



Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE
DEPT. C1

Superior Court of California County of Orange

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701
PHONE: 657-622-5205

December 10, 2019

Administrative Order No. 19/08

Cannabis Convictions: Resentencing
Health and Safety Code Section 11361.9

AB 1793 was signed by Governor Brown on September 30, 2018 and added section 11361.9 to the Health and Safety Code. Per HS 11361.9(a) the Department of Justice (DOJ) was required to review the records in the state summary criminal history information database before July 1, 2019 to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to Proposition 64 (Prop 64), enacted by the voters at the November 8, 2016 statewide general election, and to notify the prosecution.

Health and Safety Code section 11361.9(b) requires the prosecution to review all convictions identified by the DOJ as eligible for Prop 64 relief on or before July 1, 2020 and determine whether to challenge the resentencing, dismissal and sealing or redesignation. The prosecution is further required, by section 11361.9(c)(3) to notify the court when they are not challenging a particular resentencing, dismissal and sealing, or redesignation.

THEREFORE, effective immediately, the procedure for handling all Prop 64 eligible convictions that are not challenged by the prosecution shall be as follows:

1. The prosecution shall file with the court a pleading titled "Request for Prop 64 Relief – Unchallenged Convictions per HS 11361.9" wherein they will separately list each unchallenged case under the specific heading of relief for which the conviction is eligible as follows:
 - a. Convictions that qualify for Resentencing
 - b. Convictions that qualify for Redesignation
 - c. Convictions that qualify for Dismissal of Sentence and Sealing
2. For each unchallenged conviction listed in the "Request for Prop 64 Relief – Unchallenged Convictions per HS 11361.9" the prosecution shall include the following information as available:
 - a. court case number
 - b. defendant's name
 - c. defendant's date of birth
 - d. convicted count(s); and
 - e. original disposition date

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3. The prosecution shall file the "Request for Prop 64 Relief – Unchallenged Conviction per HS 11361.9" in the Clerk's Office at the Central Justice Center and shall provide a copy of the filed request to the Orange County Public Defender's Office.
4. The court shall resentence, redesignate or dismiss and seal (as applicable) each conviction listed on the "Request for Prop 64 Relief – Unchallenged Convictions per HS 11361.9" filed by the prosecution and shall notify the Department of Justice pursuant to Health and Safety Code section 11361.9(e).

IT IS SO ORDERED this 10th day of December, 2019.



Kirk H. Nakamura
Presiding Judge
Orange County Superior Court