



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 21, 2017

Hon. Nancy Skinner, Chair
Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: SB 670 (Jackson), as introduced – Support/Sponsor
Hearing: Senate Public Safety Committee – March 28, 2017

Dear Senator Skinner:

The Judicial Council is pleased to support and sponsor SB 670, which promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgements implicating multiple counties by requiring the court rendering the second or other subsequent judgment to determine the county or counties of incarceration and supervision of the defendant as well as requiring the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases.

In 2011, Criminal Justice Realignment made significant changes to the sentencing and supervision of persons convicted of felony offenses and sentenced on or after October 1, 2011. Many defendants who are convicted of felonies and not granted probation now serve their incarceration terms in county jail instead of state prison. (Penal Code § 1170(h).¹) Further, under realignment, when sentencing defendants eligible for county jail under section 1170(h), judges must suspend execution of a concluding portion of the term and order the defendant to be

¹ All statutory references are to the Penal Code.

Hon. Nancy Skinner

March 21, 2017

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supervised by the county probation department unless the court finds, in the interests of justice, that such suspension is not appropriate in a particular case. (§ 1170(h)(5)(A).) This term of supervision is referred to as “mandatory supervision.” (§ 1170(h)(5)(B).)

Realignment legislation is silent on the issue of sentences from multiple jurisdictions. The issue is significant because now counties must carry the cost and burdens of local incarceration and supervision. Section 1170.1, which governs multiple-count and multiple-case sentencing for commitments to state prison and county jail, and California Rules of Court, rule 4.452, require the second judge in a consecutive sentencing case to “resentence” the defendant to a single aggregate term. Currently, there is no existing rule or procedure to determine where the sentence is to be served if the court is imposing a judgment under section 1170(h) that is concurrent or consecutive to a judgment or judgments previously imposed in another county or counties.

The Judicial Council believes SB 670 will provide uniformity and guidance to courts when imposing concurrent or consecutive judgments under Penal Code section 1170(h) involving multiple counties by requiring the court rendering the second or other subsequent judgment to determine the county or counties of incarceration and supervision of the defendant as well as requiring the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases

For these reasons, the Judicial Council is sponsoring and supporting SB 670.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on March 21, 2017

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Public Safety Committee
Hon. Hannah-Beth Jackson, Member of the Senate
Ms. Stella Choe, Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy and Budget
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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June 5, 2017

Hon. Reginald B. Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Senate Bill 238 (Hertzberg), as introduced – Support
Hearing: Assembly Public Safety Committee – June 13, 2017

Dear Assembly Member Jones-Sawyer:

The Judicial Council is pleased to support SB 238, which applies existing law relating to certified photographic records of exhibits to digital records of exhibits as follows: (1) allows any party to prepare a digital record of an exhibit before it is disposed of; (2) requires that the clerk of the court observe the taking of a digital record of the exhibit and certify the copy of the digital record as being a true, unaltered, and unretouched print of the photographic record taken in the presence of the clerk; and (3) requires a duplicate of the photographic or digital record to be delivered to the clerk for certification and defines “photographic” and “duplicate” for these purposes.

The council supports SB 238 because it would enhance the ability of courts to increase efficiencies by taking advantage of available technology. Further, the council believes that SB 238 would not place new burdens on courts because it merely applies existing law relating to certified photographic records of exhibits to digital records of exhibits.

For these reasons, the Judicial Council is pleased to support SB 238.

Hon. Reginald B. Jones-Sawyer, Sr.

June 5, 2017

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Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on June 6, 2017

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Assembly Public Safety Committee
Hon. Robert M. Hertzberg, Member of the Senate
Mr. Dan Felizzatto, Deputy District Attorney, Los Angeles County District Attorney
Ms. Cheryl Anderson, Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

September 6, 2017

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Senate Bill 670 (Jackson) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on SB 670, which promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgements implicating multiple counties by requiring the court rendering the second or other subsequent judgment to determine the county or counties of incarceration and supervision of the defendant as well as requiring the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases.

In 2011, Criminal Justice Realignment made significant changes to the sentencing and supervision of persons convicted of felony offenses and sentenced on or after October 1, 2011. Many defendants who are convicted of felonies and not granted probation now serve their incarceration terms in county jail instead of state prison. (Penal Code § 1170(h).¹) Further, under realignment, when sentencing defendants eligible for county jail under section 1170(h), judges must suspend execution of a concluding portion of the term and order the defendant to be supervised by the county probation department unless the court finds, in the interests of justice,

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Hon. Edmund G. Brown, Jr.
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that such suspension is not appropriate in a particular case. (§ 1170(h)(5)(A).) This term of supervision is referred to as “mandatory supervision.” (§ 1170(h)(5)(B).)

Realignment legislation is silent on the issue of sentences from multiple jurisdictions. The issue is significant because now counties must carry the cost and burdens of local incarceration and supervision. Section 1170.1, which governs multiple-count and multiple-case sentencing for commitments to state prison and county jail, and California Rules of Court, rule 4.452, require the second judge in a consecutive sentencing case to “resentence” the defendant to a single aggregate term. Currently, there is no existing rule or procedure to determine where the sentence is to be served if the court is imposing a judgment under section 1170(h) that is concurrent or consecutive to a judgment or judgments previously imposed in another county or counties.

The Judicial Council believes SB 670 will provide uniformity and guidance to courts when imposing concurrent or consecutive judgments under Penal Code section 1170(h) involving multiple counties by requiring the court rendering the second or other subsequent judgment to determine the county or counties of incarceration and supervision of the defendant as well as requiring the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases

For these reasons, the Judicial Council requests your signature on SB 670.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on September 6, 2017

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Hannah-Beth Jackson, Member of the Senate
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California