

Assembly Bill No. 640

Passed the Assembly May 21, 2009

Chief Clerk of the Assembly

Passed the Senate August 18, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1203.077 to the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 640, Huber. Sentencing: methamphetamine.

Existing law provides that any person convicted of the unlawful sale of cocaine or heroin who is eligible for and granted probation shall, as a condition of that probation, be confined in a county jail for at least 180 days, except as provided.

This bill would also provide that any person convicted of selling methamphetamine who is granted probation shall be confined in a county jail for at least 120 days as a condition of probation, except as provided. By requiring confinement in a county jail as a condition of probation, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 1203.077 is added to the Penal Code, to read:

1203.077. Any person convicted of violating Section 11379 of the Health and Safety Code, relating to the sale of methamphetamine, who is eligible for and granted probation shall be confined in a county jail for at least 120 days as a condition of probation. No less than that minimum period of incarceration shall be imposed in every case unless the court finds that it is in the interest of justice not to impose that sentence, and states on the record the circumstances indicating why justice would be served by not imposing that minimum jail sentence.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2010

Governor