



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-144

For business meeting on December 2, 2022

Title

Rules Committee Report to the Judicial Council

Agenda Item Type

Information Only

Date of Report

November 29, 2022

Submitted by

Rules Committee

Hon. Carin T. Fujisaki, Chair

Hon Kevin C. Brazile, Vice-Chair

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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 September 20, 2022, Judicial Council meeting—the last meeting at which there was a Rules Committee report. It also includes the committee’s recommendation that the council approve the proposals in all 10 reports identified below.

Overview of Committee Meetings

Since the last council meeting, the Rules Committee has met by videoconference three times.

On September 22, 2022, the Rules Committee met by videoconference to consider the following:

- Six proposed invitations to comment to be posted on a special cycle. Of these six proposals, five were to revise forms to implement new statutory requirements, to be

circulated on a shortened cycle for Judicial Council consideration at the December 2 council meeting. The remaining proposal, to be circulated for a full six weeks, was for a rule to implement the new law requiring the council to develop and adopt a matrix of offense-based classifications to be used by all juvenile courts when setting baseline terms for youth whose disposition is a commitment to a Secure Youth Treatment Facility (SYTF).

Action: The Rules Committee approved six invitations to comment on rules and forms proposals, the five that were posted for public comment through October 11 and the SFTY proposal posted for public comment through November 4.

On November 1, the Rules Committee met by videoconference to consider the following:

- One jury instruction proposal that circulated for public comment: a recommendation from the Advisory Committee on Civil Jury Instructions to approve additions and revisions to civil jury instructions.
- One proposed report to the Judicial Council with recommendations for new and revised rules and forms: a proposal from the Civil and Small Claims Advisory Committee recommending changes to 21 name and gender change forms to implement statutory changes in Assembly Bill 218 (Stats. 2021, ch. 577) and Assembly Bill 421 (Stats. 2022, ch. 40).
- The proposed annual agendas for the 2022–2023 rules cycle for each of the eight committees that the Rules Committee oversees:
 - Advisory Committee on Civil Jury Instructions
 - Advisory Committee on Criminal Jury Instructions
 - Appellate Advisory Committee
 - Civil and Small Claims Advisory Committee
 - Criminal Law Advisory Committee
 - Family and Juvenile Law Advisory Committee
 - Probate and Mental Health Advisory Committee
 - Traffic Advisory Committee

Action: The Rules Committee approved the recommendations in the two reports to go forward to the council’s consent agenda for the December 2 meeting. Following discussion with the chairs of each advisory committee, the annual agendas for each committee were also approved, and they are now available on each advisory committee’s page on the judicial branch’s public website at www.courts.ca.gov/advisorybodies.htm.

On November 16, the Rules Committee met by videoconference to consider the following:

- Seven proposed reports to the Judicial Council with recommendations for new and revised rules and forms, of which the first five were circulated during a special shortened comment cycle and the final two were not circulated for comment:
 - A recommendation from the Civil and Small Claims Advisory Committee proposing revisions to 30 Judicial Council civil restraining orders forms.
 - A recommendation from the Civil and Small Claims Advisory Committee proposing revisions to nine Judicial Council elder or dependent adult restraining orders forms.
 - A recommendation from the Criminal Law Advisory Committee proposing revisions to two mandatory Judicial Council criminal protective orders.
 - A recommendation from the Criminal Law Advisory Committee proposing revisions to two optional Judicial Council plea forms and the optional Judicial Council firearm relinquishment findings form to reflect statutory changes to the definition of *firearm* in Penal Code section 16520(b).
 - A recommendation from the Criminal Law Advisory Committee proposing two optional forms relating to resentencing, dismissal, and sealing of Penal Code section 653.22 convictions.
 - A recommendation from the Civil and Small Claims Advisory Committee proposing revisions to two enforcement of judgment forms. If approved by the council, the revised forms will circulate for comment as part of the spring cycle.
 - A recommendation from council staff proposing repeal of and amendments to several rules of court to reflect the repeal statutes relating to telephonic appearances.
- One recommendation from the Traffic Advisory Committee, which circulated for comment, to revise the *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing* (UBPS).

Action: The Rules Committee approved the recommendations in all eight reports to go forward to the council's consent agenda for the December 2 meeting.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the proposals in all 10 reports identified above.