



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-074

For business meeting on: March 24, 2023

Title

Rules Committee Report to the Judicial Council

Agenda Item Type

Information Only

Submitted by

Hon. Carin T. Fujisaki, Chair
Hon. Kevin C. Brazile, Vice Chair
Rules Committee

Date of Report

March 13, 2023

Contact

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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 20, 2023, Judicial Council meeting—the last meeting at which there was a written Rules Committee report. As described in more detail below, these activities include the committee’s consideration of rules, forms, and jury instruction modifications proposed by various advisory committees, as well as one rule revision proposed by the committee itself. The committee voted to recommend council approval of all these proposals at the March meeting.

Overview of Committee Meetings

Since the last meeting of the council, the Rules Committee has met by videoconference one time.

On **February 16, 2023**, the Rules Committee met to consider:

- Three proposed reports to the Judicial Council with recommendations for new and revised rules and forms, all of which had circulated during the winter public comment cycle.
 - Rules and Forms: Technical Form Changes to Reflect Federal Poverty Guidelines
 - Juvenile Law: Secure Youth Treatment Facility Offense-Based Classification Matrix
 - Jury Instructions: Public Access and Publication
- One jury instructions proposal:
 - A recommendation from the Advisory Committee on Criminal Jury Instructions to approve additions and revisions to criminal jury instructions that circulated for public comment;
- One proposal 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:
 - Rules and Forms: Miscellaneous Technical Changes.

Action: The Rules Committee gave final approval for all proposals to go forward to the council’s consent agenda for the March 24 meeting except for the proposal regarding the Secure Youth Treatment Facility Offense-Based Classification Matrix, which the committee recommended be placed on the council’s discussion agenda.

At that same meeting, the Rules Committee considered and approved a request to amend an annual agenda, as part of its role to oversee the work of certain advisory committees.

- The Criminal Law Advisory Committee requested approval to add the following two projects to its annual agenda:
 - A project to develop rules and forms to implement the Racial Justice Act and AB 256; and
 - A project to revise the felony plea form to include reference to a waiver of the right to a trial on aggravating factors that can be used to sentence the defendant to the upper term of a criminal offense or enhancement.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the four rules and forms proposals and the jury instructions proposal identified above. All of the proposals are on the council’s consent agenda for the March meeting, except for the proposal regarding the Secure Youth Treatment Facility Offense-Based Classification Matrix, which is on the discussion agenda.