

**Introduced by Senator Emmerson**

February 22, 2013

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An act to amend Section 1170.3 of the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 587, as introduced, Emmerson. Sentencing.

Existing law requires the Judicial Council to seek to promote uniformity in sentencing by adopting rules providing criteria for the consideration of the trial judge at the time of sentencing, as specified, and by adopting rules standardizing the minimum content and the sequential presentation of material in probation officer reports submitted to the court.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1170.3 of the Penal Code, as amended
- 2 by Section 11 of Chapter 361 of the Statutes of 2011, is amended
- 3 to read:
- 4 1170.3. The Judicial Council shall seek to promote uniformity
- 5 in sentencing ~~under~~ pursuant to Section 1170 by:
- 6 (a) The adoption of rules providing criteria for the consideration
- 7 of the trial judge at the time of sentencing regarding the court's
- 8 decision to:
- 9 (1) Grant or deny probation.

- 1 (2) Impose the lower or upper prison term.
- 2 (3) Impose concurrent or consecutive sentences.
- 3 (4) Determine whether or not to impose an enhancement where
- 4 that determination is permitted by law.
- 5 (b) The adoption of rules standardizing the minimum content
- 6 and the sequential presentation of material in probation officer
- 7 reports submitted to the court.
- 8 (c) This section shall become operative on January 1, 2014.