


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i></p> <p>Senate Bill (SB) 483 Sentencing: resentencing to remove sentencing enhancements.</p>	<p><i>No.</i></p> <p>22-04-CJIS</p>	<p><i>Contact for information:</i></p> <p>ElectronicDispositionReporting@doj.ca.gov</p>
	<p><i>Date:</i></p> <p>05-04-2022</p>	

TO: SECRETARY OF THE DEPARTMENT OF CORRECTIONS AND REHABILITATION, ALL COUNTY CORRECTIONAL ADMINISTRATORS, PRESIDING JUDGES AND COURT EXECUTIVE OFFICERS

The California Department of Justice (DOJ) appreciates the efforts state and county corrections agencies and county superior courts have taken thus far to implement Resentencing to Remove Sentencing Enhancements pursuant to Senate Bill (SB) 483 (Stats. 2021, ch. 728, Penal Code (PC) Secs. 1171 and 1171.1). The California Legislature previously eliminated sentencing enhancements for certain crimes related to controlled substances (SB 180 (Stats. 2017, ch. 677, Health and Safety Code Sec. 11370.2)) and prior prison or jail felony terms (SB 136 (Stats. 2019, ch. 590, PC Sec. 667.5).) However, SB 180 and SB 136 only applied prospectively. Effective January 1, 2022, SB 483 retroactively applies SB 180 and SB 136, thus repealing the sentence enhancements for prior convictions of specified crimes related to controlled substances (PC 1171) and prior prison or county jail felony terms (PC 1171.1). Accordingly, the efforts of the state and county corrections agencies and county superior courts are essential to ensuring SB 483 is implemented and that individuals currently serving a prison or jail term for the repealed sentence enhancements are identified and resentenced. (See SB 483, Sec. 1.)

Responsibility of Secretary of the Department of Corrections and Rehabilitation and the county correctional administrator

Pursuant to PC 1171(b), “The Secretary of the Department of Corrections and Rehabilitation and the county correctional administrator of each county shall identify those persons in their custody currently serving a term for a judgment that includes an enhancement described in [PC 1171] subdivision (a) [controlled substances] and shall provide the name of each person, along with the person’s date of birth and the relevant case number or docket number, to the sentencing court that imposed the enhancement.”

Pursuant to PC 1171.1(b), “The Secretary of the Department of Corrections and Rehabilitation and the county correctional administrator of each county shall identify those persons in their custody currently serving a term for a judgment that includes an enhancement described in [PC 1171.1] subdivision (a) [prior prison or county jail felony terms] and shall provide the name of each person, along with the person’s date of birth and the relevant case number or docket number, to the sentencing court that imposed the enhancement.”

SB 483 set the following deadlines:

- By **March 1, 2022**, the Secretary of the Department of Corrections and Rehabilitation is to identify individuals who have served their base term and provide that data to the sentencing court.
- By **July 1, 2022**, the Secretary of the Department of Corrections and Rehabilitation is to identify individuals currently serving a sentence based on an affected enhancement and provide that data to the sentencing court.

Responsibility of the Sentencing Courts

Pursuant to both PC 1171(c) and PC 1171.1(c), "Upon receiving the information described in subdivision (b), the court shall review the judgment and verify that the current judgment includes a sentence enhancement described in subdivision (a). If the court determines that the current judgment includes an enhancement described in subdivision (a), the court shall recall the sentence and resentence the defendant."

SB 483 further requires courts to review, recall the sentence, and resentence individuals whose sentence is affected by this law by the following dates:

- **October 1, 2022**, for individuals who have served their base term and any other enhancement and are currently serving a sentence based on the enhancement.
- **December 31, 2023**, for all other individuals.

Once the court has recalled and resentenced an individual, pursuant to PC 13151, this resentencing data should be reported to the DOJ using the normal disposition reporting method employed by the court.

The DOJ is here to assist and ready to help. All existing disposition reporting methods can be utilized to report this data to the DOJ. Information about each of these reporting options is available on CLEW at <https://clew.doj.ca.gov>.

If you would like more information, please contact us at ElectronicDispositionReporting@doj.ca.gov and we can work with you on a solution that meets your needs for reporting this data to the DOJ.

Sincerely,

JOE DOMINIC, Chief/CIO
California Justice Information Services Division

For ROB BONTA
Attorney General