



Judicial Council of California

Please visit
courts website to
access the recording
of the July 12, 2024,
meeting.

Subject Text

Meeting materials
are available through

File #: 24-028, Version: 1

Title

Rules and Forms | Criminal Procedure: Racial Justice Act (Action Required)

Summary

The Appellate Advisory Committee and the Criminal Law Advisory Committee recommend amending rules 4.551, 8.385, and 8.386 of the California Rules of Court and revising *Motion to Vacate Conviction or Sentence* (form CR-187), *Order on Motion to Vacate Conviction or Sentence* (form CR-188), and *Petition for Writ of Habeas Corpus* (form HC-001) to implement the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

Recommendation

The Appellate Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council, effective September 1, 2024:

1. Amend California Rules of Court, rule 4.551, to add provisions on appointment of counsel, judicial disqualification, and evidentiary hearings, and state reasons for denying a petition for requests for relief under Penal Code sections 745 and 1473(e), and authorize an additional 60 days for the court to rule on an amended habeas corpus petition;
2. Amend California Rules of Court, rule 8.385 to add a provision on appointment of counsel;
3. Amend California Rules of Court, rule 8.386 to add a provision detailing when a court must hold an evidentiary hearing when a petition requests relief under Penal Code section 745;
4. Revise *Motion to Vacate Conviction or Sentence* (form CR-187) to allow a moving party to request relief under Penal Code sections 745 and 1473.7(a)(3);
5. Revise *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to allow a court to grant or deny relief requested under Penal Code sections 745 and 1473.7(a)(3);
6. Revise *Petition for Writ of Habeas Corpus* (form HC-001) to allow a petitioner to request relief under Penal Code sections 745 and 1473(e); and
7. Make clarifying and technical changes to forms CR-187, CR-188, and HC-001.