



# Judicial Council of California

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January 19, 2024

## Subject Text

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**File #:** 18-133, **Version:** 1

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### Title

**Criminal Procedure: Determination of Probable Cause Under Penal Code Section 1368.1(a)(2)  
(Action Required)**

### Summary

The Criminal Law Advisory Committee recommends that the Judicial Council adopt rule 4.131 of the California Rules of Court to implement recent legislation which allows a prosecuting attorney to request a probable cause determination for a defendant who is incompetent to stand trial in order to meet criteria needed to establish a conservatorship over a defendant. The new rule would establish procedures for these determinations of probable cause.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council adopt California Rules of Court, rule 4.131, effective January 1, 2019, to establish procedures for determinations of probable cause under Penal Code section 1368.1(a)(2).