

**Superior Court of California, County of Placer
Criminal Law Division**

**Information on PL – CR 006:
Petitions for Resentencing or Dismissal //
Petitions for Redesignation or Dismissal/Sealing
(aka Proposition 64 Petitions)**

Updated: October 1, 2019

The purpose of this document is to address local handling of petitions under Proposition 64. For more information on Proposition 64, including eligibility requirements, please visit the Judicial Council’s website (www.courts.ca.gov). A detailed overview on the scope of the law can be found here: <http://www.courts.ca.gov/prop64.htm>.

What is Proposition 64?

Proposition 64 was passed by voters in November 2016 and implemented broad changes in laws related to Marijuana use. First, Proposition 64 legalizes specified personal use and cultivation of marijuana for adults 21 years of age or older. Second, it reduces criminal penalties for specified marijuana-related offenses for adults and juveniles. Third, it authorizes resentencing or dismissal and sealing of prior, eligible marijuana-related convictions by filing a petition.

What form do I use to submit my petition / a petition for my client?

Please use PL - CR006 – Prop 64 Petition. You can locate this form on our website at: <http://www.placer.courts.ca.gov/forms/criminal/PL-CR006-Prop-64-Petition.pdf>

Can I request a resentencing and a redesignation on the same form?

No. The requests are for separate circumstances so each requires its own petition form. You must indicate whether you are petitioning for resentencing or a redesignation. If you select both boxes, the clerk will reject your petition at the time you attempt to file.

I have one case where I would like to petition for resentencing and a second case where I would like to petition for redesignation. Can I use one form?

No. You need to submit a separate petition for each request.

Do I pick a hearing date and time when I file the petition?

No. The hearing date and time, if necessary, will be set by the court. Please see “Will a hearing be set for my petition” below.

Do I need to provide a copy of the petition to anyone?

Yes. You need to provide a copy of petition to the District Attorney’s Office after you file it with the court. (Do not provide the petition until you have a file stamped copy back from the court.)

Will a hearing be set on my petition?

Maybe. This depends on the type of petition, your (your client’s) custody status, whether the District Attorney objects to your petition, or if the court determines a hearing is necessary.

I (my client) am (is) in custody and petitioning for resentencing -- will a hearing be set?

If you (your client) are (is) currently in-custody at a Placer County correctional facility, the clerk will place your petition on calendar no more than ten (10) days from the date you file your petition. The clerk will add this to the Date/Time/Location portion of the petition at the time of filing.

I (my client) am (is) currently in-custody in a State Prison or am currently serving a sentence out of custody and I am petitioning for resentencing – will a hearing be set?

If you (your client) are (is) currently in-custody in a State Prison facility or are currently serving a sentence out of custody, the clerk will not set a hearing at the time you file your petition. The petition will be held by the clerk for ten (10) days to allow for a response from the District Attorney's Office.

- If the District Attorney's Office has no objection, the Petition will be sent to a Judge for review.
 - The judge may review and issue a new order without a hearing.
 - If the judge determines a hearing is necessary, the clerk will send you notice of a hearing date.
- If the District Attorney's Office objects to your petition, the court will set the hearing no sooner than ten (10) days from the date the court receives the objection if the defendant is currently in-custody in a State Prison. If the defendant is out of custody, the court will set the hearing no sooner than thirty (30) days from the date the court receives the objection. The clerk will send you notice of a hearing date.
- If the District Attorney's Office does not respond by the tenth day, the court will set a hearing no sooner than ten (10) days from that date if the defendant is in-custody at a State Prison and thirty (30) days if the defendant is out of custody. The clerk will send you notice of a hearing date.

I (my client) have (has) completed my sentence and am petitioning for a redesignation – will a hearing be set?

If you (your client) have (has) completed your sentence, a hearing will not be set at the time you file your petition. The petition will be held by the clerk for ten (10) days to allow for a response from the District Attorney's Office.

- If the District Attorney's Office has no objection or does not respond within ten (10) days, the Petition will be sent to a judge for review. The judge may issue an order without a hearing.
- If the District Attorney's Office has an objection, the court will set the hearing no sooner than thirty (30) days from the date the court received the objection. The clerk will send you notice of a hearing date.