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## Intercounty Jurisdictional Transfers

### 1002.1 PURPOSE:

To establish guidelines outlining the statutory requirements governing the Intercounty Jurisdictional Transfers of Probation/Mandatory Supervision cases and the criteria by which the San Bernardino County Probation Department will submit cases.

### 1002.2 DEFINITIONS:

Notice and Motion For Transfer: The court form CR-250, which is filed with the court and initiates the Intercounty Jurisdictional Transfer process of a Probation/Mandatory Supervision case to another county.

Order for Transfer: The court form CR-251, which is sent to the receiving county following the Intercounty Jurisdictional Transfer.

Receiving Court: The Superior Court of the county to which transfer of the case and probation is proposed.

Receiving Court Comment Form: The court form CR-252, which is filed with the Court when the Jurisdictional Transfer is inappropriate for transfer to another county.

Residency: This is defined as the location the supervised person customarily lives.

Transferring Court: The Superior Court of the county in which the person is supervised on probation.

### 1002.3 GUIDELINES:

- A. The inability of a receiving county to conduct an address verification does not preclude the jurisdictional transfer.
- B. Jurisdictional Transfers must meet the factors as outlined in Penal Code Section 1203.9 and Rules of the Court.

### 1002.4 RESPONSIBILITIES:

- I. All Officers:
  - A. Assigned officer shall complete Jurisdictional Transfer hearings as required and as expeditiously as possible.
    1. File a Notice and Motion for Transfer, CR 250, with the Court, to initiate a case transfer to another county including, but not limited to the following documents, if available:
      - (a) Pre-Sentence Investigation (PSI) Report
      - (b) Original Law Enforcement Report
      - (c) Terms and Conditions

# San Bernardino County Probation Department

## Procedures Manual

### *Intercounty Jurisdictional Transfers*

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- (d) Program Completions
  - (e) Custody Credit
  - (f) Victim Information
  - (g) Criminal Protective Order (CPO)
  - (h) Photo of Person
  - (i) Proof of Registration or Notice of Registration Requirement.
2. Send the Order for Transfer, CR 251, to the receiving county and any documents not sent originally after the Jurisdictional Transfer hearing.
  3. File a Receiving Court Comment Form, CR 252, if the case is deemed inappropriate for a Jurisdictional Transfer hearing.
  4. Shall not transfer cases subject to Assembly Bill 1950 until they are resolved.
  5. Shall not transfer the case if person is pending a new law violation, with the exception of minor Misdemeanor cases (e.g., drunk in public cases, driving with a suspended license, moving license/infractions, etc.).
  6. Shall not transfer the case if person is pending a technical violation. The case should be resolved prior to the transfer.
  7. Shall have at least one year remaining on supervision by transfer date (Exceptions may include offenses involving sex, domestic violence, drug sales, weapons, gangs or any other offenses considered significant in the interest of public safety, which may be transferred no matter how much time remains).

#### **1002.5 ATTACHMENTS:**

[See attachment: Intercounty Jurisdictional Transfers Attachment A \(Lexipol 10-5-21\).pdf](#)

[See attachment: Intercounty Jurisdictional Transfers Attachment B \(Lexipol 10-5-21\).pdf](#)

[See attachment: Intercounty Jurisdictional Transfers Attachment C \(Lexipol 10-5-21\).pdf](#)

## Attachments

## **Intercounty Jurisdictional Transfers Attachment A (Lexipol 10-5-21).pdf**

PROBATION DEPARTMENT OR OTHER MOVING PARTY <i>(Name and address):</i> COUNTY OF SAN BERNARDINO 104 West 4th Street, San Bernardino, CA 92415  <b>TELEPHONE NO.:</b> _____ <b>FAX NO. (Optional):</b> _____ <b>E-MAIL ADDRESS:</b> _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO</b>  <b>STREET ADDRESS:</b> 14455 Civic Drive <b>CITY AND ZIP CODE:</b> Victorville, CA 92392 <b>BRANCH NAME:</b> CRIMINAL DIVISION	
<b>NOTICE AND MOTION FOR TRANSFER</b> <b>(Pen. Code, § 1203.9 and Cal. Rules of Court, rule 4.530)</b>	<b>CASE NUMBER:</b> _____

**NOTICE**

- *Before filing this form, petitioners should consult with local court staff to schedule the date, time, and place for the hearing on the motion for transfer in item 1. In addition, notice must be provided as set forth below at least 60 days before the date specified in item 1.*
- **If transfer is requested by a probation officer of the transferring county**, notice must be provided to (a) the presiding judge (or designee) of the receiving court; (b) the probation officer (or designee) of the receiving county; (c) the prosecutor of the transferring county; (d) the victim, if any; (e) the supervised person; and (f) the supervised person's last counsel of record, if any.
- **If transfer is requested by any other party**, the party must first request in writing that the probation officer of the transferring county notice the motion, and the probation officer must decide within 30 days. Only after the probation officer has refused may the party make the motion. Failure by the probation officer to decide within 30 days is deemed a refusal. If the party makes the motion, the motion must include a declaration that the probation officer has refused to bring the motion, and the party must provide notice to (a) the presiding judge (or designee) of the receiving court; (b) the probation officers (or designees) of the receiving and transferring courts; (c) the prosecutor of the transferring county; (d) the supervised person; and (e) the supervised person's last counsel of record, if any. Upon receipt of this notice, the probation officer of the transferring county must provide notice to the victim, if any.

1. A hearing on this motion for intercounty case transfer has been scheduled in the above-entitled court on:

Date:	Time	Dept:
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Regarding *(name of supervised person)*: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 Address: \_\_\_\_\_

2. The supervised person was placed on *(select one)*:     probation     mandatory supervision  
 for the following offenses: \_\_\_\_\_ on (date): \_\_\_\_\_ for a period of: \_\_\_\_\_

3. I *(print name)*: \_\_\_\_\_  
 hereby request transfer of the case to the Superior Court in the County of *(specify)*: \_\_\_\_\_

4. I am *(select one)*  
 a probation officer of the transferring county. I have verified that the supervised person's residence is in the above county  
 a probation officer of the transferring county. I have asked the probation officer of the transferring county to notice this motion for me. I am making this motion only because the probation officer has either refused or failed to notify me of his or her decision within 30 days. (Cal. Rules of Court, rule 4.530(d)(2) and (3).)

5. If the court determines that the supervised person's permanent residence is in the county specified above, the court must transfer the case unless it determines that transfer would be inappropriate and states its reasons on the record. The court must consider at least the following factors (Cal. Rules of Court, rule 4.530(f)(1)):

- a. The permanency of the supervised person's residence;
- b. The availability of appropriate programs for the supervised person;
- c. Restitution orders, including whether transfer would impair the collection of restitution; and
- d. Victim issues, including the residence of the victim and whether transfer would impair enforcement of a protective order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 SIGNATURE

## **Intercounty Jurisdictional Transfers Attachment B (Lexipol 10-5-21).pdf**

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO</b>		<b>FOR COURT USE ONLY</b>
STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME: DEPT:		
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	DATE OF BIRTH:	<b>CASE NUMBER:</b>
<b>ORDER FOR TRANSFER</b> (Pen. Code, § 1203.9 and Cal. Rules of Court, rule 4.530)		

1. A motion for intercounty transfer of (*select one*)  probation  mandatory supervision in the above-entitled case was heard by this court on (*date*):
2. Notice of the motion was provided as required by California Rules of Court, rule 4.530(d).
3. Before deciding the motion, the court considered
  - a. any comments provided by the receiving court; and
  - b. at least the following factors: (1) the permanency of the supervised person's residence, (2) the availability of appropriate programs for the supervised person, (3) restitution orders, and (4) victim issues.
4. The motion for transfer is (*select one*):
  - Denied** for the reasons stated on the record.
  - Granted**. The court has determined the supervised person's county of residence and the case is hereby ordered transferred to the Superior Court of the County of:
    - a. The court of the receiving county must accept entire jurisdiction over the case.  
The balance of time remaining on supervision is (*specify*):
    - b. The supervised person is committed to the care and custody of the probation officer of the receiving county. Reimbursement of the reasonable costs for processing this transfer are to be paid by the supervised person to the county of the transferring court in accordance with Penal Code section 1203.1b.
    - c. The entire original court file, including any records of payments, but excluding exhibits, must be transmitted to the receiving court within two weeks of this order.
    - d. The probation officer of the transferring county must transmit, at a minimum, any court orders, probation or mandatory supervision reports, case plans, and all records of payment to the probation officer of the receiving county within two weeks of this order.
    - e. The probation officer of the transferring county must notify the supervised person of this transfer order.
    - f. The supervised person must report to the probation officer of the receiving county (*select one*):
      - within 30 days of this order.
      - within (*specify*): \_\_\_\_\_ days of this order.
      - within 30 days of release from custody.
      - within (*specify*): \_\_\_\_\_ days of release of custody.
    - g. Any jail sentence imposed as a condition of probation or mandatory supervision prior to transfer must be served in the transferring county unless otherwise authorized by law.

Date:

By:

\_\_\_\_\_ (JUDICIAL OFFICER)

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## **Intercounty Jurisdictional Transfers Attachment C (Lexipol 10-5-21).pdf**



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO</b>		<b>FOR COURT USE ONLY</b>
STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME: DEPT:		
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	DATE OF BIRTH:	
<b>RECEIVING COURT COMMENT FORM</b> (Pen. Code, § 1203.9 and Cal. Rules of Court, rule 4.530)		CASE NUMBER:

*Under California Rules of Court, 4.530(e), any proposed receiving court may provide comments to the transferring court regarding the proposed transfer. Any comments must be provided **no later than 10 days before the date set for hearing** and must be in writing, be signed by a judge, and state why transfer is or is not appropriate. Before deciding a transfer motion, the transferring court must state on the record that it has received and considered any comments provided by the proposed receiving court.*

1. This court has received notice that a motion for intercounty probation transfer is scheduled to be heard in the above case as follows:

Date:  
Time:  
Superior Court of the County of:  
Address:  
Dept:

2. Under rule 4.530(e) of the California Rules of Court, the court provides the following comments regarding the proposed transfer:

Date: \_\_\_\_\_ By: \_\_\_\_\_  
(JUDICIAL OFFICER)

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