



Judicial Council of California

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Subject Details (With Text)

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Title

Criminal Procedure: Intercounty Probation and Mandatory Supervision Transfer (Action Required)

Summary

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.530 of the California Rules of Court, which provides courts with procedures for implementing intercounty transfers of persons on probation and mandatory supervision pursuant to Penal Code section 1203.9. The proposed amendment would (1) clarify file transfer requirements after intercounty transfer under section 1203.9, and (2) make the rule consistent with Assembly Bill 673's amendments to section 1203.9.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council amend California Rules of Court, rule 4.530, effective January 1, 2017, to

1. Change the rule to require that after intercounty transfer under Penal Code section 1203.9:
 - a. In all cases in which the supervisee is the sole defendant, the transferring court must transmit the entire *original* court file, except exhibits and records of payment, to the receiving court; and
 - b. If transfer is ordered in a case involving more than one defendant, the transferring court must transmit *certified copies* of the entire court file, except exhibits, to the receiving court.
2. Bring rule 4.530 into compliance with changes to Penal Code section 1203.9 regarding the collection and disbursement of court-ordered debt pursuant to Assembly Bill 673.