



Judicial Council of California

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March 15, 2024

Subject Text

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File #: 16-233, **Version:** 1

Title

Judicial Council-Sponsored Legislation (Criminal Procedure): Transfer Back to Receiving Court for Limited Purpose After Intercounty Transfer (Action Required)

Summary

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 1203.9 to authorize a receiving court to transfer a case of a person on probation or mandatory supervision back to the transferring court for a limited purpose when needed to best suit the needs of the court, the litigation at issue, or the parties. The proposal was developed at the request of criminal judges who expressed concerns about the inability of transferring courts to do so under current law.

Recommendation

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 1203.9, as follows: Add subdivision (f) that reads: "The receiving court may refer a particular hearing or other court proceeding back to the transferring court for the limited purpose of conducting the proceeding if the receiving court determines, based upon the geographic location of the parties, victims, witnesses, or evidence, or for any other reason, that the matter would more appropriately be conducted by the transferring court. The Judicial Council shall adopt rules of court to govern referrals under this subdivision, including factors for consideration when determining the propriety of the referral and related procedural requirements."