

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

W12-05

Title	Action Requested
Criminal Justice Realignment: Abstract of Judgment Forms	Review and submit comments by January 24, 2012
Proposed Rules, Forms, Standards, or Statutes	Contact
Revise forms CR-290, CR-290A, and CR-290.1	Arturo Castro, 415-865-7702 arturo.castro@jud.ca.gov
Proposed by	
Criminal Law Advisory Committee	
Hon. Steven Z. Perren, Chair	

Summary

The Judicial Council has revised the abstract of judgment forms (forms CR-290, CR-290A, and CR-290.1) to include sentences under newly added Penal Code section 1170(h) as required by recently enacted criminal justice realignment legislation. Because the realignment legislation became effective October 1, 2011, the Judicial Council approved the form revisions for the earliest possible date, January 2, 2012. Because the form revisions were adopted without a period of public review, the forms are now being circulated for public comment. The Criminal Law Advisory Committee will return to the council with any further recommendations based on comments received.

Discussion

Recent criminal justice realignment legislation¹ enacted sweeping changes to long-standing sentencing laws effective October 1, 2011, including replacing prison sentences with county jail commitments for certain felonies and eligible defendants, and authorizing courts to impose a period of mandatory supervision upon a defendant's release from county jail under newly added Penal Code section 1170(h)(5)(B).

The realignment legislation also amended Penal Code section 1213, which requires courts to provide custody officials with abstracts of judgments in felony matters. Specifically, Penal Code section 1213 was amended to require courts to provide custody officials with abstracts of

¹ Assem. Bill 109 (Committee on Budget; Stats. 2011, ch. 15); Assem. Bill 117 (Committee on Budget; Stats. 2011, ch. 39); ABX1 17 (Blumenfield; Stats. 2011, ch. 12).

judgments in all felony cases resulting in *county jail* commitments under newly added Penal Code section 1170(h).

Felony abstracts of judgments must be “prescribed by the Judicial Council.” (Pen. Code, § 1213.5.) If a court uses a minute order in lieu of an abstract, “the first page or pages shall be identical in form and content to that prescribed by the Judicial Council for an abstract of judgment, and other matters as appropriate may be added thereafter.” (Pen. Code, § 1213(b).)

Because the Judicial Council abstract of judgment forms did not include information regarding county jail commitments and periods of mandatory supervision under Penal Code section 1170(h)(5)(B), the committee proposed, and the council approved, effective January 2, 2012, the following amendments to forms CR-290, CR-290A, and CR-290.1:

1. Replaced the phrase “prison commitment” with the word “felony” in the titles, headers, and footers of each form;
2. Added check boxes to the headers and item 4 on forms CR-290 and CR-290.1 for courts to note whether the abstracts pertain to prison or jail commitments;
3. Added the phrase “if prison commitment” to the “financial obligations” section on forms CR-290 (item 9a) and CR-290.1 (item 5) to clarify that Penal Code section 2085.5 applies only to prison commitments;
4. Added a data field on forms CR-290 (item 12) and CR-290.1 (item 10) for courts to note the imposition of a period of mandatory supervision under Penal Code section 1170(h)(5)(B);
5. Added a check box to forms CR-290 (item 17) and CR-290.1 (item 15) to note that the court ordered the defendant to be delivered to the county jail; and
6. Renumbered other items accordingly.

The revisions are designed to clarify that the forms now apply to prison *and* felony county jail commitments and to ensure that the forms include information regarding sentences under Penal Code section 1170(h)(5)(B). Comments are sought on these revisions.

FELONY ABSTRACT OF JUDGMENT—DETERMINATE
 (NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED)

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:			DRAFT Not Approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	DOB:	-A	
AKA:		-B	
CII NO.:		-C	
BOOKING NO.:	<input type="checkbox"/> NOT PRESENT		-D
<input type="checkbox"/> FELONY ABSTRACT OF JUDGMENT <input type="checkbox"/> PRISON COMMITMENT <input type="checkbox"/> COUNTY JAIL COMMITMENT <input type="checkbox"/> AMENDED ABSTRACT			
DATE OF HEARING	DEPT. NO.	JUDGE	
CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER	<input type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE	COUNSEL FOR DEFENDANT		<input type="checkbox"/> APPOINTED

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment _____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YR.)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (REFER TO Item 5)	654 STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA								YRS.	MOS.
					/ /												
					/ /												
					/ /												
					/ /												
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2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. Defendant sentenced to prison commitment per PC 1170(a), 1170(h)(3), or 1170.1(a) to county jail per PC 1170(h)(1) or (2)
 per PC 667(b)-(i) or PC 1170.12 (strike prior)
 per PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. Defendant ordered to report to local parole office upon release.

5. INCOMPLETE SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: _____

7. Additional indeterminate term (see CR-292).

8. TOTAL TIME: _____

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:			
-A	-B	-C	-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

Case A: \$ _____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.

Case B: \$ _____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.

Case C: \$ _____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.

Case D: \$ _____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$ _____ per PC 1202.45 suspended unless parole is revoked.
\$ _____ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: \$ _____ Amount to be determined to victim(s)* Restitution Fund

Case B: \$ _____ Amount to be determined to victim(s)* Restitution Fund

Case C: \$ _____ Amount to be determined to victim(s)* Restitution Fund

Case D: \$ _____ Amount to be determined to victim(s)* Restitution Fund

*Victim name(s), if known, and amount breakdown in item 13, below. *Victim name(s) in probation officer's report.

c. Fines:

Case A: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

Case B: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

Case C: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

Case D: \$ _____ per PC 1202.5 \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 includes: \$50 Lab Fee per HS 11372.5(a) \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

d. Court Security Fee: \$ _____ per PC 1465.8.

e. Criminal Conviction Assessment: \$ _____ per GC 70373.

10. TESTING: Compliance with PC 296 verified AIDS per PC 1202.1 other (specify): _____

11. REGISTRATION REQUIREMENT: per (specify code section): _____

12. MANDATORY SUPERVISION: Execution of a portion of the defendant's sentence is suspended and deemed a period of mandatory supervision under Penal Code section 1170(h)(5)(B) as follows (specify total sentence, portion suspended, and amount to be served forthwith):

Total: _____	Suspended: _____	Served forthwith: _____
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13. Other orders (specify): _____

16. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A			[] 2933
			[] 2933.1
			[] 4019
B			[] 2933
			[] 2933.1
			[] 4019
C			[] 2933
			[] 2933.1
			[] 4019
D			[] 2933
			[] 2933.1
			[] 4019
Date Sentence Pronounced		Time Served in State Institution	
		DMH	CDC
		[]	[]
		[]	[]
		[]	[]

14. IMMEDIATE SENTENCING: Probation to prepare and submit a post-sentence report to CDCR per 1203c.
Defendant's race/national origin: _____

15. EXECUTION OF SENTENCING IMPOSED

- a. at initial sentencing hearing
- b. at resentencing per decision on appeal
- c. after revocation of probation
- d. at resentencing per recall of commitment (PC 1170(d).)
- e. other (specify): _____

17. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.
To be delivered to the reception center designated by the director of the California Department of Corrections and Rehabilitation.
 county jail other (specify): _____

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
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**FELONY ABSTRACT OF JUDGMENT—DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**
(Not to be used for multiple count convictions or for 1/3 consecutive sentences)

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:		DRAFT Not Approved by the Judicial Council	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: AKA: CII NO.: BOOKING NO.: <input type="checkbox"/> NOT PRESENT	DOB:		CASE NUMBER
<input type="checkbox"/> FELONY ABSTRACT OF JUDGMENT <input type="checkbox"/> PRISON COMMITMENT <input type="checkbox"/> COUNTY JAIL COMMITMENT <input type="checkbox"/> AMENDED ABSTRACT			
DATE OF HEARING	DEPT. NO.		JUDGE
CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER <input type="checkbox"/> IMMEDIATE SENTENCING	
COUNSEL FOR PEOPLE		COUNSEL FOR DEFENDANT <input type="checkbox"/> APPOINTED	

1. Defendant was convicted of the commission of the following felony:

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	TIME IMPOSED	
						JURY	COURT	PLEA		YRS.	MOS.

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. Defendant sentenced: to prison per PC 1170(a) or (h)(3) to county jail per PC 1170(h)(1) or (2) per PC 667(b)-(i) or PC 1170.12 (strike prior) PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. Defendant was ordered to report to local Parole Office upon release.

5. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

Restitution Fine(s): \$_____ per PC1202.4 (b) forthwith per PC 2085.5 if prison commitment \$_____ per PC 1202.45 suspended unless parole is \$_____ per PC 1202.44 is now due, probation having been revoked.

Restitution per PC1202.4 (f): \$_____ Amount to be determined to * victim(s) Restitution Fund
 * Victim name(s), if known, and amount breakdown in item 8, below. * Victim name(s) in probation officer's report.

Fine(s): \$_____ per PC 1202.5. \$_____ per VC 23550 or _____ days county jail prison in lieu of fine concurrent consecutive
 Includes: \$50 Lab Fee per HS 11372.5(a) \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
 Court Security Fee of \$_____ per PC 1465.8. Criminal Conviction Assessment of \$_____ per GC 70373.

6. TESTING: a. Compliance with PC 296 verified b. AIDS per PC 1202.1 c. other (specify): _____

7. IMMEDIATE SENTENCING: Probation to prepare and submit a post sentence report to CDCR per PC 1203c. Deft's Race / National Origin _____

8. Other orders (specify): _____

9. TOTAL TIME IMPOSED: _____

10. MANDATORY SUPERVISION: Execution of a portion of the total jail time imposed in item 9 is suspended and deemed a period of mandatory supervision under PC 1170(h)(5)(B) as follows: Suspended portion: _____ Served forthwith: _____

11. This sentence is to run concurrent with (specify): _____

12. REGISTRATION REQUIREMENT: per (specify code section): _____

13. Execution of sentence imposed: a. at initial sentencing hearing. b. at resentencing per decision on appeal. c. after revocation of probation. d. at resentencing per recall of commitment. (PC 1170(d).) e. other (specify): _____

DATE SENTENCE PRONOUNCED	CREDIT FOR TIME SPENT IN CUSTODY TOTAL DAYS:	ACTUAL LOCAL TIME	LOCAL CONDUCT CREDITS			TIME SERVED IN STATE INSTITUTION		
			<input type="checkbox"/> 2933	<input type="checkbox"/> 2933.1	<input type="checkbox"/> 4019	DMH	CDCR	CRC
						[]	[]	[]

15. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays. To be delivered to the reception center designated by the director of the California Department of Corrections and Rehabilitation. county jail Other (specify): _____

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
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This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

**FELONY ABSTRACT OF JUDGMENT
ATTACHMENT PAGE**

CR-290(A)

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

-A	-B	-C	-D
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1. Defendant was convicted of the commission of the following felonies:
This attachment page number: _____

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (refer to item 5)	654 STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA								YRS.	MOS.
					/ /												
					/ /												
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TOTAL																	

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL	
	TOTAL							

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. TOTAL TIME IMPOSED ON THIS ATTACHMENT PAGE: _____

Item W12-05 Response Form

Title: **Criminal Justice Realignment: Abstract of Judgment Forms** (revise form CR-290, CR-290A, and CR-290.1)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Tuesday, January 24, 2012

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.