



Judicial Council of California

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INVITATION TO COMMENT

SP24-07

Title

Juvenile Law: Racial Justice Act

Action Requested

Review and submit comments by
July 10, 2024

Proposed Rules, Forms, Standards, or Statutes

Approve forms JV-720, JV-720-INFO,
JV-722, and JV-723

Proposed Effective Date

January 1, 2025

Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulse, Chair

Contact

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes four new forms to assist litigants and juvenile courts with claims under the Racial Justice Act. The act prohibits the state from seeking or obtaining a criminal conviction or sentence on the basis of race, ethnicity, or national origin, and applies to adjudications and dispositions in juvenile court. Juvenile courts expect more claims to be filed since recent legislation expanded the retroactive application of the act, enabling more individuals to file claims for relief based on violations of its provisions.

Background

The Racial Justice Act of 2020 (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317) prohibits the state from seeking or obtaining a criminal conviction or sentence on the basis of race, ethnicity, or national origin. The act also applies explicitly to wardship adjudications (the equivalent of a conviction) and dispositions (the equivalent of a sentence) in juvenile court and to motions to transfer a juvenile case to adult criminal court. (Pen. Code, § 745(f).)¹

The act, which added section 745 and amended sections 1473 and 1473.7, enables individuals to file claims for relief based on violations of its provisions. The act specifies four different

¹ Unless otherwise specified, all further statutory references are to the Penal Code.

violations that can be alleged: (1) the exhibition of racial bias or animus against the individual by a judge, attorney, law enforcement officer, or expert witness; (2) the use of racially discriminatory language by a judge, attorney, law enforcement officer, or expert witness; (3) the existence of a racial disparity in the seriousness of offenses charged or dispositions sought or obtained; and/or (4) the existence of a racial disparity in the severity of dispositions imposed. (§§ 745(a)(1)–(4).)

If a claim under the act is sustained, a juvenile court may (1) declare a mistrial, (2) dismiss sentencing enhancements and/or special allegations, (3) reduce the charges, (4) vacate a previously imposed judgment and order new proceedings, (5) modify a previously imposed judgment, (6) modify a previously imposed disposition, and/or (7) grant additional relief that the court finds appropriate. (§§ 745(e)(1)–(2).)

When initially enacted, the act applied prospectively to all cases in which judgment had not yet become final as of January 1, 2021.²

The Racial Justice for All Act (Assem. Bill 256 (Kalra); Stats. 2022, ch. 739) subsequently authorized the retroactive application of the act in certain cases. Specifically, as of January 1, 2023, an individual facing actual or potential immigration consequences could file a claim regardless of when their judgment became final. (§ 745(j)(2).) As of January 1, 2024, retroactive eligibility expanded to individuals currently in the Department of Juvenile Justice (DJJ).³ (§ 745(j)(3).) On January 1, 2025, eligibility will expand to individuals with a judgment that resulted in a DJJ commitment that became final on or after January 1, 2015. (§ 745(j)(4).) Finally, on January 1, 2026, eligibility expands to all cases resulting in a DJJ commitment, regardless of when judgment became final. (§ 745(j)(5).)

Section 745 was recently further amended effective January 1, 2024, to allow an individual to raise a claim under the act for the first time on direct appeal. (See Assem. Bill 1118 (Kalra); Stats. 2023, ch. 464.) An individual may also now move to stay an appeal and request remand to the trial court to file a claim under the act. (§ 745(b).)

Procedurally, a claim under the act may be filed at any time during a case. If judgment in a case has not yet been entered, an individual may file a claim under the act in a pending case under section 745. (*Ibid.*) If judgment has already become final, an individual may file a claim under the act by seeking a writ of habeas corpus under section 1473(f) or filing a motion to vacate under section 1473.7. (*Ibid.*) Once an applicant files a claim under the act, the court must

² In juvenile cases, judgment becomes final when “the time to file an appeal from the dispositional order has lapsed.” (*In re Hunter W.* (2023) 88 Cal.App.5th 358, 368.)

³ Because all Department of Juvenile Justice (DJJ) facilities were ordered closed as of July 1, 2023 (see Sen. Bill 823; Stats. 2020, ch. 337), there are no longer any individuals incarcerated there. As a result, the committee expects few, if any, claims to be filed under this subdivision.

determine whether the applicant has established a prima facie case. If so, the court sets a hearing. The court may appoint counsel and may order discovery.

To implement the act in criminal cases, the Appellate Advisory Committee and the Criminal Law Advisory Committee have jointly proposed amendments to California Rules of Court, rules 4.551, 8.385, and 8.386 and revisions to *Petition for Writ of Habeas Corpus* (form HC-001), *Motion to Vacate Conviction or Sentence* (form CR-187), and *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to incorporate requests for relief filed under the act in criminal courts.⁴ However, because there are no equivalent juvenile rules or forms, the committee proposes four new forms to implement the act in juvenile court.

The Proposal

The Family and Juvenile Law Advisory Committee proposes four new forms for claims in juvenile court under the act: *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-720), *The Racial Justice Act in Juvenile Court* (form JV-720-INFO), *Findings and Orders on Prima Facie Case Under the Racial Justice Act—Juvenile Adjudication* (form JV-722), and *Findings and Orders After Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-723).

Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-720)

Form JV-720 would be an optional form to request relief from a juvenile court based on a violation of the act, in either pending or closed juvenile court cases. The committee expects that the form will most commonly be used by self-represented litigants to request retroactive relief in closed cases because youth in pending proceedings are represented by appointed counsel until their cases are ultimately dismissed. (Welf. & Inst. Code, §§ 633, 634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) The form is recommended as optional so that counsel in pending cases may choose to raise claims through oral or written motions rather than by filing the form.

In cases no longer pending, retroactive claims under the act may be filed under section 1473(f) (for habeas corpus petitions) or 1473.7 (for motions to vacate). A writ of habeas corpus is used to file a claim when an individual is under some form of judicial restraint (i.e., physical custody or postrelease supervision), whereas a motion to vacate is used when an individual is no longer under any form of judicial restraint. Retroactive claims in juvenile cases are limited to those in which a juvenile disposition resulted in a DJJ commitment. Because the number of individuals who suffered a DJJ commitment and are still either in custody or on postrelease supervision is exceedingly small, the committee expects that retroactive claims under the act in juvenile court will generally not be raised through habeas corpus petitions.⁵ As a result, the committee has not

⁴ This proposal is expected to be considered by the Judicial Council at its meeting on September 20, 2024.

⁵ For example, as of March 25, 2023, there were only 291 youths remaining in DJJ facilities statewide. (Legis. Analyst, Rep. to Assem. Budget Subcoms. Nos. 2 and 5, *Overview of Juvenile Justice System and Education Services in Juvenile Facilities* (Apr. 17, 2023), p. 3.)

included such procedures in this proposal, but requests specific comments on whether the development of juvenile habeas corpus procedures and forms should nevertheless be considered.

Item 1 on form JV-720 asks the applicant to indicate the procedural posture of their juvenile case to determine whether they are eligible to file a claim under the act (i.e., whether their juvenile case is either still pending or meets the criteria for a retroactive claim).

Item 2 allows an unrepresented applicant to request that the juvenile court appoint counsel to assist them in pursuing a claim under the act. The statute is silent regarding appointment of counsel, but unrepresented youth in juvenile delinquency proceedings have the right to appointed counsel, regardless of indigency. (Welf. & Inst. Code, §§ 633, 634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) These claims will be heard in juvenile court and implicate an individual's substantial rights. In the committee's view, appointing counsel for unrepresented applicants would serve the purpose of the act.

Item 3 asks the applicant to indicate which categories of violations their claim falls under. (§§ 745(a)(1)–(4).) The act specifies four different violations that can be alleged: (1) the exhibition of racial bias or animus against the individual by a judge, attorney, law enforcement officer, or expert witness; (2) the use of racially discriminatory language by a judge, attorney, law enforcement officer, or expert witness; (3) the existence of a racial disparity in the seriousness of offenses charged or dispositions sought or obtained; and/or (4) the existence of a racial disparity in the severity of dispositions imposed. (*Ibid.*)

Item 4 asks the applicant to indicate when they learned of the violation they are claiming. For violations alleged to have been committed during trial, the act requires that requests for relief be filed “as soon as practicable” upon the applicant “learning of the alleged violation.” (§ 745(c).) A motion that is not timely may be deemed waived, in the discretion of the court. (*Ibid.*) For motions to vacate, the act requires that they be filed “without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence” the basis of the violation. (§ 1473.7(c).)

Item 5 asks the applicant to explain their claim in detail and to indicate what facts support their allegations. Item 5 also asks the applicant whether their claim is based on a statement or conduct by a judge. If so, that judge must recuse themselves from the matter. (§ 745(b).)

Item 6 allows the applicant to request discovery to support their claim. (§ 745(d).) An applicant may file a motion requesting disclosure to the defense of “all evidence relevant to a potential violation of [the act] in the possession or control of the state.” (*Ibid.*)

Item 7 allows an applicant to request the assistance of an interpreter at any hearings regarding their claim, as is common practice in juvenile and criminal courts.

The committee discussed whether applicants should be required to serve these requests. The act itself is silent regarding service. Consistent with juvenile practice in other contexts (such as requests for juvenile record sealing), the form is designed to be sent by the court clerk to the probation department and prosecuting attorney after filing, rather than to be served by the applicant. Facilitating this process will assist unrepresented applicants in these proceedings. The committee seeks specific comments on whether applicants should be required to serve their claims alleging a violation of the act.

The Racial Justice Act in Juvenile Court (form JV-720-INFO)

Form JV-720-INFO would be an information sheet to supplement form JV-720. In addition to providing instructions on how to complete form JV-720, form JV-720-INFO includes background information about the act and explains how and when a claim under the act may be filed and what happens after a claim is filed.

Findings and Orders on Prima Facie Case Under the Racial Justice Act—Juvenile Adjudication (form JV-722)

To assist the juvenile court, the committee proposes two optional forms for findings and orders on these claims. The act contemplates a two-part process: first, the court must determine whether the applicant has made a prima facie showing of a violation under the act. If so, the court must then hold a hearing. Form JV-722 would be an optional form for a juvenile court to use in ruling on whether the request states a prima facie case, and in making findings and orders after the initial submission of a claim. The form can also be used to order appointment of counsel, discovery, or a hearing, or deny a claim if the applicant has not made a prima facie showing, and explain the court’s reasoning.

Items 1 through 4 on form JV-722 are for findings. Item 1 allows the court to indicate whether the applicant’s claim does or does not qualify for retroactive application of the act and whether it was or was not filed in a timely manner. A claim that is not timely filed after the applicant learns of the alleged violation may be denied. (§§ 745(c) (claims made during trial must be filed “as soon as practicable” upon the applicant learning of the violation); and 1473.7(c) (motions to vacate must be filed “without undue delay” from the date the applicant actually, or reasonably should have, learned of the violation).)

Item 2 allows the court to indicate whether an applicant’s initial filing establishes a prima facie violation of the act. If so, the court must set the matter for a hearing. (§ 745(c).) If not, the claim is denied. Item 3 allows the court to indicate whether an applicant has demonstrated good cause to order discovery. Item 4 allows the court to make additional findings.

Items 5 through 9 on form JV-722 are for orders. Item 5 allows the court to indicate that the applicant’s request for relief under the act is denied. In item 6, the court can grant or deny a request for appointment of counsel. Item 7 allows the court to grant or deny a request for discovery and to specify any documents or information that must be produced. This item also

allows the court to set the matter for a discovery hearing, if appropriate. If the court finds that the request for relief makes a prima facie showing, the court can set the matter for an evidentiary hearing in item 8. Item 9 allows the court to make additional orders, as appropriate.

Findings and Orders After Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-723)

The committee proposes form JV-723 as an optional form for a juvenile court to make findings and orders after an evidentiary hearing, including final adjudication of the matter. The form can be used to grant or deny a claim, explain the court's reasoning, and order relief under the act.

Items 1, 2, and 3 on form JV-723 are for findings. Item 1 memorializes when and where the hearing required by section 745(c) took place and the parties who were present. Item 2 allows the court to indicate what, if any, violations of the act it finds have been proven by a preponderance of the evidence, and item 3 allows the court to make findings required by the act, as appropriate. (§§ 745(c)(2), (3).)

Items 4, 5, and 6 are for orders. In item 4, the court grants or denies the applicant's request. Item 5 allows the court to indicate what, if any, remedies it orders for any violations of the act. Item 6 allows the court to make additional orders, as appropriate. (§ 745(e).)

Alternatives Considered

The committee considered developing separate forms for seeking relief under section 745 depending on the procedural posture of the request—whether as a motion made in a pending case, a petition for habeas corpus, or a motion to vacate. Upon further discussion, however, the committee decided to propose a single form for requesting relief under the act for simplicity. Since petitions for habeas corpus are rarely filed in juvenile court and claims for relief in pending cases may more commonly be filed as individually drafted motions by counsel, the committee anticipates that the form will most often be used to request to vacate a prior adjudication or disposition. Notwithstanding this expectation, the committee is requesting feedback on whether more than one claim form would be helpful.

The committee also considered proposing a single findings and order form for use after both the initial filing of a claim under the act and, if a prima facie case is established, after an evidentiary hearing on the claim. Upon further discussion, however, the committee decided to propose two separate forms for clarity, one for use after the initial filing of a claim, which could also be used to provide notice of a hearing, and the other for use after a hearing on a claim filed under the act. The committee is requesting feedback on whether a single findings and orders form would be more convenient to use.

The committee also discussed whether new rules are necessary to implement the act in juvenile court. As noted above, the proposal to implement the act in criminal court cases included rule

amendments, specifically, to trial court and appellate court rules on habeas corpus proceedings. However, there are no existing habeas corpus rules in juvenile court. The committee concluded that the proposed forms appear to be sufficient and that rules are not currently needed, but will monitor the process going forward and consider rules in the future if they would be helpful.

Finally, the committee considered taking no action, but rejected this option because it expects the number of claims filed in the juvenile courts to increase going forward. These optional forms will assist litigants in accessing relief under the act and the courts in making required findings and ruling on these claims.

Fiscal and Operational Impacts

Fiscal and operational impacts are largely attributable to the legislation authorizing retroactive claims. The proposal aims to mitigate workload burdens by making the application for relief under the act more efficient, consistent, and easier to navigate for self-represented litigants and the courts. Expected costs include training, case management system updates, and the production of new forms. Counties may also incur costs associated with providing appointed counsel.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

1. Does the proposal appropriately address the stated purpose?
2. Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvements.
3. Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims?
4. Should the court appoint counsel for all unrepresented litigants?
5. Should self-represented litigants be required to serve their requests for relief?
6. Should the single request form be split into multiple forms?
7. Should the two findings and orders forms be consolidated into a single form?
8. Are new rules relating to claims under the act in juvenile court necessary at this time? If so, what should the rules address?
9. Should the information sheet address any other topics?
10. Should item 1 on form JV-720 include a definition of a final “judgment,” and, if so, should that definition be added to the form itself or the information sheet?
11. Should item 4 on form JV-720 include a definition of “not timely,” and, if so, should that definition be added to the form itself or the information sheet?
12. Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

1. Would the proposal provide cost savings? If so, please quantify.
2. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
3. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
4. How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms JV-720, JV-720-INFO, JV-722, and JV-723, at pages 10–19
2. Link A: Pen. Code, § 745,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745.&lawCode=PEN

3. Link B: Pen. Code, § 1473,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.&lawCode=PEN
4. Link C: Pen. Code, § 1473.7,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.7.&lawCode=PEN

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-720.v13.20240521.am
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION		CASE NUMBER:

Instructions—Read Carefully

- Use this form if you are going or went to court because you allegedly committed an offense when you were under the age of 18 and you believe your case was affected by discrimination on the basis of race, ethnicity, or national origin.
- If you need more information about how to fill out this form, or about the Racial Justice Act itself, please see *The Racial Justice Act in Juvenile Court* ([form JV-720-INFO](#)).
- If this form asks for information that you do not have, contact your attorney. If you don't have an attorney, the public defender's office in the court or county where you are going or went to court can probably help you get the information.
- The court will serve this form for you unless you have an attorney. Consult your attorney if you have one.

1. ELIGIBILITY

I request the court to find a violation of the Racial Justice Act and order remedies allowed by law. I am eligible to file this request because (*check all that apply*):

- a. Judgment in my case is not final.
- b. I face actual or potential immigration consequences (such as deportation) based on this case.
- c. I was committed to the Department of Juvenile Justice (DJJ) or the California Youth Authority (CYA) on or after January 1, 2015, based on this case.
- d. This request is filed on or after January 1, 2026, and I was committed to DJJ or CYA based on this case.

2. APPOINTMENT OF COUNSEL

I request the court appoint an attorney to represent me.

3. VIOLATION

I believe the Racial Justice Act was violated because (*check all that apply*):

- a. The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus towards me because of my race, ethnicity, or national origin.

CASE NAME:	CASE NUMBER:
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- 3. b. During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about my race, ethnicity, or national origin. (Racially discriminatory language does not include relating language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of a suspect.)
- c. I was charged with or found responsible for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications (convictions) for serious offenses against people who share my race, ethnicity, or national origin in the county where the adjudications (convictions) were sought or obtained.
- d. I received a longer or more severe disposition (sentence) compared to similarly situated individuals for the same offense **and** (check all that apply):
 - (1) Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people who share my race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred.
 - (2) Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred.

4. **DISCOVERY OF VIOLATION**

I learned of the grounds described in item 3 above on or about (date): _____. (A motion that is not timely may be deemed waived.)

5. **SUPPORTING FACTS**

a. Describe what happened. For each violation you claim in item 3 above, explain the facts that support it. Give details. (If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting your request.)

Additional documents attached.

b. Is your request based on a statement or conduct by a judge? Yes No

If yes, please fill in the judge's name if you know it: _____

CASE NAME:	CASE NUMBER:
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6. **DISCLOSURE OF EVIDENCE**

I request disclosure of evidence relevant to a potential violation of the Racial Justice Act (*if you checked the box, complete items a and b below*):

a. I need the following types of records or information:

b. I need the records or information because:

7. **REQUEST FOR INTERPRETER**

If there is a hearing, I will need a _____ (*language*) interpreter.

Date: _____

(NAME OF APPLICANT OR ATTORNEY)

 _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

What is the Racial Justice Act?

The Racial Justice Act (RJA) is a law that prohibits the State of California from prosecuting or punishing someone based on race, ethnicity, or national origin. If you have, or ever had, a juvenile court case, this law may apply to you.

Why was the RJA passed?

The RJA was passed because the California Legislature recognized that “[d]iscrimination in our criminal justice system based on race, ethnicity, or national origin has a deleterious effect not only on individual[s] but on our system of justice as a whole.” (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317.) Such discrimination denies Californians equal justice under the law. The intent of the RJA is to “eliminate racial bias from [our] criminal justice system because racism in any form or amount . . . is intolerable, inimical to a fair criminal justice system,” and violates the laws and Constitution of the state. (*ibid.*)

How do I know if the RJA applies to me?

The RJA may apply to your juvenile case if:

- You believe a judge, attorney, law enforcement officer, or expert witness in your case was biased against you because of your race, ethnicity, or national origin;
- A judge, attorney, law enforcement officer, or expert witness in your case used racially discriminatory language about your race, ethnicity, or national origin;
- You believe: (1) you were charged with or adjudicated for a more serious offense because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin tend to be charged with or adjudicated for more serious offenses than people of a different race, ethnicity, or national origin;
- You believe: (1) you received more severe consequences because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin tend to receive more severe consequences than people of a different race, ethnicity, or national origin; or

- You believe: (1) you received more severe consequences based upon the race, ethnicity, or national origin of the victims in your case; and (2) people in the same county whose victims share the same race, ethnicity, or national origin as people in your case tend to receive more severe consequences than people whose victims are of a different race, ethnicity, or national origin.

Who can file a request under the RJA?

You can file a request under the RJA if:

- Your juvenile court case is still pending or if you are facing immigration problems (such as deportation) related to your juvenile case.
- You were sent to the Department of Juvenile Justice (DJJ), also known as the California Youth Authority (CYA), anytime on or after January 1, 2015.
- You were sent to DJJ or CYA sometime before January 1, 2015; if so, you may file an RJA request starting on January 1, 2026.

If, however, your case is no longer pending and you were never committed to DJJ or CYA, you may *not* file an RJA request.

When can I file a request under the RJA?

If your case is currently in trial, the RJA requires you to file your request as soon as practicable after you discovered that there may have been a violation of the RJA in your case. If your case is over and you are no longer at DJJ or CYA or on probation in your juvenile case, you should file a request under the RJA as soon as you discover or reasonably could have discovered that there may have been a violation.

Do I need an attorney?

You do not have to have an attorney. You can file a request under the RJA yourself or you can ask an attorney to file a request for you. If you are not going to court on your case anymore, you can ask the court to appoint an attorney to represent you or you can contact the attorney who previously represented you to see if they can help you file a request. A public defender’s office may also be able to provide assistance to you.



How do I file an RJA request myself?

You may file a request under the RJA by filling out [*Request for Relief Under the Racial Justice Act—Juvenile Adjudication*](#) (form JV-720).

Fill out the form by putting your name and contact information in the box at the top of the form and the address of the court in the box below your name and address. You can get the court's address from the court papers in your case. (The form must be filed in the last county where you went to court for this offense.) Then, check the boxes that apply to your case and fill in the information requested.

- Check the box in item 1 about your eligibility to file a request for relief under the RJA.
- Check the box in item 2 if you are asking the court to appoint an attorney to represent you.
- Check the boxes in item 3 that explain why you believe the RJA was violated in your case.
- Fill in item 4 with the date you discovered the RJA was violated.
- Fill in item 5 with facts that support why you believe the RJA was violated in your case.
- Check the box in item 5b if you believe the RJA was violated in your case because of something a judge said or did and fill in the name of the judge if you know it. If so, a different judge will hear your request.
- Check the box in item 6 if you are asking for records or information that can be used to support your request. If so, fill in the types of records or information you are asking for and why you need them.
- If you will need an interpreter, ask for one in item 7.

Once you have filled out form JV-720, take or mail it to the court clerk's office in the court where the case was filed. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

What happens after I file a request under the RJA?

The court will review your request and decide whether to hold a hearing. If the court reviews your request and does not schedule a hearing, it means you have not presented enough facts to establish a substantial likelihood that a violation of the RJA occurred. A "substantial likelihood" requires more than a mere possibility, but less than a standard of "more likely than not".

If the court schedules a hearing, you may present evidence and testimony to support your request. The district attorney will also be able to present evidence and testimony. To win, you must prove a violation of the RJA by a preponderance of the evidence. That means you must prove it is more likely than not that the RJA was violated. After the hearing, the court will decide if you have proven a violation by a preponderance of the evidence.

What happens if my RJA request is granted?

If you prove a violation, the court will grant your request and can make orders to repair the harm, based on your case. This can include starting your case over, reducing the charges against you, or reducing your disposition (sentence). The court can make other orders, too, depending on the circumstances.

What happens if my RJA request is denied?

There is no penalty for filing an unsuccessful RJA request.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-722.v10.20240510.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
FINDINGS AND ORDERS ON PRIMA FACIE CASE UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION	CASE NUMBER:

FINDINGS

1. **Timeliness** (check all that apply):

- a. The court finds that applicant's request was was not filed in a timely manner.
- b. The court finds that applicant's case is no longer pending and does does not qualify for retroactive application of Penal Code section 745(a).

2. **Prima Facie Showing**

The court finds that applicant has has not made a prima facie showing of a violation of Penal Code section 745(a).

3. **Disclosure of Evidence**

The court finds that applicant has has not shown good cause for disclosure of evidence.

4. **Additional Findings**

The court also finds the following:

CASE NAME:	CASE NUMBER:
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ORDERS

5. **Denial of Request**

The court orders that applicant's request for relief under the Racial Justice Act is denied.

6. **Appointment of Counsel**

- a. The court grants the request for appointment of counsel.
- b. The court denies the request for appointment of counsel.

7. **Disclosure of Evidence**

- a. The court denies the request for disclosure of evidence:
- b. The court orders the following disclosure of evidence:

- c. The court orders the matter set for a hearing on disclosure of evidence:

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____
 Dept.: _____ Room: _____

8. **Hearing on the Merits**

- The court orders the matter set for a hearing on violation of the Racial Justice Act:

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____
 Dept.: _____ Room: _____

9. **Additional Orders**

The court also orders the following:

Date: _____

(JUDICIAL OFFICER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-723.v8.20240510.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
FINDINGS AND ORDERS AFTER HEARING ON REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION	CASE NUMBER:

1. This proceeding was heard on (date): _____ at time: _____ in Dept.: _____ Room: _____
 by Judge (name): _____ Temporary Judge
- a. Applicant present Attorney present (name): _____
 b. District attorney present Attorney present (name): _____
 c. Probation present Attorney present (name): _____
 d. Other party present Attorney present (name): _____

FINDINGS

2. **Violation**

- a. The court finds by a preponderance of the evidence that the following violation or violations of Penal Code section 745(a) have been established (check all that apply):
- (1) The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus against the applicant because of the applicant's race, ethnicity, or national origin. (Pen. Code, § 745(a)(1).)
- (2) During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about the applicant's race, ethnicity, or national origin. (Racially discriminatory language does not include relaying language used by someone else that is relevant to the case or giving a racially neutral and unbiased physical description of the suspect.) (Pen. Code, § 745(a)(2).)
- (3) The applicant was charged with or adjudicated for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications for more serious offenses against people who share the applicant's race, ethnicity, or national origin in the county where the adjudications were sought or obtained. (Pen. Code, § 745(a)(3).)
- (4) The applicant received a longer or more severe disposition compared to similarly situated individuals adjudicated for the same offense and (check all that apply):
- (a) Longer or more severe dispositions were more frequently imposed for the same offense on people who share the applicant's race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred. (Pen. Code, § 745(a)(4)(A).)
- (b) Longer or more severe dispositions were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred. (Pen. Code, § 745(a)(4)(B).)
- b. The court finds that no violation of Penal Code section 745(a) has been established.

CASE NAME:	CASE NUMBER:
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3. Required Findings

The court makes the following factual findings in support of the above, as required by Penal Code section 745(c)(3):

ORDERS

4. Ruling on Request

- a. The court orders that applicant's request for relief is granted.
- b. The court orders that applicant's request for relief is denied.

5. Remedies

- a. Judgment not being final, the court orders (*check all that apply*):
- (1) At applicant's request, a mistrial.
- (2) The following enhancement or enhancements dismissed:
- (3) The following special allegation or allegations dismissed:
- (4) The following charge or charges reduced:
- b. Judgment being final, the court orders the following (*check all that apply*):
- (1) The adjudication was sought or obtained in violation of Penal Code section 745. The court orders the adjudication and disposition vacated, declares them legally invalid, and orders the following new proceedings:
- (2) Only Penal Code section 745(a)(3) (*see item 2a(3)*) was violated and the violation may be rectified by a modification of the adjudication. The court orders the adjudication modified to the following lesser-included or lesser-related offense or offenses:
- (3) Only the disposition was sought, obtained, or imposed in violation of Penal Code section 745. The court vacates the disposition, declares it legally invalid, and imposes the following new disposition:
- c. The court orders the following additional remedies:

CASE NAME:	CASE NUMBER:
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6. **Additional Orders**

The court also orders the following:

Date: _____

(JUDICIAL OFFICER)