



Judicial Council of California

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Subject Details (With Text)

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9/19/2023	1	Judicial Council	approved	Pass

Title

Rules and Forms | Criminal Procedure: Record Cleaning Forms (Action Required)

Summary

The Criminal Law Advisory Committee recommends revising optional criminal forms used to petition for dismissals and reductions of convictions and request sealing of arrest records. The proposed revisions reflect recent statutory changes that allow for automatic record relief, expand who is eligible for relief, and clarify the effect of relief granted.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Revise the following forms to conform to recent legislation by adding a notice that automatic relief may have already been granted and to make other clarifying and technical changes:
 - *Petition for Dismissal* (form CR-180);
 - *Order for Dismissal* (form CR-181);
 - *Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-400);
 - *Petition to Seal Arrest and Related Records (Pen. Code, § 851.91)* (form CR-409);
 - *Information on How to File a Petition to Seal Arrest and Related Records Under Penal Code Section 851.91* (form CR-409-INFO); and
 - *Petition for Dismissal--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-430);
2. Further revise form CR-430 and revise the following additional forms to account for the expansion of relief provided by recent legislation and to make other clarifying and technical changes:
 - *Information on Filing a Petition for Dismissal--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-430-INFO);
 - *Court Cover Letter and Agency Certification--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-431); and
 - *Order on Petition--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-432);
3. Further revise forms CR-430-INFO and CR-432 to conform to recent legislation by indicating that the

- petitioner may still be subject to the terms and conditions of any unexpired criminal protective order; and
4. Revise the following forms to make the title consistent with the recommended new title of form CR-400 and to make minor technical changes:
- *Proof of Service for Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-401);
 - *Prosecuting Agency Response to Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-402); and
 - *Order After Petition/Application (Health and Safety Code, § 11361.8) Adult Crimes* (form CR-403).