



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2011

Title	Agenda Item Type
Criminal Procedure: Abstract of Judgment Forms	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms CR-290, CR-290.1, and CR-292	January 1, 2012
Recommended by	Date of Report
Criminal Law Advisory Committee Hon. Steven Z. Perren, Chair	August 18, 2011
	Contact
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Executive Summary

The Criminal Law Advisory Committee recommends that the Judicial Council approve revisions to the abstract of judgment forms (forms CR-290, CR-290.1, and CR-292) in order to reduce confusion among inmates, reflect recent amendments to a local custody credit statute, and enhance the sentencing information contained in the forms.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012, approve the following revisions to *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290), *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1), and *Abstract of Judgment—Prison Commitment—Indeterminate* (form CR-292):

1. Replace the phrase “two strikes” with “strike prior” in item 4 of form CR-290 and CR-290.1 to reduce confusion among inmates and relieve courts from reviewing and responding to inmate inquiries;

2. Add a check box to the local custody credit data fields on forms CR-290 (item 15), CR-290.1 (item 13), and CR-292 (item 15) to reflect recent amendments to Penal Code section 2933(e) that modify local custody credits for certain defendants;
3. Include a data field (item 11) on each form for courts to note any registration requirements; and
4. Renumber other form items accordingly.

The text of the proposed revisions to *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290), *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1), and *Abstract of Judgment—Prison Commitment—Indeterminate* (form CR-292) is attached at pages 5–9.

Previous Council Action

The Judicial Council initially adopted *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290) and *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1) in 1977. *Abstract of Judgment—Prison Commitment—Indeterminate* (form CR-292) was adopted in 1993. Although the forms have been revised periodically since adoption, none of the previous revisions is relevant to this proposal.

Rationale for Recommendation

Courts are required to use the abstract of judgment forms to provide the California Department of Corrections and Rehabilitation with complete sentence information in all felony cases resulting in prison commitments. (Pen. Code, § 1213.5.) To enhance the sentence information and update the forms to reflect recent amendments to a local custody credit statute, the committee proposes the following revisions:

- ***Custody credits.*** Recent legislation (SB 76; Stats. 2010, ch. 426, p. 95) amended Penal Code section 2933(e) to modify local custody credits for certain qualified defendants sentenced to state prison. The current abstract of judgment forms, however, only include local custody credits under Penal Code section 4019 and 2933.1. To ensure that the forms include all relevant local custody credit statutes, the committee proposes adding a check box for Penal Code section 2933 to the local custody credit items in CR-290 (item 15), CR-290.1 (item 13), and CR-292 (item 15);
- ***Strike priors.*** The proposal would replace the phrase “two strikes” with “strike prior” in item 4 of CR-290 and CR-290.1. The phrase “two strikes” is intended to indicate that the defendant was sentenced as having a prior strike conviction. Many inmates, however, interpret the phrase “two strikes” to mean that the court sentenced them as having *two* prior

strike convictions. As a result, inmates frequently request that courts clarify their sentences. To reduce confusion among inmates and relieve courts from reviewing and responding to inmate inquiries, the proposal would replace the phrase “two strikes” with “strike prior” in item 4 on CR-290 and CR-290.1; and

- **Registration requirements.** Defendants are often required to register as part of a criminal sentence. For example, Penal Code section 290 requires defendants convicted of certain sex offenses to register as sex offenders. The current abstract of judgment forms, however, do not include registration requirements. To enhance the sentencing information contained in the forms, the committee proposes adding a new item, “Registration Requirement” (item 11), to each form to provide a space for courts to note any registration requirements.

Comments, Alternatives Considered, and Policy Implications

The proposed revisions were circulated for public comment during the spring 2011 cycle. A total of eight comments were received. Of those, five agreed with the proposal, one agreed with the proposal if modified, and two did not state a position. No commentators disagreed with the proposal. A chart with all comments received and committee responses is attached at pages 10–15.

Notable comments and committee responses

Most comments address technical and nonsubstantive aspects of the form, several of which the committee approved—including suggestions to correct typographical errors, renumber certain items, and reorganize the custody credit data fields to ensure sufficient space. Other technical and nonsubstantive suggestions were declined as unnecessary.

In addition, one commentator suggested revising the forms to add specific fine, fee, and penalty assessment amounts to include more complete sentence information on the forms. The committee declined to incorporate the suggestion because it exceeds the scope of the proposal but will reconsider the suggestion at a future meeting.

Notable alternatives considered

The committee alternatively considered postponing or declining to recommend the proposal in light of the severe economic circumstances faced by courts. However, the committee decided to recommend the proposal for two reasons.

First, the proposal is designed, in part, to relieve courts of the cost and burden associated with reviewing and responding to inmate inquiries regarding their sentences. For example, Presiding Judge Ricardo Cordova of the Superior Court of Stanislaus County noted that he receives numerous inmate inquiries and urged adoption of the revisions.

Second, the revisions are necessary in light of the recent amendments to Penal Code section 2933. Without the proposed revisions, the statutory changes render the current forms obsolete. As mandatory forms, courts are already required to produce them in every felony case resulting

in a prison sentence. Thus, the proposed revisions would not impose significant new costs or require courts to implement new practices.

Implementation Requirements, Costs, and Operational Impacts

Expected costs are limited to the production of new forms. No implementation requirements or operational impacts are expected.

Attachments

1. Proposed revisions to *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290), *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1), and *Abstract of Judgment—Prison Commitment—Indeterminate* (form CR-292), at pages 5–9
2. Chart of comments, at pages 10–15

ABSTRACT OF JUDGMENT—PRISON COMMITMENT—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
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED <input type="checkbox"/> 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"/> APPTD.

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.
					/ /												
					/ /												
					/ /												
					/ /												
					/ /												
					/ /												

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 per: PC 667(b)-(i) or PC 1170.12 (strike prior) PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed (Paper Commitment). Defendant ordered to report to local parole office on 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 EXCLUDING COUNTY JAIL TERM: _____

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; \$_____ 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; \$_____ 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; \$_____ 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; \$_____ 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 12, 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: a. Compliance with PC 296 verified b. AIDS per PC 1202.1 c. other (specify):

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

12. Other orders (specify):

13. IMMEDIATE SENTENCING:

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

14. 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):

15. 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
		[]	[]
		[]	[]

16. 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.
 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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**ABSTRACT OF JUDGMENT—PRISON COMMITMENT—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
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT	<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"/> APPTD.		

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 per: PC 667(b)-(i) or PC 1170.12 (strike prior) PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. (Paper Commitment) 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; \$_____ per PC 1202.45 suspended unless parole is revoked.
 ^ _____ 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 EXCLUDING COUNTY JAIL TERM: _____

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

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

12. 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
						[]	[]	[]

14. 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.

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.

ABSTRACT OF JUDGMENT—PRISON COMMITMENT—INDETERMINATE
(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-292 ATTACHED)

CR-292

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
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<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"/> APPTD.

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/YEAR)	CONVICTED BY			CONCURRENT	CONSECUTIVE	664 STAY
						JURY	COURT	PLEA			
					/ /						
					/ /						
					/ /						
					/ /						
					/ /						
					/ /						

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

Defendant was sentenced to State Prison for an INDETERMINATE TERM as follows:

4. LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____
5. LIFE WITH THE POSSIBILITY OF PAROLE on counts _____
6. a. 15 years to Life on counts _____ c. _____ years to Life on counts _____
- b. 25 years to Life on counts _____ d. _____ years to Life on counts _____

PLUS enhancement time shown above

7. Additional determinate term (see CR-290).
8. Defendant was sentenced pursuant to PC 667(b)-(i) or PC 1170.12 PC 667.61 PC 667.7 other (specify):

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; \$_____ 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; \$_____ 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; \$_____ 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; \$_____ 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 12, 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: a. Compliance with PC 296 verified b. AIDS per PC 1202.1 c. other (specify):

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

12. Other orders (specify):

13. IMMEDIATE SENTENCING:

Probation to prepare and submit post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin: _____

14. 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):

15. 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
		[]	[]
		CRC	[]
		[]	[]

16. 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.
 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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SPR11-28

Criminal Procedure: Abstract of Judgment Forms (Revise forms CR-290, CR-290.1 and CR-292)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Advisory Committee Response
1.	Appellate Defenders, Inc., California Appellate Project—San Francisco, and First District Appellate Project Mr. Mat Zwerling Executive Director	NI	<ul style="list-style-type: none"> We recommend modifications to the “Credit for Time Served” boxes on the abstract of judgment forms ... at item 15. The rendering of the “Local Conduct” column makes it unclear where to list the number of days: within the brackets “[]” to the left of the applicable credit statute or in the space under “2933”? If the space under “2933” is the intended place for listing the number of conducts credits, which we think it probably is, then we recommend employing a box ... instead [of] brackets “[]” to the left of [the] applicable credit statute, to encourage the user to check the box for the applicable statute, and then list the number of days of conduct credit in the space provided. We also recommend making that space larger, so that the number of days can be written or typed in the same size text as for the total days and actual number of days. Thus, we suggest that Box 15 be modified to look something like this: 	<ul style="list-style-type: none"> The committee agrees to amend the custody credit data field on each form to move the check boxes to the right of the column to increase the space provided for courts to note custody credits.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR11-28

Criminal Procedure: Abstract of Judgment Forms (Revise forms CR-290, CR-290.1 and CR-292)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Advisory Committee Response																												
			<p>15. CREDIT FOR TIME SERVED</p> <table border="1" data-bbox="802 386 1367 1003"> <thead> <tr> <th>CASE</th> <th>TOTAL CREDITS</th> <th>ACTUAL</th> <th>LOCAL CONDUCT</th> </tr> </thead> <tbody> <tr> <td>A</td> <td></td> <td></td> <td> <input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1 </td> </tr> <tr> <td>B</td> <td></td> <td></td> <td> <input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1 </td> </tr> <tr> <td>C</td> <td></td> <td></td> <td> <input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1 </td> </tr> <tr> <td>D</td> <td></td> <td></td> <td> <input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1 </td> </tr> <tr> <td colspan="2">Date Sentence Pronounced</td> <td colspan="2">Time Served in State Institution</td> </tr> <tr> <td colspan="2">- -</td> <td colspan="2">DMH CDCR CRC [] [] []</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Also, the footer identifying the form on page 2 of the abstract of judgment for indeterminate terms ... incorrectly uses the footer for the determinate term form, identifying the form as "CR-290" and "Abstract of Judgment – Prison Commitment - Determinate." It should be modified to be the same as page 1 of the same form ... to reflect that it is page 2 of "CR-292" and "Abstract of Judgment - Prison Commitment - Indeterminate." 	CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT	A			<input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	B			<input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	C			<input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	D			<input type="checkbox"/> 2933 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	Date Sentence Pronounced		Time Served in State Institution		- -		DMH CDCR CRC [] [] []		<ul style="list-style-type: none"> The committee agrees to replace the incorrect footer as suggested.
CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT																													
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SPR11-28**Criminal Procedure: Abstract of Judgment Forms** (Revise forms CR-290, CR-290.1 and CR-292)

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2.	Hon. Ricardo Cordova Presiding Judge Superior Court of Stanislaus County	A	Adoption of the new form will go a long way in reducing confusion. I have received numerous letters/motions from sentenced prisoners which often start out with "You told me that I had one strike" and the inmates go on to state that the abstract has the language "two strikes." Many times [the California Department of Corrections and Rehabilitation] employees refer inmates to the sentencing judge for clarification. Amending CR-290 by deleting "(two strikes)" and replacing the language with "(strike prior)" provides notice to [the California Department of Corrections and Rehabilitation] as to how credits are to be calculated and would hopefully reduce inmate requests for clarification. I urge adoption of the proposed changes.	No response required.
3.	Orange County Bar Association Mr. John Hueston President	A	No additional comments provided.	No response required.
4.	Superior Court of Monterey County Ms. Rosalinda Chavez Assistant Court Executive Officer	A	No additional comments provided.	No response required.
5.	Superior Court of Orange County Criminal Division Managers	A	We agree with the changes to the judgment forms. Eliminating confusion, making amendments to any changes in the law and making the forms more clear and concise will	No response required.

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			be a benefit to anyone who needs to use the judgment forms.	
6.	Superior Court of Sacramento County Mr. Robert Turner Finance Division	A	*Court clerks who complete the forms should be informed of the changes.	The committee agrees and will refer the proposed changes to the AOC Education Division/CJER to consider inclusion in future education material for judicial administrators.
7.	Superior Court of San Diego County Mr. Michael M. Roddy Court Executive Officer	AM	<ul style="list-style-type: none"> • Form CR-290: Move [Penal Code section] 1170(a)(3) language from item 4 to item 16. • Form CR-290: Change [item] 9b [regarding] victim name(s) if known, and amount breakdown in item 12 below, not item 11. • Form CR-290.1: [Regarding] item 4, line 2: Right justify or move to item 14. • Form CR-292: [Change item 9b] reference from 11 to 12. 	<ul style="list-style-type: none"> • The committee declines to combine item 4 with item 16 because each item addresses distinct circumstances and should remain separate. • The committee agrees to renumber the items as suggested. • The committee declines to right justify as unnecessary and declines to combine item 4 with item 14 as described above. • The committee agrees to renumber the items as suggested.
8.	Justice Paul Turner Presiding Justice Court of Appeal, Second Appellate District, Division Five Los Angeles	NI	<p>Thank you for the invitation to comment on the draft abstract of judgment.</p> <p>I have only one comment. There are a series of penalties and a surcharge that must be imposed on certain fines such as the Health and Safety Code section 11372.5, subdivision (a) laboratory fee or the Penal Code section 1202.5,</p>	The committee declines the suggested amendments because they exceed the scope of the proposal. However, the committee appreciates the comments and will separately review the suggested amendments during a future meeting. In addition, the committee notes that the Court-Ordered Debt Task Force is separately considering, among other things, ways

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			<p>subdivision (a) local crime prevention fine. (<i>People v. Sharret</i> (2011) 191 Cal.App.4th 859, 864; <i>People v. Knightbent</i> (2010) 186 Cal.App.4th 1105, 1109; <i>People v. Castellanos</i> (2009) 175 Cal.App.4th 1524, 1528-1530.) The following are the additional assessments that must be added, for example, to a \$50 Health and Safety Code section 11372.5, subdivision (a) drug laboratory fee: a \$50 state penalty under Penal Code section 1464, subdivision (a)(1); a \$35 county penalty pursuant to Government Code section 76000, subdivision (a)(1); a \$10 Penal Code section 1465.7, subdivision (a) state surcharge; a \$15 Government Code section 70372, subdivision (a)(1) state court construction penalty; a \$10 Government Code section 76000.5, subdivision (a)(1) emergency medical services penalty; a \$5 Government Code section 76104.6, subdivision (a)(1) deoxyribonucleic acid penalty; and a \$5 Government Code section 76104.7, subdivision (a) state-only deoxyribonucleic acid penalty. (See <i>People v. Sharret, supra</i>, 191 Cal.App.4th at p. 864.)</p> <p>The draft abstract of judgment makes no reference to these additional penalties and the surcharge. One reason in felony cases trial courts routinely fail to impose the additional penalties and the surcharge is because they are not on the abstract of judgment. (For a variety of reasons this is not a problem in misdemeanor and infraction cases. This is because systems are in place including the use of cashiers where the</p>	<p>to consolidate and simplify the imposition of criminal fines, fees, and restitution as required by Penal Code section 1463.02.</p>

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			fine is automatically computed to include the additional penalties and the surcharge.) But in felony cases, as a branch, we are not getting the job done with any competence in this narrow area and an important reason is the abstract of judgment incompletely summarizes the judgment.	

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