



# Judicial Council of California

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May 17, 2024

## Subject Details (With Text)

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|                       |  |                      |                  |
|-----------------------|--|----------------------|------------------|
| <b>File #:</b>        | 19-120   | <b>Version:</b>      | 1                |
| <b>Type:</b>          | Rule/Form Proposal   | <b>Status:</b>       | Passed           |
| <b>File created:</b>  | 4/22/2019  | <b>In control:</b>   | Judicial Council |
| <b>On agenda:</b>     | 9/24/2019  | <b>Final action:</b> | 9/24/2019        |
| <b>Title:</b>         | Rules and Forms   Criminal Procedure: Vacatur Relief for Human Trafficking Victims (Action Required) |                      |                  |
| <b>Sponsors:</b>      |  |                      |                  |
| <b>Indexes:</b>       |  |                      |                  |
| <b>Code sections:</b> |  |                      |                  |
| <b>Attachments:</b>   | 1. 20190924-19-120   |                      |                  |

| Date      | Ver. | Action By        | Action   | Result |
|-----------|------|------------------|----------|--------|
| 9/24/2019 | 1    | Judicial Council | approved | Pass   |

### Title

### Rules and Forms | Criminal Procedure: Vacatur Relief for Human Trafficking Victims (Action Required)

### Summary

The Criminal Law Advisory Committee recommends adopting a new standard of judicial administration to provide guidance to judges and court administrators on implementing vacatur relief under Penal Code section 236.14, which provides for a petition process to vacate an arrest or conviction for a nonviolent offense that occurred while the petitioner was a victim of human trafficking.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council adopt California Standards of Judicial Administration, standard 4.15, effective January 1, 2020, to:

1. Provide guidance on procedures to consolidate hearings to vacate multiple arrests and convictions that occurred in the same county;
2. Recommend measures to preserve the confidentiality of the petition, related filings, court records, and the petitioner's identity in proceedings accessible to the public;
3. Recommend an initial court review period prior to setting a hearing;
4. Recommend that courts provide timely notification of their decisions to relevant parties; and
5. Identify additional relief the court should consider when granting a petition for vacatur relief.