



# Judicial Council of California

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January 19, 2024

## Subject Text

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**File #:** 19-213, **Version:** 1

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### Title

### **Rules and Forms | Criminal Procedure: Motion and Order to Vacate Conviction or Sentence (Action Required)**

### Summary

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council forms in response to recent legislation (Assembly Bill 2867) that clarifies the timing and procedural requirements of Penal Code section 1473.7 for vacating a conviction or a sentence based on prejudicial error related to immigration consequences or newly discovered evidence of actual innocence.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Revise *Motion to Vacate Conviction or Sentence* (form CR-187) and *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to incorporate clarifications of timing and procedural requirements consistent with amendments to Penal Code section 1473.7; and
2. Further revise the format of *Motion to Vacate Conviction or Sentence* (form CR-187) so that it is appropriate for use by both self-represented litigants and those represented by attorneys.