



Superior Court of the State of California

County of Kings

Nocona Soboleski
Court Executive Officer
and
Clerk of the Court

NOTICE OF PROPOSED ADOPTION OR AMENDMENT OF LOCAL RULES (Pursuant to Cal. R. Ct., rule 10.613)

To:

- The State Bar of California
- The Attorney General, State of California
- Local Bar Associations, Kings and Adjoining Counties
- Office of the District Attorney, Kings and Adjoining Counties
- Office of the County Counsel, Kings and Adjoining Counties
- Contracted Defense Counsel of Kings County
- Office of the Public Defender in Adjoining Counties
- Interested Others

Please be advised that on or before November 17, 2025, the Judges of the Kings County Superior Court will adopt additions and/or amendments to the official Local Rules of Court, to be effective on January 1, 2026.

On or before October 3, 2025, copies of all rules proposed for adoption and/or amendment will be posted on the Court's website (<http://www.kings.courts.ca.gov>) for review in conformity with Rule 10.613 of the California Rules of Court. In addition, paper copies of the Rules will be available for review in the Clerk's Office of each Division of the Kings County Superior Court.

The Court specifically invites any comments you may desire to make regarding the Court's proposed Rule changes. Requests for paper copies of the proposed changes to the Rules, and any comments on the proposed rules must be addressed as follows:

Nocona Soboleski, Executive Officer and Clerk of the Court
Superior Court of California, Kings County
1640 Kings County Drive
Hanford, California 93230

Comments must be received before 9:00 a.m. on October 16, 2025.

Thank you for your continuing assistance to us in maintaining and improving the administration and effectiveness of our local trial court rules.

NOCONA SOBOLESKI
Superior Court Executive Officer and Clerk of the Court
Publisher of Trial Court Rules

PROPOSED ADDITIONS AND AMENDMENTS TO THE LOCAL RULES
(Effective January 1, 2026)

The Kings County Superior Court proposes to add or amend the following Local Rules and Forms to become effective on January 1, 2026

CHAPTER 3: CIVIL LAW AND MOTION

RULE 313 – Tentative Rulings

- A. The court adopts the tentative ruling procedure set out in California Rules of Court, rule 3.1308(a)(2). The tentative ruling or notice to appear will generally be available by 4:00 p.m. the court day before the hearing. Unless the court directs otherwise, the court's tentative ruling will be available on the court's website or by calling (559) 582-1010, Ext 6002.
- B. The court does not require notice of intent to appear. (Cal. Rules of Court, rule 3.1308, subd. (a)(2).) If no parties appear, the court will construe the non-appearance as a submission on the tentative ruling and will adopt the tentative ruling as the order of the court. Parties intending to present oral argument regarding a tentative ruling are expected to contact opposing counsel(s) the day before the hearing to ensure the appearance of all affected parties at the hearing. If only one party appears to present oral argument as to the tentative ruling, the court generally will not allow for oral argument and instead will continue the hearing for the appearance of all parties.
- C. Pursuant to the restrictions in Code of Civil Procedure § 1161.2, no tentative rulings are posted for unlawful detainer cases and appearances are required.

(Eff. 1/1/13 as Rule 312; renumbered 1/1/19; amended 1/1/25; amended 1/1/26)

CHAPTER 5: CRIMINAL RULES

Part 6 – Rules Applicable to Capital Cases

RULE 590 – Penal Code §987.9 Funding

Penal Code §987.9 governs requests for funding of ancillary defense services for capital and capital eligible Penal Code §190.2 special circumstances cases. A judge, known as the 987.9 funding judge, will be assigned to review all funding requests made pursuant to Pen. Code §987.9. All 987.9 funding requests and all issues related to the funding request shall be directed to the assigned 987.9 funding judge. Ancillary defense services and expenditures shall be authorized and approved at the discretion of the 987.9 funding judge. Requests for reimbursements pursuant to a Pen. Code §987.9 funding order must be presented in a manner consistent with the procedure described in Local Rule 502.

(Eff. amended 1/1/26)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA V. DEFENDANT:	
DOMESTIC VIOLENCE PLEA FORM WITH WAIVER OF RIGHTS-MISDEMEANOR	CASE NUMBER:

Instructions:

- (1) Fill out this form only if you want to plead guilty or no contest.
- (2) Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- (3) Sign and date the form under "DEFENDANT'S STATEMENT" on **page 4**.
- (4) Keep in mind that the court cannot give legal advice. If you have an attorney and have questions about anything in this form, ask your attorney.

- 1. Charges and Maximum Penalties.** I want to plead guilty or no contest to the charges listed below. I understand that the maximum penalties for the charges to which I am pleading guilty or no contest are listed below.

INITIALS

COUNT	CHARGES (SECTION & DESCRIPTION)	MAXIMUM PENALTY (FINE & JAIL)

- 2. Prior Convictions.** I understand that I am also charged with a prior conviction in case number(s):

- 3. Probation Violations.** I understand that I am also charged with a violation of probation in case number(s):

- 4. Right to an Attorney** (Leave this box blank if you have an attorney). I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me. **I hereby give up my right to be represented by an attorney.**

- 5. Other Constitutional Rights.** I understand that I am entitled to each of the following rights concerning the charges and prior convictions (if any) listed in items 1 and 2 (above):

- a. **Right to a jury trial.** I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were convinced beyond a reasonable doubt that I am guilty.
- b. **Right to confront and cross-examine witnesses.** I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court to testify under oath in my presence and I or my attorney may question them.
- c. **Right to remain silent and not incriminate myself.** I understand that I have the right to remain silent and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself and I cannot be forced to testify.

PEOPLE OF THE STATE OF CALIFORNIA v.

Defendant:

CASE NUMBER:

INITIALS

6. **Rights for Probation Violations** (Leave this box blank if you are not charged with a probation violation). I understand that I have all the constitutional rights listed above for all probation violations charged against me, except that I do not have a right to a jury trial, only a court hearing before a judge.

☐

7. **Consequences of My Plea**

a. **No contest plea.** I understand that a no contest plea has the same effect as a guilty plea except that it cannot be used against me in a civil case that derives from an act on which this prosecution is based unless the offense is punishable as a felony.

☐

b. **Effect of conviction on other cases.** I understand that a conviction in this case may be used to increase my punishment for future domestic violence convictions and may constitute a violation of any other current grant of parole or probation, which may result in additional punishment.

☐

c. **Mandatory minimum conditions of probation.** I understand that if I am granted probation, the terms and conditions will include at least all of the following (see Pen. Code, § 1203.097):

☐

- (1) A minimum of either 36 months (three years) or 48 months (four years) of probation;
- (2) A criminal court protective order that may include residence exclusion or stay-away conditions;
- (3) Booking within one week of sentencing if I have not already been booked;
- (4) Several statutory fines, fees, and assessments, including a domestic violence fee, restitution fine, probation revocation fine (stayd), criminal conviction assessment, and court security fee;
- (5) Successful completion of an appropriate batterer's treatment program lasting at least 52 weeks;
- (6) Community service;
- (7) Restitution to the victim (if applicable); and
- (8) Other:

d. **Effect of future probation violation.** I understand that if I violate any of the terms or conditions of probation, I may be returned to court and sentenced up to the maximum punishment on each charge as indicated in item 1.

☐

e. **Immigration consequences.** 1) I understand that if I am not a U.S. Citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. 2) I understand I have the right to request additional time to consider my plea in light of the advisement in this paragraph; 3) I have discussed my immigration status with my attorney and have sufficient time to consider and discuss the immigration consequences of my plea with him/her or an immigration attorney.

☐

f. **Firearms (guns), firearm parts, and ammunition prohibition and relinquishment.** I understand that a conviction in this case may prohibit me from owning, using, purchasing, possessing, receiving, or having under my custody and control firearms (guns), firearm parts, ammunition, reloaded ammunition, and ammunition feeding devices, including but not limited to, magazines for 10 years to life under federal law and state law (Penal Code sections 29805 and 30305). This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I understand that a conviction in this case may require me to relinquish any firearm or firearm parts I own, possess, or have under my custody or control (Penal Code section 29810).

☐

g. **Body armor prohibition and relinquishment.** I understand that a conviction in this case may prohibit me from purchasing, owning, or possessing body armor (defined in Penal Code section 16288). I must relinquish any body armor I have in my possession (see Penal Code section 31360).

☐

h. **Child custody consequences.** I understand that a conviction in this case may result in a rebuttable presumption that an award of sole or joint physical or legal custody of a child is detrimental to the best interest of the child under Family Code section 3044.

☐

i. **Other consequences (specify):**

☐

8. **Before the Plea**

a. **Discussion with my attorney** (leave this box blank if you are not represented by an attorney). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case.

☐

b. **Questions.** I have no further questions for the court or for my attorney with regard to my plea and admissions in this case or any of my rights or anything else on this form.

☐

PEOPLE OF THE STATE OF CALIFORNIA v.

Defendant:

CASE NUMBER:

INITIALS

9. **Waiver of Constitutional Rights.** For each of the charges, prior convictions (if any), and probation violations (if any) listed in items 1, 2, and 3, I give up my right to a jury trial, my right to a court hearing, my right to confront and cross-examine witnesses, and my right to remain silent and not to incriminate myself. I understand that I am, in fact, incriminating myself with my plea. ☐
10. **The Plea** (check one). I freely and voluntarily plead ☐ **GUILTY** ☐ **NO CONTEST** to the charges listed in item 1. I offer my plea with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest. ☐
11. **Prior Convictions.** I freely and voluntarily admit the prior convictions (if any) listed in item 2, and I understand that this admission may increase the penalties that are imposed on me. ☐
12. **Probation Violations.** I freely and voluntarily admit the probation violations (if any) listed in item 3. ☐
13. **Sentencing.** I understand that I have a right to delay my sentencing at least 6 hours and as long as 5 days after my plea. I give up this right and agree to be sentenced at this time. ☐

PEOPLE OF THE STATE OF CALIFORNIA v.
Defendant:

CASE NUMBER:

DEFENDANT'S STATEMENT

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and the effects of any prior convictions and probation violations have been explained to me. I understand each of the rights outlined above and I give up each of them to enter my plea.

Date: _____

(TYPE OR PRINT NAME)

SIGNATURE OF DEFENDANT

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of the defendant's questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge, any possible defenses to the charges, the effect of any prior convictions and probation violations, and the consequences of the plea.

Date: _____

(TYPE OR PRINT NAME)

SIGNATURE OF ATTORNEY

INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language: ☐ Spanish ☐ Other (specify): _____

Date: _____

(CERTIFICATION NUMBER)

(TYPE OR PRINT NAME)

SIGNATURE OF INTERPRETER

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and having orally examined the defendant, finds that (a) the defendant has read or been read and understands each of the initialed items on this form; (b) the defendant understands the nature of the crimes and allegations listed in items 1, 2, and 3 and the consequences of the plea and any admissions; (c) the defendant expressly, knowingly, understandingly, and intelligently waives the defendant's constitutional and statutory rights; and (d) the defendant's plea, admissions, and waiver of rights are made freely and voluntarily.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date: _____

SIGNATURE OF JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address): NAME: ADDRESS: CITY, STATE, ZIP: TELEPHONE NO: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS 1640 Kings County Drive Hanford, CA 93230	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	CASE NUMBER: DEPARTMENT:

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 3**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.

NATURE OF THE CHARGES (Initial all items you are charged with.)

2. I understand that I am charged with the following offense(s):

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

3. If applicable – I understand that I am also charged with having the following prior conviction(s):

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

4. If applicable – I understand that I am also charged with violating the probation order in the following case(s)

CASE NUMBER(S) AND DATE(S)

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

5. I understand the charge(s) against me, and the possible pleas and defenses.
6. **RIGHT TO A JURY TRIAL** - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.
7. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me.

INITIALS ↓
1.
2.
3.
4.
5.
6.
7.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

8. RIGHT AGAINST SELF-INCRIMINATION - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself.
9. RIGHT TO PRODUCE EVIDENCE - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.

RIGHTS ON CHARGES OF PRIOR CONVICTION(S) AND PROBATION VIOLATION(S)

10. If applicable - I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence for all charges against me, including any alleged prior conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge.

WAIVER OF RIGHTS

11. I give up my rights to an attorney, and I choose to represent myself (does not apply if you have an attorney).
12. I give up my right to a jury trial.
13. I give up my right to confront and cross-examine witnesses.
14. I give up my right to remain silent and to not incriminate myself.
15. I give up my right to produce evidence and witnesses on my own behalf.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

16. Penalty: I understand that the possible consequences for the offense(s) charged include the following:

•	<div>SECTION NUMBER</div> <div>OTHER CONSEQUENCES:</div>	<div>JAIL-MIN.</div> <div>MAX.</div>	<div>FINE-MIN.</div> <div>MAX.</div>
•	<div>SECTION NUMBER</div> <div>OTHER CONSEQUENCES:</div>	<div>JAIL-MIN.</div> <div>MAX.</div>	<div>FINE-MIN.</div> <div>MAX.</div>
•	<div>SECTION NUMBER</div> <div>OTHER CONSEQUENCES:</div>	<div>JAIL-MIN.</div> <div>MAX.</div>	<div>FINE-MIN.</div> <div>MAX.</div>
•	<div>SECTION NUMBER</div> <div>OTHER CONSEQUENCES:</div>	<div>JAIL-MIN.</div> <div>MAX.</div>	<div>FINE-MIN.</div> <div>MAX.</div>
•	<div>SECTION NUMBER</div> <div>OTHER CONSEQUENCES:</div>	<div>JAIL-MIN.</div> <div>MAX.</div>	<div>FINE-MIN.</div> <div>MAX.</div>

8.

9.

10.

11.

12.

13.

14.

15.

16.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

17. I understand that in addition to the fine, the Court will add assessments which will significantly increase the amount I must pay. I will also be ordered to make restitution and to pay a restitution fine of \$100 to \$1,000 unless the Court finds compelling and extraordinary reasons not to do so.	17.
18. Immigration consequences: 1) I understand that if I am not a U.S. Citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. 2) I understand I have the right to request additional time to consider my plea in light of the advisement in this paragraph; 3) I have discussed my immigration status with my attorney and have sufficient time to consider and discuss the immigration consequences of my plea with him/her or an immigration attorney.	18.
19. I understand that a plea of no contest (Nolo Contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit which is based upon, or growing out of the act upon which criminal prosecution is based, unless the offense is punishable as a felony.	19.
20. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.	20.
PLEA(S) 21. I hereby freely and voluntarily plead (check one) <input type="checkbox"/> GUILTY <input type="checkbox"/> NO CONTEST to:	21.
<div style="text-align: center; margin-bottom: 5px;">LIST CHARGE(S)</div> 22. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time.	22.
23. If applicable - I freely and voluntarily admit the prior conviction(s) I listed on this form. I understand that this admission will increase the penalties which are imposed on me.	23.
24. If applicable - I freely and voluntarily admit the probation violation(s) I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).	24.

**DEFENDANT'S SIGNATURE: _____ DATE: _____
--

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

SIGNATURE OF DEFENDANT'S ATTORNEY	DATE:

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that they understood the contents of the form, and then initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify):

COURT INTERPRETER'S SIGNATURE TYPE OR PRINT NAME DATE: _____

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived their constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Judge of the Superior Court Date: _____

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address): NAME: ADDRESS: CITY, STATE, ZIP: TELEPHONE NO: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS STREET ADDRESS: 1640 Kings County Drive CITY, STATE, AND ZIP CODE: Hanford, CA 93230 BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
DUI ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM	CASE NUMBER: DEPARTMENT:

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.

NATURE OF THE CHARGES (Initial all items you are charged with.)

I understand that I am charged with a violation of Vehicle Code section(s):

2. **23152(a)/(f)/(g)** - Driving under the influence of alcohol or drugs, or both.
3. **23152(b)** - Driving when my blood-alcohol level was .08 percent or higher.
4. **23152(d)/(e)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher.
5. **23153(a)** - Driving under the influence of alcohol or drugs, or both, and when driving, committing an act forbidden by law or neglecting a duty imposed by law, which causes injury to another person.
6. **23153(b)** - Driving when my blood-alcohol level was .08 percent or higher, and when driving, committing an act forbidden by law or neglecting a duty imposed by law, which causes injury to another person.
7. **23153(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher, and when driving, committing an act forbidden by law or neglecting a duty imposed by law, which causes injury to another person.
8. **23103, 23103.5** - Reckless driving involving alcohol or drugs, or both.
9. **Check if applicable** ☐ **14601** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5**
 Driving in knowing violation of a driver's license restriction, suspension, or revocation.

INITIALS ↓
1.
2.
3.
4.
5.
6.
7.
8.
9.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

10. Check if applicable ☐ 14601.3 (Habitual traffic offender) - Accumulating a driving record history in knowing violation of a driver's license suspension or revocation.

11. If applicable - I understand that I am also charged with the following other offense(s):

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

12. If applicable - I am also charged with having the following other conviction(s):

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

13. If applicable - I am also charged with having the following probation order(s): in the following case(s):

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

14. I understand the charge(s) against me, and the possible pleas and defenses.

CONSTITUTIONAL RIGHTS

15. RIGHT TO A JURY TRIAL - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.

16. RIGHT TO CONFRONT WITNESSES - I understand that I have the right to confront and cross-examine all witnesses testifying against me.

17. RIGHT AGAINST SELF-INCRIMINATION - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest or admitting other conviction(s) or probation violation(s), I am incriminating myself.

18. RIGHT TO PRODUCE EVIDENCE - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.

RIGHTS ON CHARGES OF OTHER CONVICTION(S) AND PROBATION VIOLATION(S)

19. If applicable - I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for all charges against me, including other alleged conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge.

WAIVER OF RIGHTS

Understanding all the above, for all of the charges against me, including any other alleged conviction(s) or probation violation(s):

20. I give up my right to an attorney, and I chose to represent myself. (Does not apply if you have an attorney.)

21. I give up my right to a jury trial.

22. I give up my right to confront and cross-examine witnesses.

23. I give up my right to remain silent and to not incriminate myself.

24. I give up my right to produce evidence and witnesses on my own behalf.

INITIALS ↓
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

- 25. Immigration consequences:** 1) I understand that if I am not a U.S. Citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. 2) I understand I have the right to request additional time to consider my plea in light of the advisement in this paragraph; 3) I have discussed my immigration status with my attorney and have sufficient time to consider and discuss the immigration consequences of my plea with him/her or an immigration attorney. Additionally, I understand if this plea is an aggravated felony, then I will be deported, excluded from admission to the U.S., and denied naturalization.
- 26.** I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony.
- 27.** I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.
- 28.** I understand that the Department of Motor Vehicles (DMV) may consider any of my other convictions for DUI or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result.
- 29.** I understand that in addition to the fine, **the Court will add assessments which will significantly increase the amount I must pay.** I will also be ordered to make restitution and to pay a restitution fine of \$100 to \$1000 (or \$200 to \$10,000 if the offense is a felony), unless the Court finds compelling and extraordinary reasons not to do so.
- 30.** I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder.
- 31.** I understand that if I am the **registered owner** of the vehicle used in the offense:
- A. The Court will impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The Court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Penal Code § 191.5 or 192.5(a)), or any combination thereof, in the past 7 years.
- B. The Court may also require me to install an ignition interlock device (IID) for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.
- C. The Court may declare my vehicle to be a nuisance and order it sold following a hearing if I have one or more other convictions for driving under the influence (DUI), vehicular manslaughter (Penal Code § 191.5 or 192.5(a)), or any combination thereof, in the past 7 years.
- D. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (V.C. § 14601 *et seq.*) or driving without a license (V.C. § 12500(a)), my vehicle will be subject to forfeiture as a nuisance.

INITIALS ↓
25.
26.
27.
28.
29.
30.
31A.
31B.
31C.
31D.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23152)		
Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. 32-40	The Court may order a jail term of 48 hours to 6 months in jail. It will impose a fine of \$390 to \$1,000 and order me to complete a 3-month alcohol/drug treatment program. If my blood-alcohol content was .20% or more, or if I refused a chemical test upon my arrest. I must complete a 9-month treatment program. The DMV will impose a 6-month driver's license suspension, or a 10-month license suspension if a 9-month treatment program is required.	96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. 32-40	A jail term of either: (a) 10 days to 1 year, or (b) 96- hours to 1 year, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug treatment program. The DMV will impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. 32-41	120 days to 1 year in jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation.	120 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 3-year driver's license revocation.
Fourth or subsequent offense within 10 years See Nos. 32-41	180 days to 1 year in jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation.	16 months, or 2 or 3 years in state prison, (or 180 days to 1 year in county jail); and a \$390 to \$1,000 fine. The DMV will impose a 4-year driver's license revocation.

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152

32. I understand that the DMV may suspend or revoke my driver's license under a civil procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.
33. I understand that if I am convicted of a first or second offense, and the Court determines that I would present a traffic safety or public safety risk if I am authorized to drive during the license suspension or revocation period, I will be unable to obtain a restricted driver's license from the DMV, which would allow me to drive to and from work, and to and from the treatment program.
34. I understand that the DMV will not restore my driving privilege following my driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years.
35. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters for my driving privilege to be reinstated, **even if I am not ordered to attend such a program by the Court.** I also understand that I must surrender my license to the Court.
36. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a first DUI offense or willful refusal to submit to or complete a chemical test to determine my blood-alcohol level which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a second or subsequent DUI offense or willful refusal to submit to or complete a chemical test in any vehicle.
37. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of Vehicle Code § 23152, 23153, or Penal Code § 192(c)(1), or any conviction within 10 years of Penal Code § 191.5(a), 191.5(b), or 192.5(a).

INITIALS ↓
32.
33.
34.
35.
36.
37.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

38. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court.
39. I understand that if my blood-alcohol level was .15 percent or above, or if refused to submit to a chemical test, the Court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation.
40. I understand that if I am placed on probation, it is unlawful to drive with a blood-alcohol level of .01 percent or higher and that my license will be suspended by the DMV for up to one year if I do so.
41. I understand that if I am convicted of a **third or subsequent DUI violation**, I will be designated as a habitual traffic offender for 3 years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the Court grants my request, I will be sentenced to the county jail for **at least 30 days but not more than 1 year** as a condition of probation.

INITIALS ↓
38.
39.
40.
41.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23153)		
Offense	Minimum and Maximum Sentences when Probation Granted (3 to 5 Years Probation Term)	Minimum and Maximum Sentences without Probation
First Offense within 10 years See Nos. 42-48.	5 days to 1 year in county jail, a \$390 to \$1,000 fine, and completion of a 3-month alcohol/drug program (or a 9-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test at arrest). The DMV will also impose a 1-year driver's license suspension.	16 months or 2 or 3 years in state prison (or 90 days to 1 year in county jail), and a \$390 to \$1,000 fine. The DMV will also impose a 1- year driver's license suspension.
Second offense within 10 years (other conviction of section 23152, 23153, or 23103 under 23103.5) See Nos. 42-48.	Either: (A) at least 120 days in county jail, and a \$390 to \$5,000 fine; or (B) 30 days to 1 year in county jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program. Note - Under either option, the DMV will also impose a 3-year driver's license revocation.	16 months or 2 or 3 years in state prison (or 120 days to 1 year in county jail), and a \$390 to \$5,000 fine. The DMV will also impose a 3-year driver's license revocation.
Third or Subsequent Offense within 10 years (other conviction of section 23152, 23153, or 23103 under 23103.5) See Nos. 42-49.	30 days to at least 1 year in county jail, a \$390 to \$5,000 fine, completion of an 18-month alcohol/drug program, and restitution or reparation to the victim as required by law. The DMV will also impose a 5-year driver's license revocation.	2, 3, or 4 years in state prison, and a \$1,015 to \$5,000 fine. The DMV will impose a 5-year driver's license revocation. (An additional 3 years in state prison will be ordered if I already have 4 or more DUI convictions and the offense caused great bodily injury to another person.)

ADDITIONAL PENALTIES FOR VIOLATION OF SECTION 23153

42. I understand that if my alleged offense also caused **bodily injury or death to more than 1 victim**, upon a felony conviction, my sentence will be enhanced by 1 year in state prison for each additional victim, up to a maximum of 3 additional years.
43. I understand that the DMV may suspend or revoke my driver's license under a civil procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.
44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a chemical test to determine my blood-alcohol level which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a chemical test in any vehicle.
45. I understand that the DMV will not restore my driving privilege following my driver's license suspension or revocation unless I provide the DMV with **proof of insurance** for 3 years.

42.
43.
44.
45.

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

CASE NUMBER:

INITIALS ↓

46. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the Court**, and that I must surrender my license to the Court.
47. I understand that if I am placed on probation, it is unlawful to drive with a blood-alcohol level of .01 percent or higher and that my license will be suspended by the DMV for up to one year if I do so.
48. I understand that if my blood-alcohol level was .15 percent or above, or if I refused to submit to a chemical test, the Court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation.
49. **If applicable** - I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as an habitual traffic offender for 3 years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation.

46.

47.

48.

49.

SENTENCES FOR RECKLESS DRIVING (Sections 23103, 23103.5)

Nature of Offense	Minimum and Maximum Sentences	Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted: A maximum of 90 days in jail, or \$1,000 fine, or both, plus attendance at a treatment program. If probation is not granted: 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.

SENTENCES FOR DRIVING IN VIOLATION OF LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense: I have one or more prior convictions in the past 5 years of either section 14601, 14601.1, 14601.2, or 14601.5.
14601	5 days to 6 months in jail, and a fine of \$300 to \$1,000.	10 days to 1 year in jail, and a fine of \$500 to \$2,000. 10 days in jail are required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of \$300 to \$1,000, or both.	5 days to 1 year in jail, and a fine of \$500 to \$2,000.
14601.2	10 days to 6 months in jail, and a fine of \$300 to \$1,000. 10 days in jail are required if probation is imposed. If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a \$2,000 fine.	30 days to 1 year in jail, and a fine of \$500 to \$2,000. 30 days in jail required if probation is imposed
14601.5	Up to 6 months in jail, or a fine of \$300 to \$1,000, or both.	10 days to 1 year in jail, and a fine of \$500 to \$2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.
14601.3	30 days in jail, and a fine of \$1,000.	180 days in jail, and a fine of \$2,000.

ADDITIONAL PENALTY FOR A VIOLATION OF SECTIONS 14601, 14601.1, 14601.2 or 14601.5

50. **If applicable** - I understand that if I am convicted of a violation of Vehicle Code § 14601.2, or if the charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will order me to install an ignition interlock device (IID) on any vehicle that I own or operate for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license. Failure to install the IID shall result in the suspension of my driver's license by the DMV.

INITIALS ↓

50.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
---	--------------

INITIALS ↓
51.
52.
53.
54.
55.
56.

51. I have read and understood the applicable charts on pages **4, 5, & 6** which list the minimum and maximum penalties for the offense(s) I am charged with. (See No. **52** for the offenses not listed in the charts.)

52. If applicable - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3, 4 & 5, include the following:

-

SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
OTHER CONSEQUENCES:				

-

SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
OTHER CONSEQUENCES:				

-

SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
OTHER CONSEQUENCES:				

-

SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
OTHER CONSEQUENCES:				

PLEA(S)

53. I hereby freely and voluntarily plead (check one) ☐ **GUILTY** ☐ **NO CONTEST** to the following:

54. If applicable - I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.

55. If applicable - I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).

56. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.

**DEFENDANT'S SIGNATURE: _____ DATE: _____
--

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

CASE NUMBER:

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur with this plea and in the defendants' decision to waive their constitutional rights.

SIGNATURE OF DEFENDANT'S ATTORNEY

DATE: _____

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that they understood the contents of the form and then initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify): _____

COURT INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE: _____

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived their constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

☐ Judge of the Superior Court
☐ Temporary Judge of the Superior Court

Date: _____