



Judicial Council of California

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Subject Text

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File #: 24-029, Version: 1

Title

Rules and Forms | Criminal Procedure: Appointment of Counsel for Claims Filed Under Penal Code Section 1473(e) (Action Required)

Summary

The Criminal Law Advisory Committee recommends the adoption of rule 4.553 of the California Rules of Court to implement legislation requiring the Judicial Council to develop qualifications for the appointment of counsel in superior court habeas corpus proceedings under Penal Code section 1473(e). Section 1473(e) provides for relief under the California Racial Justice Act of 2020, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin and allows petitioners to make claims for relief based on violations of the act.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective September 1, 2024, adopt California Rules of Court, rule 4.553, on qualifications for appointed counsel for claims under Penal Code section 1473(e).