



# Judicial Council of California

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January 19, 2024

## Subject Text

Meeting materials  
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File #: 17-080, Version: 1

### Title

## Criminal Procedure and Juvenile Law: Judicial Council Forms Under Proposition 64 (Action Required)

### Summary

The Criminal Law Advisory Committee recommends that the Judicial Council revoke form CR- 187, and approve forms CR-400, CR-401, and CR-402, and renumber CR-188 as CR-403. The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revoke form JV-745; approve forms JV-744A, JV-745, and JV-746; and revise form JV-744. These forms are designed to implement the “Control, Regulate and Tax Adult Use of Marijuana Act” (“Proposition 64”). The Judicial Council approved the current forms effective January 23, 2017, while they circulated for public comment. In response to public comments received, the committees modified the current forms, which required renumbering and/or retitling in four instances; and, developed four additional forms. These eight proposed forms are intended to modify and replace the four forms that were approved in January 2017..

### Recommendation

The Criminal Law Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective July 1, 2017:

1. Revoke *Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-187) and approve *Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-400), which changes the current form CR-187 as follows:
  - a. Deletes the integrated proof of service;
  - b. Deletes the prosecuting agency response; and
  - c. Simplifies by reducing the amount of information required of the petitioner/applicant.
2. Approve *Proof of Service for Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-401) for use by petitioners/applicants.
3. Approve *Prosecuting Agency Response to Petition/Application (Health and Safety Code, §11361.8) Adult Crime(s)* (form CR-402) for use by the prosecuting agency to respond to petitioner’s requested relief or to request a contested hearing.
4. Renumber *Order After Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-188) as CR-403, since the creation of the proof of service and the prosecuting agency response changed the sequencing of the forms.
5. Revise *Request to Reduce Juvenile Marijuana Offense (Prop. 64-Health and Safety Code, §11361.8(m))* (form JV-744) to:
  - a. Delete the prosecuting agency response;
  - b. Include a request for interpreter services;
  - c. Provide direction on when to use the attachment form, JV-744A; and
  - d. Include information about where to go to learn more about record sealing.
6. Approve *Attachment to Request to Reduce Juvenile Marijuana Offense (Health and Safety Code, § 11361.8)* (form JV-744A) for applicants to list additional juvenile marijuana offenses related to the same petition number.

7. Approve *Prosecuting Agency Response to Request to Reduce Juvenile Marijuana Offense (Health and Safety Code, § 11361.8)* (form JV-745) to provide the prosecuting agency with a simple and efficient way to provide and file a response to the request for a new disposition or redesignation.
8. Revoke *Juvenile Order After Request to Reduce Marijuana Offense* (form JV-745) and approve *Order After Request to Reduce Juvenile Marijuana Offense (Prop. 64-Health and Safety Code, § 11361.8(m))* (form JV-746), which changes what is currently form JV-745 as follows:
  - a. Renumbers the form as JV-746, since the creation of the prosecuting agency response changed the sequencing of the forms;
  - b. Includes a checkbox allowing the court to reseal previously sealed files; and
  - c. Deletes the checkboxes in the header.