

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on March 15, 2019, effective July 1, 2019

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| 1 | Rule 4.452. Determinate sentence consecutive to prior determinate sentence | 2 |
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1 **Rule 4.452. Determinate sentence consecutive to prior determinate sentence**

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3 **(a)** If a determinate sentence is imposed under section 1170.1(a) consecutive to one or
4 more determinate sentences imposed previously in the same court or in other
5 courts, the court in the current case must pronounce a single aggregate term, as
6 defined in section 1170.1(a), stating the result of combining the previous and
7 current sentences. In those situations:

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9 (1) The sentences on all determinately sentenced counts in all of the cases on
10 which a sentence was or is being imposed must be combined as though they
11 were all counts in the current case.
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13 (2) The judge in the current case must make a new determination of which count,
14 in the combined cases, represents the principal term, as defined in section
15 1170.1(a). The principal term is the term with the greatest punishment
16 imposed including conduct enhancements. If two terms of imprisonment have
17 the same punishment, either term may be selected as the principal term.
18
19 (3) Discretionary decisions of the judges in the previous cases may not be
20 changed by the judge in the current case. Such decisions include the decision
21 to impose one of the three authorized terms of imprisonment referred to in
22 section 1170(b), making counts in prior cases concurrent with or consecutive
23 to each other, or the decision that circumstances in mitigation or in the
24 furtherance of justice justified striking the punishment for an enhancement.
25 However, if a previously designated principal term becomes a subordinate
26 term after the resentencing, the subordinate term will be limited to one-third
27 the middle base term as provided in section 1170.1(a).
28
29 (4) The second or subsequent judge has the discretion to specify whether a
30 previous sentence is to be served in custody or on mandatory supervision and
31 the terms of such supervision, but may not, without express consent of the
32 defendant, modify the sentence on the earlier sentenced charges in any
33 manner that will (i) increase the total length of the sentence imposed by the
34 previous court; (ii) increase the total length of the actual custody time
35 imposed by the previous court; (iii) increase the total length of mandatory
36 supervision imposed by the previous court; or (iv) impose additional, more
37 onerous, or more restrictive conditions of release for any previously imposed
38 period of mandatory supervision.
39
40 (5) In cases in which a sentence is imposed under the provisions of section
41 1170(h) and the sentence has been imposed by courts in two or more
42 counties, the second or subsequent court must determine the county or
43 counties of incarceration or supervision, including the order of service of

1 such incarceration or supervision. To the extent reasonably possible, the
2 period of mandatory supervision must be served in one county and after
3 completion of any period of incarceration. In accordance with rule 4.472, the
4 second or subsequent court must calculate the defendant's remaining custody
5 and supervision time.

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7 (6) In making the determination under subdivision (a)(5), the court must exercise
8 its discretion after consideration of the following factors:

9
10 (A) The relative length of custody or supervision required for each case;

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12 (B) Whether the cases in each county are to be served concurrently or
13 consecutively;

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15 (C) The nature and quality of treatment programs available in each county,
16 if known;

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18 (D) The nature and extent of the defendant's current enrollment and
19 participation in any treatment program;

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21 (E) The nature and extent of the defendant's ties to the community,
22 including employment, duration of residence, family attachments, and
23 property holdings;

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25 (F) The nature and extent of supervision available in each county, if
26 known;

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28 (G) The factors listed in rule 4.530(f); and

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30 (H) Any other factor relevant to such determination.

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32 (7) If after the court's determination in accordance with subdivision (a)(5) the
33 defendant is ordered to serve only a custody term without supervision in
34 another county, the defendant must be transported at such time and under
35 such circumstances as the court directs to the county where the custody term
36 is to be served. The defendant must be transported with an abstract of the
37 court's judgment as required by section 1213(a), or other suitable
38 documentation showing the term imposed by the court and any custody
39 credits against the sentence. The court may order the custody term to be
40 served in another county without also transferring jurisdiction of the case in
41 accordance with rule 4.530.
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1 (8) If after the court’s determination in accordance with subdivision (a)(5) the
2 defendant is ordered to serve a period of supervision in another county,
3 whether with or without a term of custody, the matter must be transferred for
4 the period of supervision in accordance with provisions of rule 4.530(f), (g),
5 and (h).

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7 *(Subd (a) lettered and amended; previously adopted as an unlettered subdivisions;*
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9 *Rule 4.452 amended effective July 1, 2019; adopted as rule 452 effective January 1, 1991;*
10 *previously renumbered effective January 1, 2001; previously amended effective July 1, 2003,*
11 *January 1, 2007, May 23, 2007, January 1, 2017 and January 1, 2018.*
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