



# Judicial Council of California

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January 19, 2024

## Subject Text

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**File #:** 18-134, **Version:** 1

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### Title

### **Criminal Justice Realignment: Petition and Order for Dismissal (Action Required)**

### Summary

The Criminal Law Advisory Committee recommends revisions to two Judicial Council forms in response to recent legislation that authorizes dismissal relief for defendants sentenced to state prison for a felony that, if committed after the 2011 Realignment Legislation, would have been eligible for sentencing to a county jail under Penal Code section 1170(h)(5). The proposed revisions would incorporate the new statutory basis for relief on both forms.

### Recommendation

The Criminal Law Advisory committee recommends that the Judicial Council, effective January 1, 2019, revise the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to incorporate the new statutory basis for relief under Penal Code section 1203.42, as follows:

1. Add a reference to section 1203.42 to the caption of both forms;
2. Add new item 6 to form CR-180 for petitioners to indicate the new option for requesting relief under section 1203.42;
3. Include in the instructions for new item 6 of form CR-180 that the petitioner may provide an explanation in the space below or complete and attach an *Attached Declaration* (form MC-031) or submit other relevant documents, and revise the instructions in items 3, 4 and 5 to indicate the same, for relief under sections 1203.4a, 1203.49 and 1203.41, respectively;
4. Remove the check boxes on renumbered item 9 on form CR-180, and reference the forms of relief that the petitioner has indicated “under the Penal Code section(s) noted above”;
5. Add five references to section 1203.42 to the body of form CR-181 to incorporate the new basis for relief: a check box with a citation to section 1203.42 to items 3 and 4, and a citation to section 1203.42 to current items 6, 8, and 9; and
6. Add space for notations following items 1-5 on form CR-181, and reverse the order of items 6 and 7.