

# Summary of Contents

## Volume 1

- Chapter 1. The Purposes of Sentencing
- Chapter 2. The Felony Plea
  - Appendix 2A. Oral Arraignment on Felony Plea
  - Appendix 2B. Crimes Subject to Gun Relinquishment Under § 29810
- Chapter 3. Referral to Probation and Setting of Sentencing
- Chapter 4. Withdrawal of or Setting Aside Guilty Plea
- Chapter 5. Evidence-Based Sentencing Practices
- Chapter 6. The Sentencing Hearing
- Chapter 7. Deferred Entry of Judgment; Diversion; Alternative Sentencing
  - Appendix 7A. Procedural Checklist for Mental Health Diversion (§§ 1001.35 and 1001.36)
  - Appendix 7B. Offenses listed in P.C. § 667(e)(2)(C)(iv)
  - Appendix 7C. Mental Health Diversion—§ 1001.36
  - Appendix 7D. Payment For Expert Report
- Chapter 8. The Probation Sentence
  - Appendix 8A. Crimes Excluded From The One-Year Or Two-Year Limit On Probation Due To Specific Probation Lengths (Pen. Code, §§ 1203a(b), 1203.1(1)(1))
  - Appendix 8B. Crimes Excluded From The Two-Year Limit On Probation Due To Inclusion In Penal Code Section 667.5(c) OR SECTION 1203.1(1)(2)
  - Appendix 8C. Checklist for Prehearing Release on Probation Violations

Chapter 9.	Proposition 36: Substance Abuse and Crime Prevention Act of 2000
Chapter 10.	Application of <i>Cunningham v. California</i>
Chapter 11.	Sentencing After Realignment
Appendix 11A.	Table of Crimes Punishable in State Prison or County Jail Under Section 1170(h)
Appendix 11B.	Summary of Sentencing Under Pen. Code, § 1170, subd. (h)
Appendix 11C.	Modification, Revocation, & Termination of Supervision
Appendix 11D.	PRCS/Parole Advisement at Sentencing
Appendix 11E.	Parole Violation Flow Chart
Chapter 12.	Basic State Prison or Section 1170(h) Sentence (Determinate Sentencing Law)
Appendix 12A.	State Prison/Section 1170(h) Sentence Checklist
Appendix 12B.	Table of Conduct Enhancements
Appendix 12C.	Table of Status Enhancements
Chapter 13.	Multiple Counts
Chapter 14.	Prison Sentence with Multiple Cases
Chapter 15.	Credit for Time Served
Appendix 15A.	Summary of Key Credit Provisions
Chapter 16.	Victim Restitution
Chapter 17.	Restitution Fines and Other Assessments
Chapter 18.	Concluding the Sentence
Appendix 18A.	Table of Crimes Prohibiting Possession of Firearm/Notice
Chapter 19.	Sex Crimes
Appendix 19A.	Sex Crimes Registerable Under Section 290
Chapter 20.	Three Strikes Sentencing
Appendix 20A.	Proposed Petition for Resentencing
Appendix 20B.	Proposed Order Denying Petition for Resentencing After Initial Screening
Appendix 20C.	Proposed Waiver of Personal Appearance by Petitioner

## SUMMARY OF CONTENTS

- Appendix 20D. Proposed Order Re Hearing on Request for Resentencing
- Appendix 20E. Resources Available from CDCR
- Appendix 20F. Table of Crimes That Will Qualify For Third Strike Sentencing

## Volume 2

- Chapter 21. Gang Crimes (§ 186.22)
  - Appendix 21A. Summary of STEP Act (Section 186.22)
- Chapter 22. Misdemeanor and Infraction Sentences
- Chapter 23. Miscellaneous Sentencing Issues
  - Appendix 23A. Split CDCR/Mental Health Commitment
  - Appendix 23B. Checklist for Hearing under Pen. Code, § 1172.6
- Chapter 24. Indeterminate Sentences
- Chapter 25. Proposition 47
  - Appendix 25A. Text of Proposition 47
  - Appendix 25B. Table of Disqualifying Prior Convictions
  - Appendix 25C. Proposition 47 Crimes
  - Appendix 25D. Notice of Petition and Response
  - Appendix 25E. Table of Crimes Listed in P.C. § 667(e)(2)(C)(iv)—“Super Strikes”
  - Appendix 25F. Order After Petition for Resentence or Reclassification
- Chapter 26. Proposition 57
  - Appendix 26A. Regulations for The Implementation of Proposition 57
- Chapter 27. Proposition 64
  - Appendix 27A. Changes to Criminal Penalties Under Proposition 64
  - Appendix 27B. Proposition 64: Text of Resentencing Provisions: Health & Safety Code, § 11361.8
- Chapter 28. California Racial Justice Act of 2020
  - Appendix 28A. Bibliography of Materials on Implicit Bias

Chapter 29.	Correction of Sentencing Errors
Appendix 29A.	Statutory Changes Triggering Court's Authority to Recall Sentence
Appendix 29B.	Form of Order Setting Matter for Status Conference
Appendix 29C.	Notice of Appellate Rights (Pen. Code, § 1172.1(d))
Appendix 29D.	Form Petition Under Penal Code § 1172.1

**Appendices**

APPENDIX A. Glossary of Sentencing Terms

APPENDIX B. Resources for Sentencing Issues

**Table of Laws and Rules**

**Table of Cases**

**Index**