



Judicial Council of California

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Subject Details (With Text)

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Title

Rules and Forms: Miscellaneous Technical Changes (Action Required)

Summary

Judicial Council staff have identified errors in title 4 of the California Rules of Court and in the Judicial Council criminal forms resulting from typographical errors and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the council, effective January 22, 2019:

1. Amend rule 4.551(a)(1) and (2), to replace references to form MC-275 with form HC-001, the updated form number for the *Petition for Writ of Habeas Corpus*.
2. Amend rule 4.700(a), to add a reference to Family Code section 6211 to the end of the subdivision (following the reference to Pen. Code, § 13700), in accordance with an addition to Penal Code section 136.2 made by Senate Bill 910 (Stats. 2014, ch. 638).
3. Revise *Criminal Protective Order-Domestic Violence* (form CR-160), item 11, to replace an outdated reference to Penal Code section 136.2(i)(2) with Penal Code section 136.2(i)(3), incorporating a renumbering change made by Assembly Bill 264 (Stats. 2017, ch. 270).
4. Revise *Notification of Decision Whether to Challenge Recommendation* (form CR-170), to correct a typographical error by replacing a reference in the footer to Penal Code section 2982.1 with Penal Code section 2972.1.
5. Revise *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184), items 5 and 6, to delete references limiting relief to felonies so that the order accurately reflects that relief under Penal Code section 1170.9(h) applies to both misdemeanor and felony convictions. Penal Code section 1170.9(h) authorizes a court to restore a defendant who acquired a criminal record due to a mental health disorder stemming from service in the United States military, including granting a dismissal of the conviction under Penal Code section 1203.4.
6. Revise *Declaration of Counsel for Appointment in Capital Case* (form CR-191), to replace an incorrect reference to Penal Code section 992 with California Rules of Court, rule 4.117, which defines the

qualifications for appointed trial counsel in capital cases.

7. Revise *Proof of Enrollment or Completion-Alcohol or Drug Program* (form CR-220), to replace a reference to Vehicle Code section 23205 with Vehicle Code section 23655. Vehicle Code section 23205 was repealed and replaced by Vehicle Code section 23655 by Senate Bill 1186 (Stats. 1998, ch. 118).