January 6.

APPELLATE

Invitation to Comment–Recommend Circulation for Comment

Item 02 (Jointly with the Civil and Small Claims Advisory Committee)

CEQA Actions: New Projects and Fees for Expedited Review

The committee reviewed a joint proposal from the Appellate Advisory Committee and the Civil and Small Claims Advisory Committee to amend California Rules of Court for the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA). As mandated by the Legislature, the Judicial Council previously adopted rules and established procedures to implement a statutory scheme for the expedited resolution of actions and proceedings brought under CEQA challenging certain projects that qualified for such streamlined procedures. The proposal amended several rules to implement recent legislation requiring inclusion of specified additional projects and removal of certain other projects for streamlined review. The committees also recommended the amendment of two rules to implement statutory provisions requiring that, for the new category of projects, the council, by rule of court, establish fees to be paid by project applicants to the courts for the additional costs of streamlined CEQA review.

Action: The committee unanimously approved the joint proposal for circulation on the regular winter cycle through January 6.

CIVIL AND SMALL CLAIMS

Invitation to Comment–Recommend Circulation for Comment

Item 03

Civil Practice and Procedure: Termination of Complex Coordination Proceedings and Actions

The committee reviewed a proposal from the Civil and Small Claims Advisory Committee to amend California Rules of Court, rule 3.545 and adopt rule 3.546 to modify the procedures courts must follow when terminating coordinated actions and to specify procedures for terminating coordination proceedings. The proposal aimed to address procedural concerns first raised by a superior court judge who has managed numerous coordination proceedings.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.

CRIMINAL**Invitation to Comment–Recommend Circulation for Comment****Item 04****Criminal Law: Felony Plea Form**

The committee reviewed a recommendation from the Criminal Law Advisory Committee recommending adding two new advisements to the felony plea form in light of recent case law and Proposition 36 (“The Homelessness, Drug Addiction, and Theft Reduction Act”) approved by voters in the General Election on November 5, 2024. The committee also recommended clarifying language about the factual basis for the plea.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.

Item 05**Criminal Law: New Postconviction Retail Crime Restraining Order**

The committee reviewed a proposal from the Criminal Law Advisory Committee proposing a new retail crime restraining order to implement Assembly Bill 3209 (Stats. 2024, ch. 169). The order would prohibit defendants convicted of specified offenses from entering the premises of a protected retail establishment for up to two years.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.

FAMILY AND JUVENILE**Invitation to Comment–Recommend Circulation for Comment****Item 06****Juvenile Law: Restitution Orders**

The committee reviewed a proposal from the Family and Juvenile Law Advisory Committee proposing revising the restitution order and instructions forms to delete joint and several liability for juvenile co-offenders, address restitution apportionment in juvenile court orders, and clarify the liability of others who may be ordered to pay restitution in criminal and juvenile proceedings. In addition, the committee proposed revisions to allow for use of the order when a child under informal supervision has stipulated to restitution.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.

PROTECTIVE ORDERS**Invitation to Comment–Recommend Circulation for Comment****Item 07****Protective Orders: New Civil Retail Crime Restraining Order**

The committee reviewed a proposal from the Civil and Small Claims Advisory Committee proposing amending three California Rules of Court, adopting six Judicial Council forms for mandatory use, and approving two information sheets in a new forms series to implement recent legislation creating a new civil retail crime restraining order.

Action: *The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.*

PROBATE AND MENTAL HEALTH**Invitation to Comment–Recommend Circulation for Comment****Item 08****Rules and Forms: Additional CARE Act Legislation**

The committee reviewed a proposal from the Probate and Mental Health Advisory Committee proposing amending three rules of court, adopting one form, approving two forms, revising three forms, adopting one standard of judicial administration, and renaming a title in the standards of judicial administration to implement recently enacted Senate Bills 42 (Stats. 2024, ch. 640), 1323 (Stats. 2024, ch. 646), and 1400 (Stats. 2024, ch. 647). The legislation amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act. In addition, the committee also proposed revisions to certain forms in response to feedback from members of the public regarding the forms' readability and ease of use.

Action: *The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.*

Item 09**Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death**

The committee reviewed a proposal from the Probate and Mental Health Advisory Committee proposing amending two rules of court and revising six forms in response to recent legislation. Senate Bill 1106 (Stats. 2024, ch. 455) expands the duty of a conservator or guardian of the person to give notice before the change of residence of a conservatee or ward and requires a conservator to give notice, electronically if possible, of any arrangements they have made for a deceased conservatee's funeral or similar memorial service. The proposed changes would also update the rules and forms to conform to other amendments to the law, including the statutory

authorization of electronic delivery of notices and other papers in specified circumstances, as well as make technical, clarifying, and conforming changes.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.

Item 10

Decedents' Estates: Succession to Real Property of Small Value

The committee reviewed a proposal from the Probate and Mental Health Advisory Committee proposing revising two forms in response to recent legislation that changed the statutory procedure for claiming succession to real property by raising the maximum value of the property claimed to \$750,000 and limiting the application of the procedure to succession to a decedent's primary residence in California. The proposed form revisions would conform to these changes and make technical and formatting corrections.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 6.

TRAFFIC

Judicial Council Circulating Order Memorandum–Recommend Council Action

Item 11/ Circulating Order CO-24-01

Uniform Bail and Penalty Schedules: 2025 Edition

The committee reviewed a recommendation from the Traffic Advisory Committee that the Judicial Council, effective January 1, 2025, adopt revisions to the Uniform Bail and Penalty Schedules, 2025 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing (Uniform Bail and Penalty Schedules or UBPS). Action must be taken between the Judicial Council's regularly scheduled meetings because the Judicial Council does not have a scheduled meeting in December, and as a result of the Governor's signing deadline, revisions to the UBPS require approval via circulating order.

Action: The committee unanimously approved the recommendation from the Traffic Advisory Committee in the circulating order memorandum, which was circulated to the Judicial Council for action.

I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Next Rules Committee Meeting will be held on: January 8, 2025

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:06 p.m.

Approved by the committee on March 13, 2025.