



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-013

For business meeting on January 19, 2024

Title

Judicial Council: Rules Committee Report

Agenda Item Type

Information Only

Submitted by

Rules Committee

Hon. Carin T. Fujisaki, Chair

Hon. Michelle Williams Court, Vice-Chair

Date of Report

December 12, 2023

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Executive Summary

The Rules Committee establishes and maintains the Judicial Council rule-making process and assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. Among other actions, the committee “[r]ecommends whether the council should approve, modify, or reject each proposal.” (Cal. Rules of Court, rule 10.13(c)(1).)

This report describes the committee’s activities since the November 17, 2023, Judicial Council meeting. These activities include the committee’s consideration of winter cycle invitations to comment, to be circulated through January 19, concerning rules and forms modifications proposed by various advisory committees. They also include the committee’s recommendations for council approval of the rules and forms proposals identified below, two of which are on the council’s consent agenda for the January meeting and two of which have already circulated to the council for action.

Overview of Committee Meetings

Since the council’s last meeting, the Rules Committee has met once by videoconference.

On **December 7, 2023**, the Rules Committee met by videoconference to consider:

- Three proposals recommended by advisory committees to circulate for comment during the winter cycle:
 - A recommendation from the Appellate Advisory Committee and the Criminal Law Advisory Committee to amend three rules of court and revise three forms to implement the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.
 - A recommendation from the Criminal Law Advisory Committee proposing a rule of court to implement legislation requiring the Judicial Council to develop qualifications for the appointment of counsel in superior court habeas corpus proceedings under Penal Code section 1473(f).
 - A recommendation from the Probate and Mental Health Advisory Committee to amend four rules of court and revise seven forms to implement Senate Bill 35 (Stats. 2023, ch. 283), which amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act.
- Two proposed reports to the Judicial Council with recommendations for new and revised rules and forms:
 - A recommendation from the Family and Juvenile Law Advisory Committee for Judicial Council approval of revisions to *Income Withholding for Support* (form FL-195) and *Income Withholding for Support—Instructions* (form FL-196) as Family Code section 5208 and federal law require that all earnings assignment orders for support be issued using a uniform format prescribed by the Secretary of Health and Human Services.
 - A recommendation from the chairs of the Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee to adopt Chapter 15, Elections Code Reports, in title 10, division 4 of the California Rules of Court and place rule 10.970 in the new chapter.
- Two circulating order memoranda with recommendations for revised rules and forms:
 - A recommendation from the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee to revise 26 Judicial Council forms to implement statutory changes made by Senate Bill 71 (Stats. 2023, ch. 861), enacted October 13, 2023. SB 71 raises the jurisdictional limits for small claims and limited civil cases (Circulating Order No. CO-23-04).
 - A recommendation from the Traffic Advisory Committee that the Judicial Council adopt revisions, effective January 1, 2024, to the Uniform Bail and Penalty Schedules, 2024 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing (Circulating Order No. CO-23-03).

Action:

The Rules Committee approved circulation of the three rules and forms proposals, which are posted for public comment through January 19. Following public comment and review by the proponent committees and the Rules Committee, the proposals are expected to come before the council at the May 17 business meeting.

The committee approved the two proposed reports to go forward to the council's consent agenda for the January 19 meeting.

The committee approved the two circulating order memoranda, which have already been circulated to the council for action.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the rules and forms recommendations in the reports approved by the committee. Both of these reports are on the council's agenda for the January meeting.