



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 23-125, **Version:** 1

Title

Rules and Forms | Criminal Procedure: Appointment of Trial Counsel in Capital Cases (Action Required)

Summary

The Criminal Law Advisory Committee recommends amending the rule governing qualifications for appointed trial counsel in capital cases. This amendment would clarify that the requirement for appointment of qualified counsel applies in all capital cases unless the district attorney affirmatively states on the record that the death penalty will not be sought.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024, amend rule 4.117 of the California Rules of Court to clarify that requirement for appointment of qualified counsel applies in all capital cases unless the district attorney affirmatively states on the record that the death penalty will not be sought.