Superior Court of California
County of San Luis Obispo

Court Administration

Craig van Rooyen
Presiding Judge

Michael Powell
Court Executive Officer

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April 1, 2022

Notice of Local Rules Updates

In compliance with California Rules of Court 10.613 and 10.614, the Superior Court is distributing for comment, proposed local rules and/or amendments to the local rules. The proposed changes will be effective July 1, 2022.

The following rules are proposed to be amended:

- RULE 2.06 COURT EMPLOYMENT CONFLICT OF INTEREST CODE
- RULE 10.11 SENTENCING
- RULE 10.17 PETITIONS FOR DISMISSAL PURSUANT TO PENAL CODE SECTION 1203.4, 1203.4A, 1203.43, 1203.49

The proposed changes are attached to this notice and may also be found online at:

https://www.slo.courts.ca.gov/forms-filing/local-rules.

Please submit all comments to LocalRulesComments@slo.courts.ca.gov.

Michael Powell,
Court Executive Officer

Attached: Proposed Changes to Local Rules, 5 Pages

RULE 2.06

COURT EMPLOYMENT CONFLICT OF INTEREST CODE

(a) Adoption of Code

This rule must constitute the Court's Conflict of Interest Code as required by Government Code Section 87300, and hereby incorporates by reference California Administrative Code, Title 2, Section 18730 ("Standard Code") and any amendments to it.

This court also in adopting the court personnel rules and procedures adopts the conflict of interest provisions set forth in those rules.

(b) Place of Filing Statements of Economic Interest

Pursuant to Section 4(c) of the Standard Code, designated employees must file statement of economic interests with the Human Resources Department of the Superior Court of California, County of San Luis Obispo.

(c) Appendices to the Standard Code

The Court adopts the following appendices to the Standard Code.

Rule 2.06 amended effective January 1, 2011.

APPENDIX I:

DESIGNATED EMPLOYEE, CONTRACTOR OR CONSULTANT CLASSIFICATIONS

Position	Disclosure Category
Court Executive Officer	1,2,4
Assistant Court Executive Officer	1,2,4
Senior Fiscal & Administrative Director	1,2,4
~~Director of Finance~~	~~1,2,4~~
Director of Human Resources	1,2,4
Director of Information Technology	1,2,4
Director of Criminal Operations	1,2,4
Director of Civil Operations	1,2,4
Director of Courtroom Operations	1,2,4
Family Law Facilitator	3,4
All Court Attorneys	3,4
All Department Managers	1,2,4
~~Management~~ All Analysts ~~I/II/III~~	1,2,4
Accountant I/II~~/III~~	1,2,4
Consultant – as designated by the Court Executive Officer*	

*Consultants for this purpose are individuals assisting the Court in carrying out managerial functions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Executive Officer may designate in writing that a particular consultant is hired to perform a range of duties requiring compliance with the disclosure requirements described in this section. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

(Appendix I amended effective July 1, 2022; previously amended January 1, 2011.)

APPENDIX II:

DISCLOSURE CATEGORIES

Category 1. Employees or consultants assigned to this disclosure category shall report interests in real property located within San Luis Obispo County or within two miles of San Luis Obispo County.

Category 2. Employees or consultants assigned to this disclosure category shall report investments in business positions and income from business entities engaged in the manufacture, sale, lease or provision of supplies, materials, equipment, real property and services of the type used by this Court within the past two (2) years.

Category 3. Employees or consultants in a designated classification assigned to this disclosure category shall report all investments, sources of income, interests in real property, and positions in business entitled as follows:

If during a reporting period a designated employee in this category did not participate in, or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by section 87103 of the Government Code, the employee shall sign a statement to that effect under penalty of perjury. This statement shall be filed as the statement of economic interests required by section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in a case or assignment in which he or she had a financial interest shall disclose the case or assignment and the disqualifying interest and file the statement with the Court Executive Officer.

Category 4: The name and address of the donor of any gift valued at $50.00 or more must be reported; a description and estimated value of the gift must also be reported. Reportable gifts include gifts from business entities or individuals providing services which contract with or furnish goods or services to the designated employee or otherwise solicit business from the designated employee. If the donor may be affected by any decision made or participated in by such designated employee, gifts are reportable if received from any source under which the designated employee is required to report income and/or investments. No designated employee shall accept gifts from any single source in any calendar year with a total value of more than two hundred and fifty dollars ($250.00). (Government Code §89503(c))

(Appendix II amended effective January 1, 2011.)

RULE 10.11

SENTENCING

(a) Probation Modification

(1) Notice Requirements

The court requires not less than 10 days' notice to calendar a motion for modification of probation. The request to place the motion on calendar must be made by the defendant in person or by counsel.

(2) Jail Time Modifications

Request for "modification" of jail time may be calendared provided that not more than seven days have elapsed since the failure to appear at the jail and/or probation has not been revoked and a bench warrant issued. (Amended 1/1/08)

(b) Fine Payments

(1) Fine Payments by Installment

The Court will accept partial payments on criminal fines as ordered by a judicial officer. Court ordered payment plans will include specified due dates and minimum amounts of the payments. ~~Criminal fines paid by installments will be subject to a nominal administrative fee pursuant to PC1205(e). In addition, a request for payment extension will be assessed an administrative fee, as determined by the court~~.

(2) Cash Bail

In all cases wherein the defendant has posted cash bail and the court imposes a sentence which includes a fine payable in installments, any cash bail must be applied toward the fine. This must not relieve a defendant of making payment at such time and in such amount as ordered by the court, but must be credited to reduce the fine balance.

(3) Failure to Pay Fine

Fines due on traffic cases and criminal cases with summary or bench probation without Victim Restitution orders will be subject to the addition of a $300 Civil Assessment pursuant to PC1214.1 if the fine becomes delinquent. In instances when the Court has contracted with a collection agency for the purpose of collecting delinquent court accounts, all payments for the cases referred to the collection agency will be made to the collection agency and remitted to the Court in accordance with the terms of the contract.

(c) Conditional Sentence

Informal probation, summary probation or bench probation are conditional sentences as defined in Penal Code Section 1203.

(d) Proof of Compliance with Conditions of Probation

In criminal and traffic cases in which a defendant has been placed on informal, summary, or bench probation with a requirement by a certain date that the defendant show:

(1) Proof of completion of alternate work service;
(2) Proof of obtaining a license;
(3) Proof of payment of restitution;
(4) Proof of fine payment;
(5) Proof of completion of DUI School or AA attendance; or reappear in court on a certain date; the clerk is authorized to receive and file the appropriate proof and to take the matter off calendar.

In cases where there is some question as to whether the proof is appropriate, the clerk will so notify the defendant and advise the defendant to reappear in court.

(e) Jail Sentences - Credit for Time Served

Unless otherwise indicated by a sentencing judge, when a defendant is ordered to serve time in the County Jail either as a sentence or condition of probation, the defendant must be deemed entitled to credit for any days actually served in custody. Where possible, the sentencing judge must determine the total number of actual days to be credited to a defendant's time so that the date of admission and release from custody can be specified.

(Subd(b) amended effective July 1, 2022)

Rule 10.11 Amended effective July 1, 2018

RULE 10.17
PETITIONS FOR DISMISSAL PURSUANT TO PENAL CODE SECTION 1203.4, 1203.4A, 1203.41, 1203.43, 1203.49

(1) Applicable Fees

a. ~~For all case levels, a processing fee as outlined in the fee schedule and Penal Code § 1203.4(d) is required.~~[Removed]

(2) Misdemeanor and Infractions

a. Petitions are initially handled ex parte. The matter will be placed on calendar only by order of the reviewing bench officer.
b. Judicial Council forms CR180 and CR181 are required.
c. Clerk will review the documents for completeness. If complete, the prosecuting attorney will be notified. The prosecuting attorney has 30 days to respond. After 30 days, the petition will be submitted to the assigned Bench Officer for review and signature.
d. Notification is provided by email to attorneys or unrepresented defendants. If email is not available for an unrepresented defendant, a self-addressed, stamped envelope must be provided.

(3) Felonies

a. A formal motion placing the matter on calendar is required on Penal Code Section 17(b), 1203.4, 1203.4(a), 1203.41, 1203.43, 1203.49 requests.
b. The CR180 Judicial Council form can accompany the formal motion but cannot substitute for the motion. The CR181 Order for Dismissal must be submitted at the time of filing or at the motion court date.

(Subd (1) amended effective July 1, 2022)
Rule 10.17 amended effective July 1, 2019