



Judicial Council of California

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Subject Text

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Title

Judicial Council-Sponsored Legislation: Multiple-County Sentencing Under Penal Code Section 1170(h) (Action Required)

Summary

The Policy Coordination and Liaison Committee and the Criminal Law Advisory Committee propose amendments to Penal Code sections 1170 and 1170.3 to promote uniformity and to clarify judicial sentencing authority when imposing concurrent or consecutive judgments under section 1170(h) implicating multiple counties. Specifically, the proposed amendment to section 1170 would direct that when the court imposes a judgment under section 1170(h) that is concurrent or consecutive to a judgment or judgments previously imposed in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision of the defendant. The proposed amendment to section 1170.3 would direct the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases.

Recommendation

The Policy Coordination and Liaison Committee (PCLC) and Criminal Law Advisory Committee (CLAC) recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1170 and 1170.3, as follows:

1. Amend section 1170(h)(6) to provide: “When the court is imposing a judgment pursuant to this subdivision concurrent or consecutive to a judgment or judgments previously imposed pursuant to this subdivision in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and county or counties supervision of the defendant. The court may determine that terms or portions of terms of incarceration and terms or portions of terms of supervision may be served in different counties.” Renumber current subdivisions (h)(6) and (h)(7) to (h)(7) and (h)(8) respectively.
2. Amend section 1170.3 by adding subdivision (a)(7), which reads: “Determine the county or counties of incarceration and supervision when the court is imposing a judgment pursuant to subdivision (h) of Section 1170 concurrent or consecutive to a judgment or judgments previously imposed pursuant to subdivision (h) of Section 1170 in another county or counties.”