

# Termination of Probation Under AB 1950 – Bakersfield, CA

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Assembly Bill 1950 amended the rules in the state of California with respect to the maximum term of probation a court may grant for many criminal offenses. In many cases, misdemeanor convictions are capped by statute at a total of one year of probation. In many cases, felony convictions are capped by statute at a total of two years of probation.

If you have been convicted of a misdemeanor or felony and given probation terms longer than these statutory maximums, you may be eligible to have your probation term ended or reduced in accordance with these new statutory maximums. For instance, if you were granted probation for a period of two years for a misdemeanor conviction, in many cases, you may be entitled to early termination of your probation term under Assembly Bill 1950 at the end of your first year of probation. You may wish to use the link on this web page to review the text of the bill to see if your conviction was under a Penal Code section specifically omitted from eligibility under this bill prior to taking the effort to schedule your hearing.

You may need to retrieve information about your case to complete your paperwork. If so, you may visit [kern.courts.ca.gov](http://kern.courts.ca.gov) and click the dark blue button titled Criminal Case Information. You may then search for your record using your name and birth date, or your case number.

## Step One: Scheduling Your Hearing & Completing Your Form

Before you fill out these forms adopted for local use, you will want to select a date for your hearing. Your hearing must be scheduled at least **25 court days** from the date you serve and file your paperwork. Court days are any day that court is in session – You will not count weekends, and you will not count court holidays.

If your conviction was for a misdemeanor, you will need to schedule your hearing in accordance with the misdemeanor motions calendar – you must pick a day Tuesday through Thursday, you must schedule the hearing for 8:30 AM, and the hearing will be heard in Division L/M. Please note: unless the Monday or Friday in a given week is a court holiday, those count as Court days when you are calculating your preferred hearing date. So, for example, if a Monday is Labor Day, it is not a Court day. If the court is open for business on any given Monday, it still counts as a Court day, even if the Misdemeanor court is not hearing motions that day.

If your conviction was for a felony, you will need to schedule your hearing in accordance with the felony motions calendar – you have Monday through Friday available. Felony hearings are always held in Department CC, and always at 8:30 AM.

Whether your hearing is for early termination of misdemeanor or felony probation, you should confirm the date of your hearing is available by contacting the appropriate department by dialing (661) 868-5393 and selecting the department you need to speak with from the automated menu. Ask to speak to the motions clerk to confirm the availability of your date. Once the motions clerk confirms your preferred date is available, fill in that information on your form.

## Step Two: Serving Copies of Your Petition

Once your paperwork has been filled out completely, you must have someone else over the age of 18 serve copies on the District Attorney and the Probation department **PRIOR TO FILING ANYTHING WITH THE COURT.**

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The District Attorney is accepting service by fax at (661) 868-2700, by email at [bakersfieldmotions@kernDA.org](mailto:bakersfieldmotions@kernDA.org), by mail at 1215 Truxtun Ave., 4<sup>th</sup> Floor Bakersfield, CA 93301, or in person if you call them to notify them of your arrival in advance (661) 868-2340.

The Probation department is accepting service is accepting service by fax at (661) 868-4575, and by mail addressed to 1415 Truxtun Ave., 5th Floor Bakersfield, CA 93301. They will not accept personal service.

Once you have had someone serve copies of your Petition on BOTH the District Attorney and Probation department, you must have the server complete a Proof of Service that matches the form of service they used. Please contact the Law Library if you have questions about the links to Proofs of Service embedded on this page, and which is appropriate in your case.

## Step Three: File Your Paperwork With the Court

After service is complete and the two Proofs of Service have been completed, you will file your original documents, **which includes both proofs of service**, with the appropriate department for your case.

If you are filing with the Misdemeanor department: You may file your pleadings by mail, or you may file them in the drop box at 1215 Truxtun Ave., Bakersfield, CA 93301. The Misdemeanor department also accepts motions by fax at (661) 868-2695 or by email at [wmcriminal@kern.courts.ca.gov](mailto:wmcriminal@kern.courts.ca.gov).

If you are filing with the Felony department: you may file your pleadings by mail, or you may file them in the drop box at 1415 Truxtun Ave., Bakersfield, CA 93301. The Felony Department also accepts motions by fax at (661) 868-4884 or by email at [wmcriminal1@kern.courts.ca.gov](mailto:wmcriminal1@kern.courts.ca.gov).

**Please note** that these electronic methods of filing are made available in light of the Covid-19 pandemic, and these instructions are being published in early 2021. We will make all efforts to update instructions as policies change in light of developments in court procedure, but you should certainly call the Misdemeanor or Felony Department at the number listed above if you have any questions about the current procedure for filing your documents with the Superior Court. Do not use this guide as the final word on proper filing methods – the clerical staff of these departments will have the most current information on how to file documents for your matter.

## Step Four: Court Ruling

Your matter will only be placed on calendar if the District Attorney's office does not respond, or if they respond, by selecting the option of "Objects to the above recommendation."

Otherwise, the matter will be handled by the way of a Court Ruling.

Please feel free to call the Law Library for any questions or points of clarification at (661) 868-5320 or email us at [info@kclawlib.org](mailto:info@kclawlib.org).