



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

Title

Rules and Forms: Miscellaneous Technical
Changes

Agenda Item Type

Action Required

Effective Date

January 1, 2018

Date of Report

July 12, 2017

Contact

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Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 4.102 and
8.25; revise forms CR-110/JV-790 and
CR-112/JV-792; revise Uniform Bail and
Penalty Schedules 2017 Edition

Recommended by

Judicial Council staff
Susan R. McMullan, Attorney
Legal Services

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, Judicial Council forms, and the Uniform Bail and Penalty Schedules 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 January 1, 2018:

1. Amend rule 8.25(c)(4) to change the text reference from “(2)” to “(3).”
2. Amend rule 4.102 to omit an inoperative telephone number, “(415) 865-7611.”

3. Amend *Uniform Bail and Penalty Schedules 2017 Edition* to make the following technical changes:
 - a. In the Preface, section VIII (page x), under the column heading “Traffic Violator School and Correction Total With Proof,” change the sample calculations from “(VC 27360.5(a)) (\$490)” to “(VC 27360.5(a)) (\$415)” and “TOTAL \$742” to “TOTAL \$667.”
 - b. Amend Uniform Bail and Penalty Schedule: Traffic Infraction Schedule/Entry for Vehicle Code section 23153 to reflect subdivision (e) was relettered to subdivision (f) effective January 1, 2017.
 - c. In the Traffic Infraction Fixed Penalty Schedule entry for Vehicle Code section 21655.1(a) (page 10), change the DMV Points from “0” to “1.”
 - d. In the Traffic Infraction Fixed Penalty Schedule entry for Vehicle Code section 31540(b) (page 30), change the Total Bail/Fee from “#REF!” to “197.”
 - e. In the Traffic Misdemeanor Bail and Penalty Schedule subheading (page 42), change “(*See Preface, Section III(B))” to “(*See Preface, Section III).”
4. Revise *Order for Victim Restitution*, forms CR-110/JV-790 (item 3(b)), and *Instructions: Order for Victim Restitution*, forms CR-112/JV-792 (item K(b)), to change the organization name from “Victim Compensation and Government Claims Board” to “California Victim Compensation Board,” effective July 1, 2016, as a result of Senate Bill 836 (Stats. 2016, ch. 31).

Copies of the revised rules and forms are attached at pages 4–8, and a link to the *Uniform Bail and Penalty Schedules 2017 Edition* is provided under Attachments and Links.

Previous Council Action

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

Rationale for Recommendation

The changes to these rules, forms, and the bail and penalty schedules 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, rules 4.102 and 8.25 at page 4
2. Forms CR-110/JV-790 and CR-112/JV-792 at pages 5–8
3. *Uniform Bail and Penalty Schedules 2017 Edition*,
www.courts.ca.gov/documents/2017-JC-BAIL.pdf

Rules 4.102 and 8.25 of the California Rules of Court are amended, effective January 1, 2018, to read:

Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game, forestry, public utilities, parks and recreation, business licensing

* * *

Note:

Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

Criminal Justice Services

Judicial Council of California

455 Golden Gate Avenue

San Francisco, CA 94102-3688

~~(415) 865-7611~~

or

www.courts.ca.gov/7532.htm

Rule 8.25. Service, filing, and filing fees

(a)–(b) * * *

(c) Filing fees

(1)–(3) * * *

(4) If the party fails to take the action specified in a notice given under ~~(2)~~(3), the reviewing court may strike the document, but may vacate the striking of the document for good cause.

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ 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(f)).

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 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).

INSTRUCTIONS: ORDER FOR VICTIM RESTITUTION

A. Attorney or Person Without Attorney

Write the name of your attorney. If you are representing yourself, your name goes here.

B. Telephone Number

Your telephone number goes here. You may also give a number where the court can leave a message for you.

C. Fax Number

You may write in your fax number here or you may leave this line blank.

D. E-mail Address

You may write in your e-mail address here or you may leave this line blank.

E. Name and Address of Court

Ask the clerk of your court for this information, including the court's address.

F. Case Name

Use the assigned case name. Example: *In re John D.* or *People of the State of California v. Doe.*

G. Case Number

Write the assigned case number in this space. You need to write this number at the top of every page of this form.

H. For Court Use Only

Leave blank. After this form is filed, the clerk will stamp this box on the copies so everyone knows they are copies of an official court document.

CR-112/JV-792

FOR COURT USE ONLY

ORDER FOR VICTIM RESTITUTION

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Form Approved for Optional Use
Judicial Council of California
CR-112/JV-792 (Rev. January 1, 2018)

Penal Code, §§ 1202.4(b), 1203.1(a), 1203.1(b)
Welfare and Institutions Code, § 780.6(b), (c), (d)
Civil Code, § 1714.1, Code of Civil Procedure, § 659(a)(2)
www.courts.ca.gov

I. Order for Restitution

- If the person was convicted in criminal court, write in the date of the defendant's conviction and the defendant's name.
- In cases where a child has been found to be a person described in Welfare and Institutions Code section 602, check item b and fill in the date of the hearing and the child's name.
- If the parents or guardians are jointly and severally liable, write the names in the space provided.
- If co-offenders were found jointly and severally liable, write the names in the space provided.

This section must be completed by either you or the court. A separate order and abstract of judgment should be completed for each defendant or child ward found guilty of an offense.

J. Judicial Determination of Restitution

The defendant or child has a right to a restitution hearing. The hearing can be waived if the defendant or child agrees to give up his or her right to have a hearing. The amount of restitution may also be stipulated if the amount of restitution to be ordered is agreed to by all parties and the judge makes an order for the amount based on an agreement by all parties. It is very important to check the appropriate boxes to indicate whether the defendant or child has had a hearing or has waived the hearing. If you do not have all of the relevant information to complete this section, then the court should complete it for you.

K. Restitution Ordered to Pay

- If the court ordered the offender to pay you, write your name as the victim and the amount of restitution ordered by the court. Make sure the amount of restitution is not left blank or "to be determined." A dollar amount must be listed for the order to be enforceable.
- Check this box if the court ordered the **California Victim Compensation Board** to receive reimbursement for funds previously paid to you or your service provider by the Restitution Fund. Make sure the amount of reimbursement is not left blank or "to be determined." A dollar amount must be listed for the order to be enforceable.

L. Case Name and Number

Use the case name and case number that you wrote on the front of the form.

M. Amount of Restitution

Check the applicable boxes a through e that specify why the restitution was ordered. Example: If the court ordered that you collect medical expenses and lost wages, check boxes 4b and 4c. If the amount of restitution includes something that is not listed, check box 4e and briefly specify what additional costs are covered.

CASE NAME: _____	CR-110/JV-790
4. The amount of restitution includes:	
a. <input type="checkbox"/> the value of property stolen or damaged.	
b. <input type="checkbox"/> medical expenses.	
c. <input type="checkbox"/> lost wages or profits	
(1) <input type="checkbox"/> incurred by the victim due to injury.	
(2) <input type="checkbox"/> of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.	
(3) <input type="checkbox"/> incurred by the victim due to time spent as a witness or in assisting police or prosecution.	
(4) <input type="checkbox"/> 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. <input type="checkbox"/> noneconomic losses (felony violations of Pen. Code, § 288 only).	
e. <input type="checkbox"/> 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).	
CR-110/JV-790 (Rev. January 1, 2018)	ORDER FOR VICTIM RESTITUTION
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Order for Victim Restitution (form CR-110/JV-790) is the court order or judgment directing the offender to repay you for any losses that you suffered because of the offense. Once this judgment is entered in the court records, you may use it to collect the money you are owed from the offender. If the court does not give you a certified copy of the order, ask the clerk for one and check to make sure the judgment is entered. If the offender does not pay you, you have several options, including getting the offender to pay you voluntarily, getting more information about the offender, and collecting from the offender's property. If you choose to try to collect from the value of real estate owned by the offender, you will need to record an abstract of the judgment with the county recorder in the county where the property is located. For more information about this process, see *Abstract of Judgment—Restitution* (form CR-111/JV-791) and *Instructions: Abstract of Judgment—Restitution* (form CR-113/JV-793). For more information about this and other options for collecting your restitution judgment, see the California Courts Online Self-Help Center at www.courts.ca.gov/1014.htm.