



Judicial Council of California

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Subject Details (With Text)

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Title: Rules and Forms | Criminal Procedure: Vacatur Relief for Human Trafficking Victims (Action Required)

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9/24/2019	1	Judicial Council	approved	Pass

Title
Rules and Forms | Criminal Procedure: Vacatur Relief for Human Trafficking Victims (Action Required)

Summary

The Criminal Law Advisory Committee recommends adopting a new standard of judicial administration to provide guidance to judges and court administrators on implementing vacatur relief under Penal Code section 236.14, which provides for a petition process to vacate an arrest or conviction for a nonviolent offense that occurred while the petitioner was a victim of human trafficking.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council adopt California Standards of Judicial Administration, standard 4.15, effective January 1, 2020, to:

1. Provide guidance on procedures to consolidate hearings to vacate multiple arrests and convictions that occurred in the same county;
2. Recommend measures to preserve the confidentiality of the petition, related filings, court records, and the petitioner’s identity in proceedings accessible to the public;
3. Recommend an initial court review period prior to setting a hearing;
4. Recommend that courts provide timely notification of their decisions to relevant parties; and
5. Identify additional relief the court should consider when granting a petition for vacatur relief.