



# Judicial Council of California

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January 19, 2024

## Subject Text

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File #: 23-080, Version: 1

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### Title

### Rules and Forms | Criminal Procedure: Defendant's Financial Statement (Action Required)

#### Summary

The Criminal Law Advisory Committee recommends revisions to the optional Judicial Council form used by defendants to state financial eligibility for appointment of counsel and for the record on appeal at public expense to reflect statutory changes removing the authority of the court to make a post-proceeding determination of the defendant's ability to pay and to order the defendant to reimburse the county for the costs of the public defender.

#### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council revise form CR-105, effective September 1, 2023, to:

1. Change the form title to "Defendant's Financial Statement on Eligibility for Appointment of Counsel and Record on Appeal at Public Expense" (formerly "Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense");
2. Change the form's short title to "Defendant's Financial Statement" (formerly "Defendant's Financial Statement and Notice to Defendant");
3. Delete item 13, Eligibility for Appointment of Counsel and Notice to Defendant, a notice to the defendant stating that if an attorney was appointed to represent the defendant, the court could hold a hearing to determine the defendant's ability to pay all or a portion of the cost of the attorney and order the defendant to pay all or part of such cost (former Pen. Code, § 987.8(f));
4. Delete a statement under Declaration of Defendant that the defendant understands the notice contained in item 13; and
5. Delete a reference to Penal Code section 987.8 in the footer and replace it with a reference to section 987, which allows the court to require a defendant to file a financial statement to determine whether the defendant is able to employ counsel in a criminal case.