



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 22-190, Version: 1

Title

Rules and Forms | Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Action Required)

Summary

The Criminal Law Advisory Committee recommends two new optional forms relating to resentencing, dismissal, and sealing of Penal Code section 653.22 convictions. Senate Bill 357 (Stats. 2022, ch. 86), effective January 1, 2023, repeals Penal Code section 653.22 (loitering with the intent to commit prostitution) and adds Penal Code section 653.29, which outlines the process for resentencing, dismissal, and sealing of section 653.22 convictions. Penal Code section 653.29(f) specifically instructs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section.” The proposal includes forms for a request for relief and a court order granting or denying relief.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023, approve:

1. *Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-425), for use by individuals who were convicted for violations of Penal Code section 653.22, are requesting relief, and are currently serving a sentence or have completed a sentence. The petitioner may request or waive a hearing and may waive the statutory requirement under section 653.29(a)(1) and (b)(1) that the matter be heard by the sentencing judge; and
2. *Order After Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-426), for use by courts to grant or deny a petition requesting relief and to resentence the petitioner on remaining counts.