



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 25-077*

For business meeting on April 25, 2025

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**Title**

Criminal Law: Felony Plea Form

**Report Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

Revise form CR-101

**Effective Date**

July 1, 2025

**Recommended by**

Criminal Law Advisory Committee  
Hon. Lisa Rodriguez, Chair

**Date of Report**

April 2, 2025

**Contact**

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### Executive Summary

The California Supreme Court recently directed trial courts to advise defendants pleading guilty or no contest to a sexually violent offense about the possibility of being referred to sexually violent predator proceedings and to inquire whether the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense. In addition, Proposition 36 requires trial courts to advise defendants convicted of specified felony drug offenses that they can be charged with murder if death results from illicitly manufacturing, distributing, selling, furnishing, or giving away drugs. The Criminal Law Advisory Committee recommends incorporating these advisements and inquiry into the felony plea form and clarifying existing language on the form about the factual basis for the plea.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective July 1, 2025, revise *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101), to incorporate recent case law and legislation and clarify language about the factual basis for the plea.

The proposed form is attached at pages 7–14.

## Relevant Previous Council Action

Form CR-101 was most recently revised effective January 1, 2025, to advise defendants about body armor, firearm, and ammunition prohibitions introduced by Assembly Bill 92 (Stats. 2023, ch. 232), which amended Penal Code section 31360 to expand the prohibition against owning, purchasing, or possessing body armor to any person prohibited from possessing a firearm under state law. The legislative amendment added a requirement that the court advise a prohibited person of the body armor prohibition.

Previously, the form was revised effective March 1, 2023, to update advisements on firearm prohibitions to reflect statutory changes to the definition of a firearm under Assembly Bill 1621 (Stats. 2022, ch. 76).

## Analysis/Rationale

Recent case law and legislation require two new advisements in specified felony cases. In *In re Tellez* (2024) 17 Cal.5th 77, the California Supreme Court exercised its supervisory powers to require trial courts to advise defendants of the potential consequences of the Sexually Violent Predator Act when they are pleading guilty or no contest to a sexually violent offense under Welfare and Institutions Code section 6600(a)(2) and (b) or when the court is aware that the defendant has a prior conviction for a sexually violent offense. The court specified that the advisement be similar to the following language:

At the end of your sentence for this offense, you may be subject to screening by the State Department of State Hospitals to determine whether you qualify for trial as a sexually violent predator, which could result in your being committed to a secure medical facility indefinitely.

(*Id.* at pp. 92–93.)

To ensure that the record is complete, the court held that trial courts “should also inquire whether the parties discussed the possibility of a disposition involving a plea to an offense that is *not* a sexually violent offense.” (*In re Tellez, supra*, 17 Cal.5th at p. 93.)

Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act was approved by voters in the general election on November 5, 2024. It also added a new advisement for persons convicted of specified felony drug offenses:

The court shall advise a person who is convicted of, or who pleads guilty or no contest to, a violation of Section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, of the following: “You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human

life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code.”

(Health & Saf. Code, § 11369(b).)

The advisory statement must be provided to the defendant in writing, either on a plea form, if used, as an addendum to a plea form, or at sentencing. (Health & Saf. Code, § 11369(c).) The fact that the advisory was given must be specified on the record and recorded in the abstract of the conviction. (*Ibid.*)

To implement these changes, the committee recommends the following revisions to *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101):

- Add new item 3h, Sexually Violent Predator Civil Commitment, notifying a defendant who is or has previously been convicted of a sexually violent offense that if they are ever committed to the custody of the California Department of Corrections and Rehabilitation, they may at the conclusion of that term be subject to screening by the State Department of State Hospitals to determine whether they meet the criteria for indeterminate commitment as a sexually violent predator and, potentially, be made subject to civil commitment proceedings.
- Add a new finding (number 6) to the Court’s Findings and Order (page 8 of the form) with a checkbox for the court to indicate that for convictions of a sexually violent offense, the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense.
- Add new item 11b, advising defendants convicted of specified drug offenses as required by statute.

To clarify the provisions on the factual basis for the plea and to make them more accurate, the committee proposes the following revisions:

- Add new item 9b(1), which provides an option for a defendant to admit facts establishing all elements of the offense as to each count, as the factual basis for the plea.
- Renumber current item 9b(1) as 9b(2), and revise it to state that documents offered as a factual basis for the plea are in the record or are attached to the plea form to become part of the record.
- Renumber current item 9b(2), the item on pleading guilty or no contest to take advantage of a plea agreement, as item 9c, and revise it to add a cite to *N.C. v. Alford* (1970) 400

U.S. 25<sup>1</sup> and to state that the guilty or no contest plea may also be to avoid conviction of a greater offense.<sup>2</sup>

- Revise the attorney’s statement on page 7 of the form to state that documents offered as a factual basis for the plea are in the record or are attached to the plea form to become part of the record.

Finally, the committee recommends making technical amendments to item 2 to reference a county jail sentence under Penal Code section 1170(h), and in item 3b(3), replacing “pursuant to” with “under” to comport with the council’s style for drafting forms.

### **Policy implications**

The form implements new legal requirements. Accordingly, the key policy implications are ensuring that council rules and forms correctly reflect the law. These revisions are therefore consistent with the *Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

### **Comments**

The proposal circulated for comment from December 6, 2024, to January 6, 2025. Five comments were received. Three commenters—the Superior Court of Los Angeles County, the Superior Court of Orange County, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee—agreed with the proposal. The Orange County Bar Association (OCBA) agreed with it if modified, and court staff with the Superior Court of Orange County did not indicate a position.

The committee declined to implement a change requested by staff with the Superior Court of Orange County to add a column indicating the date of a violation on item 1 of the form.

The committees appreciate the time taken to respond to this proposal. Below is a summary of substantive issues that were raised in the comments. All comments received, and the committee’s responses, are provided in the attached chart of comments at pages 15–20.

### ***Modified advisement under In re Tellez***

The committee requested specific comments on whether to modify the language of the advisement from *In re Tellez* to reference custody in the California Department of Corrections as a condition precedent to screening by the Department of State Hospitals for a sexually violent

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<sup>1</sup> In *N.C. v. Alford*, the Supreme Court held that a defendant may plead guilty in order to take advantage of a plea bargain while still asserting innocence.

<sup>2</sup> See *People v. West* (1970) 3 Cal.3d 595, 611 (court may accept bargained plea of guilty or nolo contendere to any lesser offense reasonably related to offense charged).

predator determination,<sup>3</sup> and to replace language from the opinion that could be confusing for defendants. The modified advisement in the invitation to comment read as follows:

If I am convicted of a sexually violent offense or have a prior conviction for a sexually violent offense and am ever committed to the custody of the California Department of Corrections and Rehabilitation, I may at the conclusion of that term be subject to screening by the State Department of State Hospitals to determine whether I meet the criteria for indeterminate commitment as a sexually violent predator and, potentially, be made subject to civil commitment proceedings.

Three commenters—the Superior Court of Los Angeles County, the Joint Rules Subcommittee, and the Orange County Bar Association—prefer the modified advisement, noting that it is more accurate, clear, and concise and removes confusing legal terms.

The committee agreed with the comments and recommends revisions to further simplify the advisement:

If I am or have previously been convicted of a sexually violent offense ~~or have a prior conviction for a sexually violent offense~~ and am ever committed to the custody of the California Department of Corrections and Rehabilitation, I may at the conclusion of that term be subject to screening by the State Department of State Hospitals to determine whether I meet the criteria for indeterminate commitment as a sexually violent predator and, potentially, be made subject to civil commitment proceedings.

### ***Court inquiry on alternate dispositions***

To ensure that the record is complete, *In re Tellez* states that trial courts “should also inquire whether the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense.” (17 Cal.5th at p. 93.) The committee incorporated this into the court findings and order portion of the plea form and circulated the following for public comment:

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<sup>3</sup> See Welf. & Inst. Code, § 6601(a), (b).

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**COURT'S FINDINGS AND ORDER**

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The court, having reviewed this form (and any addenda), and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them.
2. The defendant understands the nature of the crimes, prior convictions, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1) and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with this plea.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily.
5. A factual basis exists for the plea and admissions.
6. For convictions of a sexually violent offense, the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date:

\_\_\_\_\_  
(SIGNATURE OF JUDICIAL OFFICER)

OCBA commented that the finding should be affirmative on the record, that the court should initial or sign the finding separately from the other findings, and that the attorneys should initial or sign that alternative dispositions were discussed. Otherwise, OCBA was concerned that the finding would be standard on every felony plea, regardless of whether applicable.

The committee agreed, in part, with the comment, and a majority of the members (13) recommended adding a checkbox for the judge to indicate that this inquiry was conducted in a case involving a conviction for a sexually violent offense. Three members disagreed with adding a checkbox, and one member abstained.

### **Alternatives considered**

The committee did not consider the alternative of not revising the form because it determined that it was necessary to revise the form to implement new case law and legislation.

### **Fiscal and Operational Impacts**

The fiscal and operational impacts of this proposal are largely attributable to changes in law. Expected costs include staff training, case management system updates, and the production of new forms.

### **Attachments and Links**

1. Form CR-101, at pages 7–14
2. Chart of comments, at pages 15–20
3. Link A: Health & Saf. Code, § 11369,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11369.&lawCode=HSC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11369.&lawCode=HSC)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  3/13/2025 DRAFT Not approved by the Judicial Council
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>PLEA FORM, WITH EXPLANATIONS AND WAIVER OF RIGHTS—FELONY</b>	

**INSTRUCTIONS:**

- (1) Fill out this form only if you want to plead guilty or no contest.
- (2) Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- (3) On page 6, sign and date the form under "DEFENDANT'S STATEMENT."
- (4) Keep in mind that the court cannot give legal advice. If you have any questions about anything in this form, ask your attorney.

1. **CHARGES AND MAXIMUM TERM.** I want to plead guilty or no contest ("nolo contendere") to the charges and admit the following prior convictions, enhancements, allegations, and circumstances in aggravation listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or no contest are listed below. INITIALS

COUNT	CHARGES (SECTION & DESCRIPTION)	YEARS / MONTHS		PRIOR CONVICTIONS, ENHANCEMENTS, ALLEGATIONS & CIRCUMSTANCES IN AGGRAVATION (SECTION & DESCRIPTION)	YEARS / MONTHS		TOTAL MAXIMUM TIME
		MINIMUM	MAXIMUM		MINIMUM	MAXIMUM	
<b>AGGREGATE MAXIMUM TIME OF IMPRISONMENT</b>							

2. **PLEA AGREEMENT.** I understand that I must tell the court on this form about any promises anyone has made to me about the sentence I will receive or the sentence recommendations that will be made to the court. My attorney, the court, or the prosecutor has explained to me that if I plead guilty or no contest to the charges and admit the prior convictions, enhancements, allegations, and circumstances in aggravation listed above, the court will sentence me as follows:

- a. Check one:  **State Prison** for  **County Jail** per Penal Code section 1170(h) for
- (1)  years and  months or
- (2)  not less than  years and  months and/or not more than  years and  months.
- (3)  Other (specify):
- b. **Probation** for  years under conditions to be set by the court, including
- days in the **county jail** or
- up to  days in the **county jail**.

I understand that a violation of any of the conditions of probation, including failure to complete a drug education or treatment program, if ordered by the court, may cause the court to send me to **county jail or state prison** for up to the **"Aggregate Maximum Time of Imprisonment"** specified in item 1, which may include a period of mandatory supervision under Penal Code section 1170(h)(5)(B) if the court sends me to county jail.

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INITIALS

2. c. **Split Sentence (1170(h)(5)(B)):**        years and        days in the county jail and        years and        days on mandatory supervision under conditions set by the court. I understand that if I violate any of the terms or conditions of mandatory supervision, I may be remanded into custody for the entire unserved portion of the sentence.

**d. Open Plea**

- (1)  I understand the maximum and minimum sentences for the charges, enhancements, and allegations stated on page 1. No one has made any other promises to me about what sentence the court may order.
- (2)  I understand that I am not eligible for probation.
- (3)  I understand that I will not be granted probation unless the court finds at the time of sentencing that this is an unusual case where the interests of justice would be best served by granting probation.

**e. Restitution, Statutory Fees, and Assessments**

I understand that the court will order me to pay the following amounts (if an amount is not yet known, "TBD" for "to be determined" is entered next to the \$); I must prepare financial disclosure statements to assist the court in determining my ability to pay; and refusal or failure to prepare the required financial disclosure statements may be used against me at sentencing:

- (1)  \$                    **to the Victim Restitution Fund**
- (2)  \$                    **restitution to actual victims**
- (3)  \$                    **restitution to the State of California, Victims of Crime Fund**
- (4)  \$                    **court operations assessment**
- (5)  \$                    **court facilities assessment**
- (6)  \$                    **base fine plus any applicable penalties, assessments, and surcharges**
- (7)  \$                    **other (specify):**
- (8)  \$                    **other (specify):**
- (9)  An (additional) amount to be determined by the court at sentencing or such other hearing as the court may set.

**f. Fines for Revocation of Parole, Postrelease Community Supervision, Mandatory Supervision, or Probation**

I understand that if I am sentenced to **state prison**, the court **will** impose a parole revocation fine or a postrelease community supervision revocation fine, which will be collected only if my parole or postrelease community supervision is later revoked. I also understand that if I am granted probation or mandatory supervision, the court **will** impose a probation revocation fine or mandatory supervision revocation fine, which will be collected only if my probation or mandatory supervision is later revoked.

**g. Dismissal of Other Counts**

I understand that as part of the plea agreement bargain, the following counts will be dismissed after sentencing:

I understand and agree that the sentencing judge may consider facts underlying dismissed counts to determine restitution and to sentence me on the counts to which I am entering a plea.

**h. Other Terms (specify):**

**3. CONSEQUENCES OF MY PLEA**

**a. No Contest ("Nolo Contendere") Plea**

I understand that a no contest plea is the same as pleading guilty and that if I plead no contest, I will be convicted and my no contest plea could be used against me in a civil case.



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3. b. **Parole and Postrelease Community Supervision**

I understand that if I am sentenced to **state prison**

- (1) I will be placed on parole or postrelease community supervision for up to \_\_\_\_\_ years after my release.
- (2) if I abscond or the court tolls my supervision, the total time of parole or postrelease community supervision can be extended.
- (3) if I violate any of the terms or conditions of my parole, I can be sentenced to county jail for up to 180 days for each violation, or if I am convicted of a crime that is subject to parole **under** Penal Code section 3000(b)(4) or 3000.1, I could be returned to state prison.

c. **Effect of Conviction on Other Cases**

I understand that a conviction in this case may constitute a violation of any other current grant of parole, mandatory supervision, postrelease community supervision, or probation in any other case and that I may receive additional punishment as a result of that violation.

d. **Registration**

I understand that I will be required to register with the local police agency or sheriff's department in the city or county in which I reside as

- (1)  an arson offender                      (3)  a sex offender (**this registration is a lifelong requirement**)
- (2)  a gang member                      (4)  Other (*specify*):

and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me.

e. **Prints and DNA Samples**

I understand that I must provide biological samples and prints for identification purposes—including buccal (mouth) swab samples, right thumb prints, palm prints of each hand, and blood specimens or other biological samples required by law—and that failure to do so constitutes a new criminal offense.

f. **Serious or Violent Felony**

- (1)  I understand that by pleading guilty or no contest to a serious or violent felony ("strike"), the penalty for any future felony conviction will be increased as a result of my conviction in this case, depending on the number of strikes I have, up to a mandatory prison sentence of double the term otherwise provided or a term of at least 25 years to life.
- (2)  I understand that if I am convicted of a violent felony, jail or prison conduct/work-time credit I may accrue will not exceed 15 percent.
- (3)  I understand that if I am admitting a prior strike conviction, prison work-time credit that I may accrue will not exceed 20 percent of the total term of imprisonment.
- (4)  I understand that if I am convicted of murder or a third felony conviction of certain offenses, I am ineligible to receive work-time credits.    Count \_\_\_\_\_ is such an offense.

g. **Prior Prison Term for Sexually Violent Offense**

I understand that if I am sentenced to serve a state prison term for this sexually violent offense, as defined in Welfare and Institutions Code section 6600(b), the penalty for any future felony conviction may be increased as a result of my incarceration in this case.

**h. Sexually Violent Predator Civil Commitment**

If I am or previously have been convicted of a sexually violent offense and am ever committed to the custody of the California Department of Corrections and Rehabilitation, I may at the conclusion of that term be subject to screening by the State Department of State Hospitals to determine whether I meet the criteria for indeterminate commitment as a sexually violent predator and, potentially, be made subject to civil commitment proceedings.

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**i. Driver's License and Vehicle Forfeiture**

I understand that my privilege to drive a motor vehicle may be revoked or suspended by the court or the California Department of Motor Vehicles and my vehicle may be ordered forfeited if it was involved in the offense.

**j. Immigration Consequences**

I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.

**k. Firearms (Guns), Firearm Parts, and Ammunition Prohibition and Relinquishment**

I understand that under federal and state law a conviction in this case prohibits me from owning, using, purchasing, receiving, or having under my custody or control firearms (guns), firearm parts, ammunition, reloaded ammunition, and ammunition feeding devices, including but not limited to magazines, for life. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I must relinquish any firearms and firearm parts I own, possess, or have under my custody or control (see Penal Code section 29810).

**l. Body Armor Prohibition and Relinquishment**

I understand that a conviction in this case prohibits me from purchasing, owning, or possessing body armor (defined in Penal Code section 16288). I must relinquish any body armor I have in my possession (see Penal Code section 31360).

**m. Other Consequences (specify):**

**4. RIGHT TO AN ATTORNEY**

I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me.

**I hereby give up my right to be represented by an attorney.**

**5. OTHER CONSTITUTIONAL RIGHTS**

I understand that I am entitled to each of the following rights as to the charges, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1):

**a. Right to a Jury Trial**

I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my counsel, to participate in jury selection.

**b. Right to a Court Trial**

I understand that, as an alternative to a jury trial, if the prosecutor agrees, I may give up a jury trial and have a court trial in which the judge alone, without a jury, hears the evidence. I still could not be convicted unless, after hearing all of the evidence, the judge was convinced beyond a reasonable doubt that I am guilty.

**c. Right to Confront and Cross-Examine Witnesses**

I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court, they must testify under oath in my presence, and my attorney may question them.

**d. Right to Remain Silent and Not to Incriminate Myself**

I understand that I have the right to remain silent, and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself, and I cannot be forced to testify.

**e. Right to Produce Evidence and to Present a Defense**

I understand that I have a right to present evidence and to have the court issue subpoenas to bring to court all witnesses and evidence favorable to me, at no cost to me. I also have the right to testify on my own behalf.

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6. BEFORE THE PLEA

a. Discussion With My Attorney

Before entering this plea, I have had a full opportunity to discuss the following with my attorney:

- (1) The facts of my case;
- (2) The elements of the charged offenses, prior convictions, enhancements, allegations, and circumstances in aggravation;
- (3) Any defenses that I may have;
- (4) My constitutional and statutory rights and waiver of those rights;
- (5) The consequences of this plea, including the immigration consequences;
- (6) Anything else I think is important to my case.

b. Questions

I have no further questions of the court or of my attorney with regard to my plea and admissions in this case, any of the rights, or anything else on this form.

c. Stipulation to Commissioner

I understand that I have the right to have a judge take my plea and sentence me. I give up this right and agree to have a commissioner, sitting as a temporary judge, take my plea and sentence me.

d. Medications or Controlled Substances

I am not taking any medication that affects my ability to understand this form and the consequences of my plea, have not recently consumed any alcohol or drugs, and am not suffering from any medical condition, except for the following:

e. Court Approval of Plea Agreement

I understand that the plea agreement in item 2 (on pages 1 and 2) is based on the facts before the court. I understand that if the court approves this plea agreement, the approval of the court is not binding, and that the court may withdraw its approval of the plea agreement upon further consideration of the matter. I understand that if the court withdraws its approval of this plea agreement, I will be allowed to withdraw my plea. (Pen. Code, § 1192.5.)

7. STATUTORY RIGHT TO A PRELIMINARY HEARING

I understand that before I have a trial, the law gives me the right to a speedy preliminary hearing at which the prosecution would produce evidence and the court must find reasonable cause to believe I committed the crimes with which I have been charged. I understand that I have all of the above constitutional rights at the preliminary hearing, except for the right to a jury trial.

I give up my right to a preliminary hearing and the constitutional rights listed in item 5 (on page 4).

8. WAIVER OF CONSTITUTIONAL AND STATUTORY RIGHTS

I give up, for each of the charges, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1), my right to a jury trial, my right to a court trial, my right to confront and cross-examine witnesses, my right to remain silent and not to incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf. I understand that I am, in fact, incriminating myself with my plea.

9. THE PLEA

I plead  GUILTY  NO CONTEST to the charges listed in item 1 (on page 1) and admit the prior convictions, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1), understanding that this plea and admission will lead to the penalties listed in item 2 (on pages 1 and 2).

a. I offer my plea of guilty or no contest freely and voluntarily and with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or my loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.

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CASE NUMBER:

Defendant:

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9. b. I understand that the court is required to find a factual basis for my plea to make sure that I am entering a plea to the proper offenses under the facts of the case.

(1)  I admit that on the dates charged, I (describe the facts establishing all elements of the offense as to each count):

(2)  I offer to the court as the basis for the plea of guilty or no contest and any admissions the following documents that are in the record or that are attached to this plea form to become part of the record:

- (a)  Preliminary hearing transcript
- (b)  Police report
- (c)  Probation report
- (d)  Welfare investigator's declaration
- (e)  Court documents regarding any alleged prior offenses
- (f)  Other (specify):
- (g)  (Specify facts):

c. I am pleading guilty or no contest to take advantage of a plea agreement or to avoid the risk of conviction of a greater offense and I understand that my attorney will stipulate that there is a factual basis for the plea. (N.C. v. Alford (1970) 400 U.S. 25; People v. West (1970) 3 Cal.3d 595.)

10. AFTER THE PLEA

a. Surrender

I understand that the court is allowing me to surrender at a later date to begin serving time in custody.

I agree that if I fail to appear on the date set for surrender or sentencing without a legal excuse, my plea will become an "open plea" to the court, I will not be allowed to withdraw my plea, and I may be sentenced up to the maximum allowed by law.

b. Sentencing Court

I understand that I have the right to be sentenced by the same judge or commissioner who takes my plea.

I give up that right and agree that any judge or commissioner may sentence me.

c. Sentencing Date

I understand that I have the right to be sentenced within 20 court days. I give up that right and agree to be sentenced at a later date.

11. MANDATORY WARNING

a. I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, or Vehicle Code section 23152 or 23153, the following warning applies:

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.

b. I understand that if I am charged with violating Health and Safety Code section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, the following warning applies:

You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of section 187 of the Penal Code.

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant:	CASE NUMBER:
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**DEFENDANT'S STATEMENT**

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and effects of any prior convictions, enhancements, allegations, and circumstances in aggravation have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DEFENDANT)
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**ATTORNEY'S STATEMENT**

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of the defendant's questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, allegations, and circumstances in aggravation; and the consequences of the plea.

I concur in the plea and admissions and join in the waiver of the defendant's constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea and refer the court to the following documents that are in the record or that are attached to this plea form to become part of the record:

- police report  
  preliminary hearing transcript  
  probation report  
 other (*specify*):

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF ATTORNEY)
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**INTERPRETER'S STATEMENT**

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language:  Spanish  Other (*specify*):

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF INTERPRETER)
_____ (CERTIFICATION NUMBER)		

**DISTRICT ATTORNEY'S STATEMENT**

I have read this form and understand the terms of the plea agreement.

I  agree  do not agree with the terms of the plea agreement and the indicated sentence.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DISTRICT ATTORNEY)
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<b>PEOPLE OF THE STATE OF CALIFORNIA v.</b> Defendant:	CASE NUMBER:
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**COURT'S FINDINGS AND ORDER**

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The court, having reviewed this form (and any addenda), and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them.
2. The defendant understands the nature of the crimes, prior convictions, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1) and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with this plea.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily.
5. A factual basis exists for the plea and admissions.
6.  For convictions of a sexually violent offense, the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date:

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(SIGNATURE OF JUDICIAL OFFICER)

**W25-04**

**Criminal Law: Felony Plea Form** (Revise form CR-101)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Orange County Bar Association by Mei Tsang, President	AM	<p><i>Does the proposal appropriately address the stated purpose?</i></p> <p>Yes. However the last page of the felony plea form contains “Court’s Findings and Order.” #6 adds “For convictions of a sexually violent offense, the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense.” The form appears as an “all or nothing” order of #1-6. This does not appear to give appropriate consideration of this issue. If the court is going to make that finding, this should have to be affirmative on the record. The court should at least need to initial or sign separately from #1-5. Otherwise, this will simply be a pro-forma order on every plea, whether it involves SVP consequences or not. How is a court going to make this finding? They would have to inquire on the record about this specifically. The Tahl form should have a place for the defense and prosecution to initial or sign that they discussed this.</p> <p><i>Should the committee consider a more specific advisement regarding the possibility of an indeterminate civil commitment as a sexually violent predator for defendants convicted of sexually violent offenses?</i></p> <p>Yes. The alternative advisement is more accurate. A defense lawyer should advise the defendant correctly. If an eligible charge is</p>	<p>The committee agrees, in part, and recommends modifying item 6 to add a checkbox for the judge to indicate that they made the inquiry to the parties about alternate dispositions as required by <i>In re Tellez</i>.</p> <p>The committee agrees and recommends the modified advisement.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## W25-04

### Criminal Law: Felony Plea Form (Revise form CR-101)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			being settled by plea bargain for probation, the defense lawyer should tell the client that the SVP consequence won't be triggered if the defendant never goes to prison. For the court to then give a more generic advisement on the Tahl form undermines the correct legal advice given by the defense counsel.	
2.	Superior Court of Los Angeles County by Robert Oftring, Chief Communications and External Affairs Officer	A	<p>The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee.</p> <p>In response to the Judicial Council of California's "ITC W25-04: Criminal Law: Felony Plea Form," the Superior Court of California, County of Los Angeles (Court), agrees with proposal.</p> <p>The Court believes the proposal appropriately addresses the stated purpose and provides the necessary advisements on the Felony Plea form.</p> <p>In terms of advisement regarding the possibility of an indeterminate civil commitment as a sexually violent predator for defendants convicted of sexually violent offenses, the Court agrees with the proposed modified advisement. It is clear and concise, removing any legalese that may confuse a defendant.</p> <p>The Court does not believe the proposal will provide cost savings. On the contrary, this will require additional work which will translate to</p>	The committee agrees and recommends the modified advisement.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



**W25-04****Criminal Law: Felony Plea Form (Revise form CR-101)**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>additional money being spent.</p> <p>To implement the proposal, the Court would need to dedicate resources to modify its case management system. Additionally, that will necessitate training staff. Two months should be sufficient time to implement the proposal, given the Court is already anticipating these changes.</p>	
3.	Superior Court of Orange County by Elizabeth Flores, Operations Analyst-Criminal Operations	A	<p>The Orange County Superior Court uses a local felony plea form. Should this proposal be approved, the changes would be submitted to an internal committee for review and approval. This process can take up to 4 months and occurs once a year.</p>	The committee appreciates the comment.
4.	Tamara Comfort, Program Coordinator/Specialist IMPACT Team – Criminal/Traffic Operations, Superior Court of Orange County		<p>It is respectfully requested that on page 6, #1 (Charges and maximum term), that the date of violation (DOV) be added as well. This is very critical when it comes to reporting correctly to the Department of Justice and the California Department of Motor Vehicles. There can be multiple dates of violation depending on the situation. This will require prosecution and defense to validate the dates that are on the charging document. For instance, the court will be going into a new year, where there may be cases where the defendant had the offense in January of 2024, however, the year will be incorrectly filed on the new charging document as 2025 or even an amended charging document as well. The factual basis can vary as well when it comes to dates of violation, this will also assist with the accuracy of the court's minutes. Not that this will prevent all errors,</p>	The committee does not recommend including a date of violation column on the form due to concerns about increased workload and the utility of the column.

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**W25-04**

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	Commenter	Position	Comment	Committee Response																																																																			
			<p>but it will assist with making sure to the best of all our abilities that we are as accurate as possible and that we are reporting the correct information to the various agencies.</p> <p>Example:</p> <p>1. <b>CHARGES AND MAXIMUM TERM.</b> I want to plead guilty or no contest ("nolo contendere") to the charges and admit the following prior convictions, enhancements, allegations, and circumstances in aggravation listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or no contest are listed below.</p> <table border="1" data-bbox="835 527 1381 738"> <thead> <tr> <th rowspan="2">COUNT</th> <th rowspan="2">CHARGES (SECTION &amp; DESCRIPTION)</th> <th rowspan="2">DATE OF VIOLATION</th> <th colspan="2">YEARS / MONTHS</th> <th rowspan="2">PRIOR CONVICTIONS, ENHANCEMENTS, ALLEGATIONS &amp; CIRCUMSTANCES IN AGGRAVATION (SECTION &amp; DESCRIPTION)</th> <th colspan="2">YEARS / MONTHS</th> <th rowspan="2">TOTAL MAXIMUM TIME</th> </tr> <tr> <th>MINIMUM</th> <th>MAXIMUM</th> <th>MINIMUM</th> <th>MAXIMUM</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td colspan="9" style="text-align: right;">AGGREGATE MAXIMUM TIME OF IMPRISONMENT</td> </tr> </tbody> </table>	COUNT	CHARGES (SECTION & DESCRIPTION)	DATE OF VIOLATION	YEARS / MONTHS		PRIOR CONVICTIONS, ENHANCEMENTS, ALLEGATIONS & CIRCUMSTANCES IN AGGRAVATION (SECTION & DESCRIPTION)	YEARS / MONTHS		TOTAL MAXIMUM TIME	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM																																														AGGREGATE MAXIMUM TIME OF IMPRISONMENT									
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5.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	A	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> <li>• Impact on existing automated systems.           <ul style="list-style-type: none"> <li>○ To implement the proposal, the Court would need to dedicate resources to modify its case management system.</li> </ul> </li> <li>• Results in additional training, which requires the commitment of staff time and court resources. Increases staff workload           <ul style="list-style-type: none"> <li>○ We do not believe the proposal will provide cost savings. On the contrary, this will require additional work which will translate to additional money</li> </ul> </li> </ul>	The committee appreciates the comment.																																																																			

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**W25-04**

**Criminal Law: Felony Plea Form (Revise form CR-101)**

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	Commenter	Position	Comment	Committee Response
			<p>being spent. Additionally, that will necessitate training staff.</p> <p><b>Specific Proposal Questions and Responses</b></p> <ol style="list-style-type: none"> <li>1. <i>Does the proposal appropriately address the stated purpose?</i> <ol style="list-style-type: none"> <li>a. The proposal appropriately addresses the stated purpose and provides the necessary advisements on the Felony Plea form.</li> </ol> </li>   <li>2. <i>Should the committee consider a more specific advisement regarding the possibility of an indeterminate civil commitment as a sexually violent predator for defendants convicted of sexually violent offenses?</i> <ol style="list-style-type: none"> <li>a. In terms of advisement regarding the possibility of an indeterminate civil commitment as a sexually violent predator for defendants convicted of sexually violent offenses, we agree with the proposed modified advisement. It is clear and concise, removing any legalese that may confuse a defendant.</li> </ol> </li>   <li>3. <i>Would the proposal provide cost savings? If so, please quantify.</i> <ol style="list-style-type: none"> <li>a. We do not believe the proposal will provide cost savings. On the contrary, this will require additional</li> </ol> </li> </ol>	<p>The committee agrees and recommends the modified advisement.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**W25-04**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>work which will translate to additional money being spent.</p> <p>4. <i>What would the implementation requirements be for courts?</i></p> <p>a. To implement the proposal, courts would need to dedicate resources to modify case management systems. Additionally, that will necessitate training staff.</p> <p>5. <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>a. Two months should be sufficient time to implement the proposal.</p>	

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