



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: March 2, 2018

Title	Agenda Item Type
Rules and Forms: Miscellaneous Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 8.866; amend Title 2, Division 6, Chapter 4; revise form CR-110/JV-790	March 5, 2018
Recommended by	Date of Report
Judicial Council staff	February 5, 2018
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Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the council, effective March 5, 2018:

1. Amend rule 8.866 of the California Rules of Court to correct the numbering of subdivision (d) to reflect amendments approved by the Judicial Council in September and November 2017. The proposed amendment would renumber subdivision (d) to reinstate paragraph number “(1)” in the first paragraph and to add paragraph number “(2)” in what is now the second paragraph.

In addition, the text of subdivision (d)(2) would be added back, as it was inadvertently left out of the amendment approved by the Judicial Council in November, due to the two successive amendments close in time.

2. Amend a heading in Chapter 4 of Title 2, Trial Court Rules. In November 2017, the Language Access Plan Implementation Task Force recommended that the Judicial Council adopt new rules 2.850 (Language Access Representative) and 2.851 (Language access services complaints) (both effective January 1, 2018). The header of the new rules indicated that they should be added to:

Title 2. Trial Court Rules
Chapter 4. Language Access
Article 1. General Provisions

As a result, existing Chapter 4, Court Interpreters, should have been renumbered as Article 2 within Chapter 4. This amendment recommends changing the heading for rules 2.890–2.895 from “Chapter 4. Court Interpreters” to “Article 2. Court Interpreters,” as shown below, so that the new and existing rules will be properly sequenced.

Title 2. Trial Court Rules

Chapter 4. Language Access
Article 1. General Provisions
Rule 2.850. Language Access Representative
Rule 2.851. Language access services complaints

~~Chapter 4.~~ Article 2. Court Interpreters
Rule 2.890. Professional conduct for interpreters
Rule 2.891. Periodic review of court interpreter skills and professional conduct
Rule 2.892. Guidelines for approval of certification programs for interpreters for deaf and hard-of-hearing persons
Rule 2.893. Appointment of interpreters in court proceedings
Rule 2.894. Reports on appointments of certified and registered interpreters and noncertified and nonregistered interpreters
Rule 2.895. Requests for interpreters

3. Revise *Order for Victim Restitution* (form CR-110/JV-790) to add a statutory citation. Assembly Bill 756 amended Penal Code section 1202.4, subdivision (f)(3)(F) to allow restitution for noneconomic losses for psychological harm stemming from felony incidents of repeated or recurring incidents of sexual abuse of a child under 14 years of age or from felony incidents of sexual contact with a child under 10 years of age. Prior to AB 756, restitution for noneconomic losses for psychological harm under the section was limited to felony incidents of lewd and lascivious acts with a minor (Pen. Code, § 288). Thus, form CR-

110/JV-790 should be revised to include Penal Code sections 288.5 and 288.7 as noneconomic losses included in the amount of restitution.

Copies of the revised rule and form are attached at pages 4–6.

Previous Council Action

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections unrelated to any prior action.

Rationale for Recommendation

The changes to these rules and forms are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Comments, Alternatives Considered, and Policy Implications

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Cal. Rules of Court, rule 8.866, at page 4
2. Form CR-110/JV-790, at pages 5–6

Rule 8.866 of the California Rules of Court is amended, effective March 5, 2018, to read:

1 **Rule 8.866. Preparation of reporter’s transcript**

2
3 ~~(a)–(c)~~* * *

4
5 **(d) When preparation must be completed**

6
7 (1) The reporter must deliver the original and all copies to the trial court clerk as
8 soon as they are certified but no later than 20 days after the reporter is
9 required to begin preparing the transcript under (a). Only the presiding judge
10 of the appellate division or his or her designee may extend the time to prepare
11 the reporter’s transcript (see rule 8.810).

12
13 ~~(2)~~(2)If the appellant deposited with the clerk an amount equal to the estimated cost
14 of preparing the transcript and the appeal is abandoned or dismissed before
15 the reporter has filed the transcript, the reporter must inform the clerk of the
16 cost of the portion of the transcript that the reporter has completed. The clerk
17 must pay that amount to the reporter from the appellant’s deposited funds and
18 refund any excess deposit to the appellant.

19
20 *(Subd (d) amended effective January 1, 2018; previously amended effective March 1, 2014,*
21 *and January 1, 2017.)*

22
23 ~~(e)–(f)~~* * *

24
25 *Rule 8.866 amended effective January 1, 2018; adopted effective January 1, 2009; previously*
26 *amended effective March 1, 2014, January 1, 2016, and January 1, 2017.*

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ORDER FOR VICTIM RESTITUTION	CASE NUMBER:

1. a. On (date): _____ defendant (name): _____
 was convicted of a crime that entitles the victim to restitution.
- b. On (date): _____ child (name): _____
 was found to be a person described in Welfare and Institutions Code section 602,
 which entitles the victim to restitution. Wardship is terminated.
- c. Parents or guardians jointly and severally liable (name each): _____
- d. Co-offenders found jointly and severally liable (name each): _____

2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and
 - a. a hearing was conducted.
 - b. stipulated to the amount of restitution to be ordered.
 - c. waived a hearing.

3. **THE COURT ORDERS** defendant/child to pay restitution to
 - a. the victim (name): _____ in the amount of: \$ _____
 - b. the California Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$ _____
 - c. plus interest at 10 percent per year from the date of loss or sentencing.
 - d. plus attorney fees and collection costs in the sum of: \$ _____
 - e. plus an administrative fee not to exceed 15 percent of the restitution owed (Pen. Code, § 1203.1(l)).

CASE NAME:

CASE NUMBER:

4. The amount of restitution includes

- a. the value of property stolen or damaged.
- b. medical expenses.
- c. lost wages or profits
- (1) incurred by the victim due to injury.
- (2) of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.
- (3) incurred by the victim due to time spent as a witness or in assisting police or prosecution.
- (4) of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.
- d. noneconomic losses (felony violations of Pen. Code, § 288, 288.5. and 288.7 only).
- e. Other (*specify*):

Date:

 JUDICIAL OFFICER
NOTICE TO VICTIMS

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).

YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c).