



Judicial Council of California

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File #: 17-007 **Version:** 1
Type: Rule/Form Proposal **Status:** Passed
File created: 12/12/2016 **In control:** Judicial Council
On agenda: 1/19/2017 **Final action:** 1/19/2017
Title: Civil Practice and Procedure: Denial of Request to Remove Name From Shared Gang Database (Action Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 20170119-17-007

Date	Ver.	Action By	Action	Result
1/19/2017	1	Judicial Council		

Title

Civil Practice and Procedure: Denial of Request to Remove Name From Shared Gang Database (Action Required)

Summary

The Civil and Small Claims Advisory Committee recommends adoption of rule 3.2300 and approval of form MC-1000 to implement recently enacted legislation that authorizes superior court review of a law enforcement agency's denial of a request to remove an individual's name from a shared criminal gang database. The proposal is intended to give guidance to individuals and courts in making and processing requests for review under this legislation.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 20, 2017:

1. Adopt rule 3.2300, Review under Penal Code section 186.35 of law enforcement agency denial of request to remove name from shared gang database; and
2. Approve form MC-1000: *Request for Review of Denial of Request to Remove Name From Gang Database*.

To ensure that courts and individuals seeking review under this procedure have necessary guidance as soon as possible after the legislation takes effect on January 1, 2017, the committee seeks adoption of the rule and approval of the form effective the next business day after the Judicial Council meeting, without a prior period of public comment. If adopted, the proposal would then be circulated for public comment and any necessary amendments and revisions based on comments would be recommended to be effective no later than September 1, 2017.