



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
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Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

May 22, 2013

Hon. Mike Gatto, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 560 (Ammiano), as amended March 21, 2013 – Oppose unless amended; support if amended
Hearing: Assembly Appropriations Committee – May 24, 2013

Dear Assembly Member Gatto:

The Judicial Council regrets that it must oppose AB 560 unless amended. AB 560 requires, instead of authorizes, courts to impose a split sentence with a minimum of six months of mandatory supervision in every felony case resulting in a county jail term. If that provision of the bill is amended out, the Judicial Council would be pleased to support the remainder of the bill, which provides that the court, when a defendant is sentenced to county jail for a felony, upon its own motion or upon the recommendation of the sheriff, may recall the sentence and resentence the defendant, provided the new sentence is no greater than the initial sentence.

The council opposes AB 560, unless amended, because under existing law, courts are authorized, but not required, to impose mandatory supervision in felony cases resulting in a county jail term. By requiring courts to impose a minimum of six months of mandatory supervision in every such case, AB 560 inappropriately interferes with a judge's discretion to order a sentence that is appropriate in light of the individual facts and circumstances of each case.

With regard to the recall provision, under current law, courts are authorized to recall and resentence felony defendants sentenced to state prison provided the new sentence is no greater than the initial sentence. AB 560 will apply the same authority to felony county jail sentences. The council believes that making these processes parallel will provide appropriate court discretion and promote

Hon. Mike Gatto
May 22, 2013
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equal protection by applying the same resentencing provisions to both felony state prison sentences and felony county jail sentences.

For these reasons, the Judicial Council opposes AB 560, unless amended, and supports if amended.

Sincerely,

A handwritten signature in cursive script, reading "Sharon Reilly".

Sharon Reilly
Senior Attorney

SR/yc-s/lmb

cc: Members, Assembly Appropriations Committee
Hon. Tom Ammiano, Member of the Assembly
Mr. Jeff Long, Chief Consultant, Assembly Appropriations Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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Hon. Tom Ammiano
Member of the Assembly
State Capitol, Room 3146
Sacramento, California 95814

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Sincerely,

A handwritten signature in cursive script, reading "Sharon Reilly". The signature is written in black ink and is positioned above the printed name and title.

Sharon Reilly
Senior Attorney

SR/yc-s/lmb

cc: Ms. June Clark, Deputy Legislative Secretary, Office of the Governor