



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-014

For business meeting on March 15, 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

February 15, 2024

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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 January 19, 2024, Judicial Council meeting. These activities include the committee’s consideration of two special cycle invitations to comment, to be circulated through March 15 and March 22, concerning rules and forms modifications proposed by various advisory committees. They also include the committee’s recommendations for council approval of the rules, forms, and jury instructions proposals identified below, all of which are on the council’s consent agenda for the March meeting.

Overview of Committee Meetings

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

On **February 7, 2024**, the Rules Committee met by videoconference to consider:

- Two proposed invitations to comment to circulate on a special cycle:
 - A recommendation from the Family and Juvenile Law Advisory Committee proposing approval of 2 new forms, revision of 20 forms, and revocation of 3 forms related to child support. This action is 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 that child support orders be based on evidence of actual income or, where actual income is unknown, the specific circumstances of the obligor parent.
 - A recommendation from the Trial Court Presiding Judges Advisory Committee proposing the adoption of rule 3.674 of the California Rules of Court to satisfy the statutory mandate in the Code of Civil Procedure requiring the Judicial Council to adopt a rule that includes “standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote proceeding from a location other than a courtroom.” (Code Civ. Proc., § 367.10).
- One jury instructions proposal from the Advisory Committee on Criminal Jury Instructions:
 - A proposed report to the council to approve additions and revisions to the 2024 edition of *Judicial Council of California Criminal Jury Instructions (CALCRIM)* that circulated for public comment.
- Three proposals not circulated for public comment because the particular rule and form changes are technical in nature and necessary to correct inadvertent omissions or incorrect references or make minor substantive changes to directly implement statutes:
 - *Rules and Forms: Order for Debtor’s Examination*
 - *Rules and Forms: Technical Form Changes to Reflect Federal Poverty Guidelines*
 - *Rules and Forms: Adjustments to Dollar Amounts of Civil Penalty*. The amounts that are used in the circulation to determine the civil penalty figures on Appendix H will not be available until mid-February. Judicial Council staff requested that the Rules Committee approve the text of the report and appendix and will recirculate both items for email approval once the California Consumer Price Index amounts are released.
- At that same meeting, the Rules Committee considered and approved a request to amend an annual agenda by an advisory committee under the committee’s oversight:
 - The Criminal Law Advisory Committee (CLAC) requested approval to amend its agenda to create the Pretrial Policy and Data Subcommittee as a standing CLAC subcommittee to address the increased scope of pretrial justice issues.

Action:

The Rules Committee approved circulation of the two rules and forms proposals, which are posted for public comment through March 22 (SP24-01) and March 15 (SP24-02). Following public comment and review by the proponent committees and the Rules Committee, the proposals are expected to come before the council at the March 15 business meeting.

The committee approved all the proposed reports to go forward to the council's consent agenda for the March 15 meeting, one of which will be recirculated by email for final approval. The committee also took final action in approving the minor and nonsubstantive revisions to criminal jury instructions.

The Rules Committee approved the Criminal Law Advisory Committee's request to create a new subcommittee, whose proposed projects will be considered by the committee in a future annual agenda review.

On **February 20, 2024**, the Rules Committee acted by email to give final approval of 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). The California Consumer Price Index amounts were released on February 14, 2024, and the report and appendix have been updated to include those amounts. The Rules Committee previously approved the text of the report and the appendix at its February 7, 2024, meeting.

Action: The Committee gave final approval of the proposed report to go forward to the council's consent agenda for the March 15 meeting.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the rules, forms, and jury instructions recommendations in the reports approved by the committee on February 7. All of these proposals are on the council's consent agenda for the March 15 meeting.