

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA
COURT OPERATIONS SERVICES**

Administrative Policy Memorandum

Date Issued:

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Revised: 2/16/2012

Subject:
Modification of Terms and Conditions of Judicial
Orders Regarding Criminal Cases

Approved by:

1.0 INTRODUCTION/PURPOSE

- 1.1 Judicial orders may include probation and/or sentencing terms which require a defendant to complete an action prior to a judicially assigned completion date.
- 1.2 Probation/Sentencing terms are monitored by the Court for compliance.
- 1.3 Many defendants request an extension of their judicially assigned completion date.
- 1.4 The court has the authority to approve the modification of select probation/sentencing terms by court staff (over the counter).
- 1.5 All requests to modify previously ordered terms and conditions of probation on misdemeanor or felony cases, or previously agreed upon compliance terms on infraction cases, must be initiated by the defendant or his/her attorney using the appropriate approved forms.
- 1.6 This policy shall reflect the modifications which must be approved by a judicial officer, in addition to those which may be completed by court staff.

2.0 POLICY

- 2.1 **MISDEMEANOR CASE FILE MODIFICATIONS** - A maximum of three (3) *Over the Counter (OTC) Modifications* are allowed per misdemeanor case file and may be completed by Criminal Division staff for any of the reasons listed in 2.1.1 thru 2.1.10. All other requests must be submitted by *Judicial OTC Modification Request* to the sentencing/assigned judicial officer.
 - 2.1.1 FODDP Re-Referral within probation period (includes out of county).
 - 2.1.2 MODDP Re-Referral within probation period (includes out of county).
 - 2.1.3 Volunteer hours - Extension of volunteer hours completion due date by 90 days from the current date if the date has not already passed and new due date is within probation period (may be processed one time only).
 - 2.1.4 Volunteer Hours - Conversion of volunteer hours to fine at judicially approved conversion rate (can not be converted back to volunteer hours at a later date).
 - 2.1.5 Fine - Conversion of fine of \$499 or less to volunteer hours at judicially approved conversion rate if completion due date is within probation period (cannot be converted back to fine at a later date). Completion due

- date is to be set at 90 days from current date. If no probation exists or has expired, the fine is not eligible for conversion.
- 2.1.6 Fine - Extension of fine due date to a date which is 90 days from the current date if due date has not passed and new due date is within probation period (may be processed one time only).
 - 2.1.7 Fine - Set monthly payment plan for fine previously ordered to be paid in full by a set date if due date has not passed (add \$35 processing fee). Final payment date must fall within current probation period.
 - 2.1.8 Fine - Adjust (reduce) monthly payment amount to a minimum of \$35 per month (may be processed one time only). Final payment date must fall within current probation period.
 - 2.1.9 Jail - Advance a defendant's jail turn in date.
- 2.2 **CALENDARING MISDEMEANOR CASE FILES** – The District Attorney or Probation may calendar any sentenced misdemeanor case for a hearing. All other requests for sentenced misdemeanor cases must be submitted by *Judicial OTC Modification Request*.
- 2.3 **NEW JAIL SURRENDER DATE POLICY** – All requests to extend a jail surrender date must be reviewed and approved by a judicial officer. If a request for a new jail surrender date is not received seven (7) or more days prior to the court ordered surrender date, and the surrender date has not already passed, the request will be accepted but will be expedited for judicial review. All orders made as a result of this expedited review must be forwarded to the jail immediately.
- 2.4 **FELONY CASE FILE MODIFICATIONS** – With the exception of advancing a defendant's jail turn in date, no felony case file modifications will be made over the counter by court staff. All other felony case file modifications must be forward to a judicial officer for review.
- 2.5 **CALENDARING FELONY CASE FILES** – Felony case file defendants will be calendared for a court hearing if requested by the attorney of record, the Probation Department, the Public Defender's Office or the District Attorney's Office.
- 2.6 **INFRACTION CASE FILE MODIFICATIONS** – The following *Over the Counter (OTC) Modifications* are allowed on infraction case files and may be completed by Traffic Division staff for any modification listed in items 2.6.1 thru 2.6.8. All other requests must be submitted by written request to the Traffic Commissioner.
- 2.6.1 Extensions may be granted pre-conviction and post-conviction (fine payment extensions only) at the rate of: 1 @ 60 days and 3 @ 30 days.
 - 2.6.2 Installment payments may be set per Vehicle Code 40510.5 with a minimum monthly payment of \$35 per month. A one-time extension of 60 days may be granted per installment account upon request.
 - 2.6.3 Installment payments set per Vehicle Code 40510.5, at a rate greater than \$35 per month, may be reduced to a minimum of \$35 per month if the account has not transferred to Collections.

- 2.6.4 Bail forfeiture citations may be granted a Traffic Violator School (TVS) referral within six (6) months of the payment date if the certificate of completion is shown to the court within the six (6) month period.
- 2.6.5 TVS completions within 30 days of the due date will be accepted as timely.
- 2.6.6 Conversion of bail to volunteer hours at the current judicially approved conversion rate after the completion of the Court's *Agreement to Complete Volunteer Hours in Lieu of Bail Forfeiture*.
- 2.6.7 Conversion of volunteer hours to bail at the current judicially approved conversion rate (cannot be converted back to volunteer hours at a later date).
- 2.6.8 Extension of volunteer hours completion due date by 90 days from the current date if the date has not already passed (may be processed one time only).