

Introduced by Senator RunnerFebruary 24, 2012

An act to amend Section 1170 of the Penal Code, relating to felonies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1435, as introduced, Runner. Felonies.

Existing law defines a felony as a crime that is punishable by death, imprisonment in the state prison, or imprisonment in a county jail for more than one year. Existing law also provides exceptions to imprisonment in a county jail for a variety of felonies, including serious or violent felonies and any felony for which registration as a sex offender is required, among other exceptions.

This bill would also require that a defendant who is convicted of a felony and has 3 or more prior felony convictions serve an executed sentence in state prison.

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

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

- 1 SECTION 1. Section 1170 of the Penal Code, as amended by
- 2 Section 6.7 of Chapter 361 of the Statutes of 2011, is amended to
- 3 read:
- 4 1170. (a) (1) The Legislature finds and declares that the
- 5 purpose of imprisonment for crime is punishment. This purpose
- 6 is best served by terms proportionate to the seriousness of the
- 7 offense with provision for uniformity in the sentences of offenders
- 8 committing the same offense under similar circumstances. The
- 9 Legislature further finds and declares that the elimination of

1 disparity and the provision of uniformity of sentences can best be
2 achieved by determinate sentences fixed by statute in proportion
3 to the seriousness of the offense as determined by the Legislature
4 to be imposed by the court with specified discretion.

5 (2) Notwithstanding paragraph (1), the Legislature further finds
6 and declares that programs should be available for inmates,
7 including, but not limited to, educational programs, that are
8 designed to prepare nonviolent felony offenders for successful
9 reentry into the community. The Legislature encourages the
10 development of policies and programs designed to educate and
11 rehabilitate nonviolent felony offenders. In implementing this
12 section, the Department of Corrections and Rehabilitation is
13 encouraged to give priority enrollment in programs to promote
14 successful return to the community to an inmate with a short
15 remaining term of commitment and a release date that would allow
16 him or her adequate time to complete the program.

17 (3) In any case in which the punishment prescribed by statute
18 for a person convicted of a public offense is a term of imprisonment
19 in the state prison of any specification of three time periods, the
20 court shall sentence the defendant to one of the terms of
21 imprisonment specified unless the convicted person is given any
22 other disposition provided by law, including a fine, jail, probation,
23 or the suspension of imposition or execution of sentence or is
24 sentenced pursuant to subdivision (b) of Section 1168 because he
25 or she had committed his or her crime prior to July 1, 1977. In
26 sentencing the convicted person, the court shall apply the
27 sentencing rules of the Judicial Council. The court, unless it
28 determines that there are circumstances in mitigation of the
29 punishment prescribed, shall also impose any other term that it is
30 required by law to impose as an additional term. Nothing in this
31 article shall affect any provision of law that imposes the death
32 penalty, that authorizes or restricts the granting of probation or
33 suspending the execution or imposition of sentence, or expressly
34 provides for imprisonment in the state prison for life. In any case
35 in which the amount of preimprisonment credit under Section
36 2900.5 or any other provision of law is equal to or exceeds any
37 sentence imposed pursuant to this chapter, the entire sentence shall
38 be deemed to have been served and the defendant shall not be
39 actually delivered to the custody of the secretary. The court shall
40 advise the defendant that he or she shall serve a period of parole

1 and order the defendant to report to the parole office closest to the
2 defendant's last legal residence, unless the in-custody credits equal
3 the total sentence, including both confinement time and the period
4 of parole. The sentence shall be deemed a separate prior prison
5 term under Section 667.5, and a copy of the judgment and other
6 necessary documentation shall be forwarded to the secretary.

7 (b) When a judgment of imprisonment is to be imposed and the
8 statute specifies three possible terms, the choice of the appropriate
9 term shall rest within the sound discretion of the court. At least
10 four days prior to the time set for imposition of judgment, either
11 party or the victim, or the family of the victim if the victim is
12 deceased, may submit a statement in aggravation or mitigation. In
13 determining the appropriate term, the court may consider the record
14 in the case, the probation officer's report, other reports, including
15 reports received pursuant to Section 1203.03, and statements in
16 aggravation or mitigation submitted by the prosecution, the
17 defendant, or the victim, or the family of the victim if the victim
18 is deceased, and any further evidence introduced at the sentencing
19 hearing. The court shall select the term which, in the court's
20 discretion, best serves the interests of justice. The court shall set
21 forth on the record the reasons for imposing the term selected and
22 the court may not impose an upper term by using the fact of any
23 enhancement upon which sentence is imposed under any provision
24 of law. A term of imprisonment shall not be specified if imposition
25 of sentence is suspended.

26 (c) The court shall state the reasons for its sentence choice on
27 the record at the time of sentencing. The court shall also inform
28 the defendant that as part of the sentence after expiration of the
29 term he or she may be on parole for a period as provided in Section
30 3000.

31 (d) When a defendant subject to this section or subdivision (b)
32 of Section 1168 has been sentenced to be imprisoned in the state
33 prison and has been committed to the custody of the secretary, the
34 court may, within 120 days of the date of commitment on its own
35 motion, or at any time upon the recommendation of the secretary
36 or the Board of Parole Hearings, recall the sentence and
37 commitment previously ordered and resentence the defendant in
38 the same manner as if he or she had not previously been sentenced,
39 provided the new sentence, if any, is no greater than the initial
40 sentence. The resentence under this subdivision shall apply the

1 sentencing rules of the Judicial Council so as to eliminate disparity
2 of sentences and to promote uniformity of sentencing. Credit shall
3 be given for time served.

4 (e) (1) Notwithstanding any other law and consistent with
5 paragraph (1) of subdivision (a), if the secretary or the Board of
6 Parole Hearings or both determine that a prisoner satisfies the
7 criteria set forth in paragraph (2), the secretary or the board may
8 recommend to the court that the prisoner's sentence be recalled.

9 (2) The court shall have the discretion to resentence or recall if
10 the court finds that the facts described in subparagraphs (A) and
11 (B) or subparagraphs (B) and (C) exist:

12 (A) The prisoner is terminally ill with an incurable condition
13 caused by an illness or disease that would produce death within
14 six months, as determined by a physician employed by the
15 department.

16 (B) The conditions under which the prisoner would be released
17 or receive treatment do not pose a threat to public safety.

18 (C) The prisoner is permanently medically incapacitated with
19 a medical condition that renders him or her permanently unable
20 to perform activities of basic daily living, and results in the prisoner
21 requiring 24-hour total care, including, but not limited to, coma,
22 persistent vegetative state, brain death, ventilator-dependency, loss
23 of control of muscular or neurological function, and that
24 incapacitation did not exist at the time of the original sentencing.

25 The Board of Parole Hearings shall make findings pursuant to
26 this subdivision before making a recommendation for resentence
27 or recall to the court. This subdivision does not apply to a prisoner
28 sentenced to death or a term of life without the possibility of parole.

29 (3) Within 10 days of receipt of a positive recommendation by
30 the secretary or the board, the court shall hold a hearing to consider
31 whether the prisoner's sentence should be recalled.

32 (4) Any physician employed by the department who determines
33 that a prisoner has six months or less to live shall notify the chief
34 medical officer of the prognosis. If the chief medical officer
35 concurs with the prognosis, he or she shall notify the warden.
36 Within 48 hours of receiving notification, the warden or the
37 warden's representative shall notify the prisoner of the recall and
38 resentencing procedures, and shall arrange for the prisoner to
39 designate a family member or other outside agent to be notified
40 as to the prisoner's medical condition and prognosis, and as to the

1 recall and resentencing procedures. If the inmate is deemed
2 mentally unfit, the warden or the warden's representative shall
3 contact the inmate's emergency contact and provide the information
4 described in paragraph (2).

5 (5) The warden or the warden's representative shall provide the
6 prisoner and his or her family member, agent, or emergency
7 contact, as described in paragraph (4), updated information
8 throughout the recall and resentencing process with regard to the
9 prisoner's medical condition and the status of the prisoner's recall
10 and resentencing proceedings.

11 (6) Notwithstanding any other provisions of this section, the
12 prisoner or his or her family member or designee may
13 independently request consideration for recall and resentencing
14 by contacting the chief medical officer at the prison or the
15 secretary. Upon receipt of the request, the chief medical officer
16 and the warden or the warden's representative shall follow the
17 procedures described in paragraph (4). If the secretary determines
18 that the prisoner satisfies the criteria set forth in paragraph (2), the
19 secretary or board may recommend to the court that the prisoner's
20 sentence be recalled. The secretary shall submit a recommendation
21 for release within 30 days in the case of inmates sentenced to
22 determinate terms and, in the case of inmates sentenced to
23 indeterminate terms, the secretary shall make a recommendation
24 to the Board of Parole Hearings with respect to the inmates who
25 have applied under this section. The board shall consider this
26 information and make an independent judgment pursuant to
27 paragraph (2) and make findings related thereto before rejecting
28 the request or making a recommendation to the court. This action
29 shall be taken at the next lawfully noticed board meeting.

30 (7) Any recommendation for recall submitted to the court by
31 the secretary or the Board of Parole Hearings shall include one or
32 more medical evaluations, a postrelease plan, and findings pursuant
33 to paragraph (2).

34 (8) If possible, the matter shall be heard before the same judge
35 of the court who sentenced the prisoner.

36 (9) If the court grants the recall and resentencing application,
37 the prisoner shall be released by the department within 48 hours
38 of receipt of the court's order, unless a longer time period is agreed
39 to by the inmate. At the time of release, the warden or the warden's
40 representative shall ensure that the prisoner has each of the

1 following in his or her possession: a discharge medical summary,
2 full medical records, state identification, parole medications, and
3 all property belonging to the prisoner. After discharge, any
4 additional records shall be sent to the prisoner's forwarding
5 address.

6 (10) The secretary shall issue a directive to medical and
7 correctional staff employed by the department that details the
8 guidelines and procedures for initiating a recall and resentencing
9 procedure. The directive shall clearly state that any prisoner who
10 is given a prognosis of six months or less to live is eligible for
11 recall and resentencing consideration, and that recall and
12 resentencing procedures shall be initiated upon that prognosis.

13 (f) Notwithstanding any other provision of this section, for
14 purposes of paragraph (3) of subdivision (h), ~~any~~ *an* allegation
15 that a defendant is eligible for state prison due to a prior or current
16 conviction *or convictions*, sentence enhancement, or because he
17 or she is required to register as a sex offender shall not be subject
18 to dismissal pursuant to Section 1385.

19 (g) A sentence to state prison for a determinate term for which
20 only one term is specified, is a sentence to state prison under this
21 section.

22 (h) (1) Except as provided in paragraph (3), a felony punishable
23 pursuant to this subdivision where the term is not specified in the
24 underlying offense shall be punishable by a term of imprisonment
25 in a county jail for 16 months, or two or three years.

26 (2) Except as provided in paragraph (3), a felony punishable
27 pursuant to this subdivision shall be punishable by imprisonment
28 in a county jail for the term described in the underlying offense.

29 (3) Notwithstanding paragraphs (1) and (2), where the defendant
30 (A) has a prior or current felony conviction for a serious felony
31 described in subdivision (c) of Section 1192.7 or a prior or current
32 conviction for a violent felony described in subdivision (c) of
33 Section 667.5, (B) has a prior felony conviction in another
34 jurisdiction for an offense that has all the elements of a serious
35 felony described in subdivision (c) of Section 1192.7 or a violent
36 felony described in subdivision (c) of Section 667.5, (C) is required
37 to register as a sex offender pursuant to Chapter 5.5 (commencing
38 with Section 290) of Title 9 of Part 1, ~~or~~ (D) is convicted of a crime
39 and as part of the sentence an enhancement pursuant to Section
40 186.11 is imposed, *or (E) is convicted of a felony and has three*

1 *or more prior felony convictions*, an executed sentence for a felony
2 punishable pursuant to this subdivision shall be served in state
3 prison.

4 (4) Nothing in this subdivision shall be construed to prevent
5 other dispositions authorized by law, including pretrial diversion,
6 deferred entry of judgment, or an order granting probation pursuant
7 to Section 1203.1.

8 (5) The court, when imposing a sentence pursuant to paragraph
9 (1) or (2) of this subdivision, may commit the defendant to county
10 jail as follows:

11 (A) For a full term in custody as determined in accordance with
12 the applicable sentencing law.

13 (B) For a term as determined in accordance with the applicable
14 sentencing law, but suspend execution of a concluding portion of
15 the term selected in the court's discretion, during which time the
16 defendant shall be supervised by the county probation officer in
17 accordance with the terms, conditions, and procedures generally
18 applicable to persons placed on probation, for the remaining
19 unserved portion of the sentence imposed by the court. The period
20 of supervision shall be mandatory, and may not be earlier
21 terminated except by court order. During the period when the
22 defendant is under such supervision, unless in actual custody
23 related to the sentence imposed by the court, the defendant shall
24 be entitled to only actual time credit against the term of
25 imprisonment imposed by the court.

26 (6) The sentencing changes made by the act that added this
27 subdivision shall be applied prospectively to any person sentenced
28 on or after October 1, 2011.

29 (i) This section shall remain in effect only until January 1, 2014,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before that date, deletes or extends that date.

32 SEC. 2. Section 1170 of the Penal Code, as amended by Section
33 7.7 of Chapter 361 of the Statutes of 2011, is amended to read:

34 1170. (a) (1) The Legislature finds and declares that the
35 purpose of imprisonment for crime is punishment. This purpose
36 is best served by terms proportionate to the seriousness of the
37 offense with provision for uniformity in the sentences of offenders
38 committing the same offense under similar circumstances. The
39 Legislature further finds and declares that the elimination of
40 disparity and the provision of uniformity of sentences can best be

1 achieved by determinate sentences fixed by statute in proportion
2 to the seriousness of the offense as determined by the Legislature
3 to be imposed by the court with specified discretion.

4 (2) Notwithstanding paragraph (1), the Legislature further finds
5 and declares that programs should be available for inmates,
6 including, but not limited to, educational programs, that are
7 designed to prepare nonviolent felony offenders for successful
8 reentry into the community. The Legislature encourages the
9 development of policies and programs designed to educate and
10 rehabilitate nonviolent felony offenders. In implementing this
11 section, the Department of Corrections and Rehabilitation is
12 encouraged to give priority enrollment in programs to promote
13 successful return to the community to an inmate with a short
14 remaining term of commitment and a release date that would allow
15 him or her adequate time to complete the program.

16 (3) In any case in which the punishment prescribed by statute
17 for a person convicted of a public offense is a term of imprisonment
18 in the state prison of any specification of three time periods, the
19 court shall sentence the defendant to one of the terms of
20 imprisonment specified unless the convicted person is given any
21 other disposition provided by law, including a fine, jail, probation,
22 or the suspension of imposition or execution of sentence or is
23 sentenced pursuant to subdivision (b) of Section 1168 because he
24 or she had committed his or her crime prior to July 1, 1977. In
25 sentencing the convicted person, the court shall apply the
26 sentencing rules of the Judicial Council. The court, unless it
27 determines that there are circumstances in mitigation of the
28 punishment prescribed, shall also impose any other term that it is
29 required by law to impose as an additional term. Nothing in this
30 article shall affect any provision of law that imposes the death
31 penalty, that authorizes or restricts the granting of probation or
32 suspending the execution or imposition of sentence, or expressly
33 provides for imprisonment in the state prison for life. In any case
34 in which the amount of preimprisonment credit under Section
35 2900.5 or any other provision of law is equal to or exceeds any
36 sentence imposed pursuant to this chapter, the entire sentence shall
37 be deemed to have been served and the defendant shall not be
38 actually delivered to the custody of the secretary. The court shall
39 advise the defendant that he or she shall serve a period of parole
40 and order the defendant to report to the parole office closest to the

1 defendant's last legal residence, unless the in-custody credits equal
2 the total sentence, including both confinement time and the period
3 of parole. The sentence shall be deemed a separate prior prison
4 term under Section 667.5, and a copy of the judgment and other
5 necessary documentation shall be forwarded to the secretary.

6 (b) When a judgment of imprisonment is to be imposed and the
7 statute specifies three possible terms, the court shall order
8 imposition of the middle term, unless there are circumstances in
9 aggravation or mitigation of the crime. At least four days prior to
10 the time set for imposition of judgment, either party or the victim,
11 or the family of the victim if the victim is deceased, may submit
12 a statement in aggravation or mitigation to dispute facts in the
13 record or the probation officer's report, or to present additional
14 facts. In determining whether there are circumstances that justify
15 imposition of the upper or lower term, the court may consider the
16 record in the case, the probation officer's report, other reports,
17 including reports received pursuant to Section 1203.03, and
18 statements in aggravation or mitigation submitted by the
19 prosecution, the defendant, or the victim, or the family of the victim
20 if the victim is deceased, and any further evidence introduced at
21 the sentencing hearing. The court shall set forth on the record the
22 facts and reasons for imposing the upper or lower term. The court
23 may not impose an upper term by using the fact of any
24 enhancement upon which sentence is imposed under any provision
25 of law. A term of imprisonment shall not be specified if imposition
26 of sentence is suspended.

27 (c) The court shall state the reasons for its sentence choice on
28 the record at the time of sentencing. The court shall also inform
29 the defendant that as part of the sentence after expiration of the
30 term he or she may be on parole for a period as provided in Section
31 3000.

32 (d) When a defendant subject to this section or subdivision (b)
33 of Section 1168 has been sentenced to be imprisoned in the state
34 prison and has been committed to the custody of the secretary, the
35 court may, within 120 days of the date of commitment on its own
36 motion, or at any time upon the recommendation of the secretary
37 or the Board of Parole Hearings, recall the sentence and
38 commitment previously ordered and resentence the defendant in
39 the same manner as if he or she had not previously been sentenced,
40 provided the new sentence, if any, is no greater than the initial

1 sentence. The resentence under this subdivision shall apply the
2 sentencing rules of the Judicial Council so as to eliminate disparity
3 of sentences and to promote uniformity of sentencing. Credit shall
4 be given for time served.

5 (e) (1) Notwithstanding any other law and consistent with
6 paragraph (1) of subdivision (a), if the secretary or the Board of
7 Parole Hearings or both determine that a prisoner satisfies the
8 criteria set forth in paragraph (2), the secretary or the board may
9 recommend to the court that the prisoner's sentence be recalled.

10 (2) The court shall have the discretion to resentence or recall if
11 the court finds that the facts described in subparagraphs (A) and
12 (B) or subparagraphs (B) and (C) exist:

13 (A) The prisoner is terminally ill with an incurable condition
14 caused by an illness or disease that would produce death within
15 six months, as determined by a physician employed by the
16 department.

17 (B) The conditions under which the prisoner would be released
18 or receive treatment do not pose a threat to public safety.

19 (C) The prisoner is permanently medically incapacitated with
20 a medical condition that renders him or her permanently unable
21 to perform activities of basic daily living, and results in the prisoner
22 requiring 24-hour total care, including, but not limited to, coma,
23 persistent vegetative state, brain death, ventilator-dependency, loss
24 of control of muscular or neurological function, and that
25 incapacitation did not exist at the time of the original sentencing.

26 The Board of Parole Hearings shall make findings pursuant to
27 this subdivision before making a recommendation for resentence
28 or recall to the court. This subdivision does not apply to a prisoner
29 sentenced to death or a term of life without the possibility of parole.

30 (3) Within 10 days of receipt of a positive recommendation by
31 the secretary or the board, the court shall hold a hearing to consider
32 whether the prisoner's sentence should be recalled.

33 (4) Any physician employed by the department who determines
34 that a prisoner has six months or less to live shall notify the chief
35 medical officer of the prognosis. If the chief medical officer
36 concurs with the prognosis, he or she shall notify the warden.
37 Within 48 hours of receiving notification, the warden or the
38 warden's representative shall notify the prisoner of the recall and
39 resentencing procedures, and shall arrange for the prisoner to
40 designate a family member or other outside agent to be notified

1 as to the prisoner's medical condition and prognosis, and as to the
2 recall and resentencing procedures. If the inmate is deemed
3 mentally unfit, the warden or the warden's representative shall
4 contact the inmate's emergency contact and provide the information
5 described in paragraph (2).

6 (5) The warden or the warden's representative shall provide the
7 prisoner and his or her family member, agent, or emergency
8 contact, as described in paragraph (4), updated information
9 throughout the recall and resentencing process with regard to the
10 prisoner's medical condition and the status of the prisoner's recall
11 and resentencing proceedings.

12 (6) Notwithstanding any other provisions of this section, the
13 prisoner or his or her family member or designee may
14 independently request consideration for recall and resentencing
15 by contacting the chief medical officer at the prison or the
16 secretary. Upon receipt of the request, the chief medical officer
17 and the warden or the warden's representative shall follow the
18 procedures described in paragraph (4). If the secretary determines
19 that the prisoner satisfies the criteria set forth in paragraph (2), the
20 secretary or board may recommend to the court that the prisoner's
21 sentence be recalled. The secretary shall submit a recommendation
22 for release within 30 days in the case of inmates sentenced to
23 determinate terms and, in the case of inmates sentenced to
24 indeterminate terms, the secretary shall make a recommendation
25 to the Board of Parole Hearings with respect to the inmates who
26 have applied under this section. The board shall consider this
27 information and make an independent judgment pursuant to
28 paragraph (2) and make findings related thereto before rejecting
29 the request or making a recommendation to the court. This action
30 shall be taken at the next lawfully noticed board meeting.

31 (7) Any recommendation for recall submitted to the court by
32 the secretary or the Board of Parole Hearings shall include one or
33 more medical evaluations, a postrelease plan, and findings pursuant
34 to paragraph (2).

35 (8) If possible, the matter shall be heard before the same judge
36 of the court who sentenced the prisoner.

37 (9) If the court grants the recall and resentencing application,
38 the prisoner shall be released by the department within 48 hours
39 of receipt of the court's order, unless a longer time period is agreed
40 to by the inmate. At the time of release, the warden or the warden's

1 representative shall ensure that the prisoner has each of the
2 following in his or her possession: a discharge medical summary,
3 full medical records, state identification, parole medications, and
4 all property belonging to the prisoner. After discharge, any
5 additional records shall be sent to the prisoner's forwarding
6 address.

7 (10) The secretary shall issue a directive to medical and
8 correctional staff employed by the department that details the
9 guidelines and procedures for initiating a recall and resentencing
10 procedure. The directive shall clearly state that any prisoner who
11 is given a prognosis of six months or less to live is eligible for
12 recall and resentencing consideration, and that recall and
13 resentencing procedures shall be initiated upon that prognosis.

14 (f) Notwithstanding any other provision of this section, for
15 purposes of paragraph (3) of subdivision (h), any allegation that
16 a defendant is eligible for state prison due to a prior or current
17 conviction *or convictions*, sentence enhancement, or because he
18 or she is required to register as a sex offender shall not be subject
19 to dismissal pursuant to Section 1385.

20 (g) A sentence to state prison for a determinate term for which
21 only one term is specified, is a sentence to state prison under this
22 section.

23 (h) (1) Except as provided in paragraph (3), a felony punishable
24 pursuant to this subdivision where the term is not specified in the
25 underlying offense shall be punishable by a term of imprisonment
26 in a county jail for 16 months, or two or three years.

27 (2) Except as provided in paragraph (3), a felony punishable
28 pursuant to this subdivision shall be punishable by imprisonment
29 in a county jail for the term described in the underlying offense.

30 (3) Notwithstanding paragraphs (1) and (2), where the defendant
31 (A) has a prior or current felony conviction for a serious felony
32 described in subdivision (c) of Section 1192.7 or a prior or current
33 conviction for a violent felony described in subdivision (c) of
34 Section 667.5, (B) has a prior felony conviction in another
35 jurisdiction for an offense that has all of the elements of a serious
36 felony described in subdivision (c) of Section 1192.7 or a violent
37 felony described in subdivision (c) of Section 667.5, (C) is required
38 to register as a sex offender pursuant to Chapter 5.5 (commencing
39 with Section 290) of Title 9 of Part 1, ~~or~~ (D) is convicted of a crime
40 and as part of the sentence an enhancement pursuant to Section

1 186.11 is imposed, or (E) is convicted of a felony and has three
2 or more prior felony convictions, an executed sentence for a felony
3 punishable pursuant to this subdivision shall be served in state
4 prison.

5 (4) Nothing in this subdivision shall be construed to prevent
6 other dispositions authorized by law, including pretrial diversion,
7 deferred entry of judgment, or an order granting probation pursuant
8 to Section 1203.1.

9 (5) The court, when imposing a sentence pursuant to paragraph
10 (1) or (2) of this subdivision, may commit the defendant to county
11 jail as follows:

12 (A) For a full term in custody as determined in accordance with
13 the applicable sentencing law.

14 (B) For a term as determined in accordance with the applicable
15 sentencing law, but suspend execution of a concluding portion of
16 the term selected in the court's discretion, during which time the
17 defendant shall be supervised by the county probation officer in
18 accordance with the terms, conditions, and procedures generally
19 applicable to persons placed on probation, for the remaining
20 unserved portion of the sentence imposed by the court. The period
21 of supervision shall be mandatory, and may not be earlier
22 terminated except by court order. During the period when the
23 defendant is under such supervision, unless in actual custody
24 related to the sentence imposed by the court, the defendant shall
25 be entitled to only actual time credit against the term of
26 imprisonment imposed by the court.

27 (6) The sentencing changes made by the act that added this
28 subdivision shall be applied prospectively to any person sentenced
29 on or after October 1, 2011.

30 (i) This section shall become operative on January 1, 2014.