



Judicial Council of California

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Subject Details (With Text)

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File #: 18-135 **Version:** 1
Type: Form Proposal **Status:** Passed
File created: 8/8/2018 **In control:** Judicial Council
On agenda: 9/21/2018 **Final action:** 9/21/2018
Title: Criminal Procedure: Dismissal of Penal Code Section 647f Convictions (Action Required)
Sponsors:
Indexes:
Code sections:
Attachments: 1. 20180921-18-135

Date	Ver.	Action By	Action	Result
9/21/2018	1	Judicial Council	approved	Pass

Title

Criminal Procedure: Dismissal of Penal Code Section 647f Convictions (Action Required)

Summary

The Criminal Law Advisory Committee recommends approving two new optional forms in response to recent legislation that invalidates convictions for violations of Penal Code section 647f (felony prostitution) and outlines a petition and application process for the dismissal of section 647f convictions. The proposed forms incorporate the new statutory basis for resentencing and dismissal relief.

Recommendation

The Criminal Law Advisory committee recommends that the council, effective January 1, 2019, approve the following optional forms:

1. *Petition/Application for Resentencing and Dismissal* (Pen. Code, § 1170.22) (form CR-404), which may be used by persons currently serving or having completed eligible sentences, incorporates the new statutory basis for relief under section 1170.22 and allows the petitioner/applicant to:
 - Identify an eligible conviction for a violation of Penal Code section 647f;
 - Request the desired relief;
 - Waive the statutory requirement under section 1170.22(a) that the matter be heard by the trial court that entered the judgment of conviction in the case; and
 - Waive his or her appearance; and
2. *Order After Petition/Application for Resentencing and Dismissal* (Pen. Code, § 1170.22) (form CR-405), which provides the court with the ability to:
 - Grant the requested relief; or
 - When applicable, resentence the petitioner/applicant.