

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2380

Introduced by Assembly Member Alejo

February 18, 2016

An act to add ~~Article 5.8 (commencing with Section 1559.200) to Chapter 3 of Division 2 of the Health and Safety Code, and to amend Section 1170 of the Penal Code, relating to caregivers; Section 993 to the Penal Code, relating to defendants.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2380, as amended, Alejo. ~~Informal caregivers: background checks. Defendants: minor children.~~

Existing law provides for the appointment of a guardian for a minor child. Existing law provides for the creation of a Power of Attorney for a minor child. Existing law defines a "trustline provider" as an adult who provides child care, in-home education services, or other specified services to a minor, and who is registered but not required to be licensed for purposes of child care.

This bill would require the court to provide a defendant at a felony arraignment who is the sole custodial parent of one or more minor children specified information regarding guardianship for a minor, a guardianship power of attorney for a minor, and information regarding specified unlicensed child care providers.

~~Existing law requires the State Department of Social Services to license and regulate community care facilities, including foster family homes, certified family homes of licensed foster family agencies, and~~

~~group homes. Existing law requires that persons providing care or services at these homes or facilities obtain either a criminal record clearance or an exemption from disqualification from the department, as prescribed. Under existing law, a violation of these provisions is a crime.~~

~~This bill would additionally require an informal caregiver, as defined, to obtain a criminal records clearance or exemption from the department for each adult residing in, or regularly present in, the home, if the caregiver has been designated by a parent who has been convicted of a felony and sentenced to imprisonment for a period of at least one year. The bill would require the child to be removed from the custody of the caregiver if the caregiver is found to have committed an offense for which a criminal records clearance or exemption may not be issued. The bill would exempt from these requirements an adult sibling or an informal caregiver who began caring for the child before January 1, 2017. Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.~~

~~The bill would also require the court, when it sentences a person to a term of imprisonment of one year or more, to inform the person that an informal caregiver designated by the person to care for the person’s minor children may be required to obtain a criminal records clearance or exemption from the department.~~

~~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.~~

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

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

- 1 SECTION 1. Section 993 is added to the Penal Code, to read:
- 2 993. At the arraignment of a defendant who is charged with a
- 3 felony and who is the sole custodial parent of one or more minor
- 4 children, the court shall provide the following to the defendant:
- 5 (a) Judicial Council Form GC-250, the “Guardianship
- 6 Pamphlet.”
- 7 (b) Information regarding a Power of Attorney for a minor
- 8 child.

1 (c) Information regarding trustline background examinations
2 pertaining to child care providers as provided in Chapter 3.35
3 (commencing with Section 1596.60) of Division 2 of the Health
4 and Safety Code.

5 SECTION 1. Article 5.8 (commencing with Section 1559.200)
6 is added to Chapter 3 of Division 2 of the Health and Safety Code,
7 to read:

8
9 Article 5.8. Informal Caregivers

10
11 1559.200. (a) An informal caregiver shall obtain a criminal
12 records clearance or exemption from the State Department of Social
13 Services for each adult residing in, or regularly present in, the
14 home, as set forth in Section 1522 of the Health and Safety Code,
15 if the caregiver has been designated as the caregiver by a parent
16 who has been convicted of a felony and sentenced to imprisonment
17 for a period of at least one year.

18 (b) If the informal caregiver is found to have committed an
19 offense for which the department may not issue a criminal records
20 clearance or exemption, the child shall be removed from the
21 custody of the informal caregiver.

22 (c) This section does not apply to either of the following:
23 (1) An informal caregiver who is an adult sibling of the child.
24 (2) An informal caregiver who began caring for the child before
25 January 1, 2017.

26 (d) For purposes of this section, “informal caregiver” means a
27 person who has assumed responsibility for the care and custody
28 of a child, without the involvement of the court, child protective
29 services agency, or other governmental agency.

30 SEC. 2. Section 1170 of the Penal Code, as amended by Section
31 2 of Chapter 378 of the Statutes of 2015, is amended to read:

32 1170. (a) (1) The Legislature finds and declares that the
33 purpose of imprisonment for crime is punishment. This purpose
34 is best served by terms proportionate to the seriousness of the
35 offense with provision for uniformity in the sentences of offenders
36 committing the same offense under similar circumstances. The
37 Legislature further finds and declares that the elimination of
38 disparity and the provision of uniformity of sentences can best be
39 achieved by determinate sentences fixed by statute in proportion

1 to the seriousness of the offense as determined by the Legislature
2 to be imposed by the court with specified discretion.

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

15 ~~(3) In any case in which the punishment prescribed by statute
16 for a person convicted of a public offense is a term of imprisonment
17 in the state prison, or a term pursuant to subdivision (h), of any
18 specification of three time periods, the court shall sentence the
19 defendant to one of the terms of imprisonment specified unless
20 the convicted person is given any other disposition provided by
21 law, including a fine, jail, probation, or the suspension of
22 imposition or execution of sentence or is sentenced pursuant to
23 subdivision (b) of Section 1168 because he or she had committed
24 his or her crime prior to July 1, 1977. In sentencing the convicted
25 person, the court shall apply the sentencing rules of the Judicial
26 Council. The court, unless it determines that there are
27 circumstances in mitigation of the punishment prescribed, shall
28 also impose any other term that it is required by law to impose as
29 an additional term. Nothing in this article shall affect any provision
30 of law that imposes the death penalty, that authorizes or restricts
31 the granting of probation or suspending the execution or imposition
32 of sentence, or expressly provides for imprisonment in the state
33 prison for life, except as provided in paragraph (2) of subdivision
34 (d). In any case in which the amount of preimprisonment credit
35 under Section 2900.5 or any other provision of law is equal to or
36 exceeds any sentence imposed pursuant to this chapter, except for
37 a remaining portion of mandatory supervision imposed pursuant
38 to subparagraph (B) of paragraph (5) of subdivision (h), the entire
39 sentence shall be deemed to have been served, except for the
40 remaining period of mandatory supervision, and the defendant~~

1 shall not be actually delivered to the custody of the secretary or
2 the county correctional administrator. The court shall advise the
3 defendant that he or she shall serve an applicable period of parole,
4 postrelease community supervision, or mandatory supervision and
5 order the defendant to report to the parole or probation office
6 closest to the defendant's last legal residence, unless the in-custody
7 credits equal the total sentence, including both confinement time
8 and the period of parole, postrelease community supervision, or
9 mandatory supervision. The sentence shall be deemed a separate
10 prior prison term or a sentence of imprisonment in a county jail
11 under subdivision (h) for purposes of Section 667.5, and a copy
12 of the judgment and other necessary documentation shall be
13 forwarded to the secretary.

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

35 (c) (1) The court shall state the reasons for its sentence choice
36 on the record at the time of sentencing. The court shall also inform
37 the defendant that as part of the sentence after expiration of the
38 term he or she may be on parole for a period as provided in Section
39 3000 or 3000.08 or postrelease community supervision for a period
40 as provided in Section 3451.

1 ~~(2) When the court sentences a person to a term of imprisonment~~
2 ~~of one year or more, it shall inform the person that an informal~~
3 ~~caregiver designated by the person to care for the person's minor~~
4 ~~child may be subject to the requirements of Section 1559.200 of~~
5 ~~the Health and Safety Code.~~

6 ~~(d) (1) When a defendant subject to this section or subdivision~~
7 ~~(b) of Section 1168 has been sentenced to be imprisoned in the~~
8 ~~state prison or county jail pursuant to subdivision (h) and has been~~
9 ~~committed to the custody of the secretary or the county correctional~~
10 ~~administrator, the court may, within 120 days of the date of~~
11 ~~commitment on its own motion, or at any time upon the~~
12 ~~recommendation of the secretary or the Board of Parole Hearings~~
13 ~~in the case of state prison inmates, or the county correctional~~
14 ~~administrator in the case of county jail inmates, recall the sentence~~
15 ~~and commitment previously ordered and resentence the defendant~~
16 ~~in the same manner as if he or she had not previously been~~
17 ~~sentenced, provided the new sentence, if any, is no greater than~~
18 ~~the initial sentence. The court resentencing under this subdivision~~
19 ~~shall apply the sentencing rules of the Judicial Council so as to~~
20 ~~eliminate disparity of sentences and to promote uniformity of~~
21 ~~sentencing. Credit shall be given for time served.~~

22 ~~(2) (A) (i) When a defendant who was under 18 years of age~~
23 ~~at the time of the commission of the offense for which the~~
24 ~~defendant was sentenced to imprisonment for life without the~~
25 ~~possibility of parole has served at least 15 years of that sentence,~~
26 ~~the defendant may submit to the sentencing court a petition for~~
27 ~~recall and resentencing.~~

28 ~~(ii) Notwithstanding clause (i), this paragraph shall not apply~~
29 ~~to defendants sentenced to life without parole for an offense where~~
30 ~~the defendant tortured, as described in Section 206, his or her~~
31 ~~victim or the victim was a public safety official, including any law~~
32 ~~enforcement personnel mentioned in Chapter 4.5 (commencing~~
33 ~~with Section 830) of Title 3, or any firefighter as described in~~
34 ~~Section 245.1, as well as any other officer in any segment of law~~
35 ~~enforcement who is employed by the federal government, the state,~~
36 ~~or any of its political subdivisions.~~

37 ~~(B) The defendant shall file the original petition with the~~
38 ~~sentencing court. A copy of the petition shall be served on the~~
39 ~~agency that prosecuted the case. The petition shall include the~~
40 ~~defendant's statement that he or she was under 18 years of age at~~

1 the time of the crime and was sentenced to life in prison without
2 the possibility of parole, the defendant's statement describing his
3 or her remorse and work towards rehabilitation, and the defendant's
4 statement that one of the following is true:

5 (i) The defendant was convicted pursuant to felony murder or
6 aiding and abetting murder provisions of law.

7 (ii) The defendant does not have juvenile felony adjudications
8 for assault or other felony crimes with a significant potential for
9 personal harm to victims prior to the offense for which the sentence
10 is being considered for recall.

11 (iii) The defendant committed the offense with at least one adult
12 codefendant.

13 (iv) The defendant has performed acts that tend to indicate
14 rehabilitation or the potential for rehabilitation, including, but not
15 limited to, availing himself or herself of rehabilitative, educational,
16 or vocational programs, if those programs have been available at
17 his or her classification level and facility, using self-study for
18 self-improvement, or showing evidence of remorse.

19 (C) If any of the information required in subparagraph (B) is
20 missing from the petition, or if proof of service on the prosecuting
21 agency is not provided, the court shall return the petition to the
22 defendant and advise the defendant that the matter cannot be
23 considered without the missing information.

24 (D) A reply to the petition, if any, shall be filed with the court
25 within 60 days of the date on which the prosecuting agency was
26 served with the petition, unless a continuance is granted for good
27 cause.

28 (E) If the court finds by a preponderance of the evidence that
29 the statements in the petition are true, the court shall hold a hearing
30 to consider whether to recall the sentence and commitment
31 previously ordered and to resentence the defendant in the same
32 manner as if the defendant had not previously been sentenced,
33 provided that the new sentence, if any, is not greater than the initial
34 sentence. Victims, or victim family members if the victim is
35 deceased, shall retain the rights to participate in the hearing.

36 (F) The factors that the court may consider when determining
37 whether to recall and resentence include, but are not limited to,
38 the following:

39 (i) The defendant was convicted pursuant to felony murder or
40 aiding and abetting murder provisions of law.

1 ~~(ii) The defendant does not have juvenile felony adjudications~~
2 ~~for assault or other felony crimes with a significant potential for~~
3 ~~personal harm to victims prior to the offense for which the sentence~~
4 ~~is being considered for recall.~~

5 ~~(iii) The defendant committed the offense with at least one adult~~
6 ~~codefendant.~~

7 ~~(iv) Prior to the offense for which the sentence is being~~
8 ~~considered for recall, the defendant had insufficient adult support~~
9 ~~or supervision and had suffered from psychological or physical~~
10 ~~trauma, or significant stress.~~

11 ~~(v) The defendant suffers from cognitive limitations due to~~
12 ~~mental illness, developmental disabilities, or other factors that did~~
13 ~~not constitute a defense, but influenced the defendant's~~
14 ~~involvement in the offense.~~

15 ~~(vi) The defendant has performed acts that tend to indicate~~
16 ~~rehabilitation or the potential for rehabilitation, including, but not~~
17 ~~limited to, availing himself or herself of rehabilitative, educational,~~
18 ~~or vocational programs, if those programs have been available at~~
19 ~~his or her classification level and facility, using self-study for~~
20 ~~self-improvement, or showing evidence of remorse.~~

21 ~~(vii) The defendant has maintained family ties or connections~~
22 ~~with others through letter writing, calls, or visits, or has eliminated~~
23 ~~contact with individuals outside of prison who are currently~~
24 ~~involved with crime.~~

25 ~~(viii) The defendant has had no disciplinary actions for violent~~
26 ~~activities in the last five years in which the defendant was~~
27 ~~determined to be the aggressor.~~

28 ~~(G) The court shall have the discretion to recall the sentence~~
29 ~~and commitment previously ordered and to resentence the~~
30 ~~defendant in the same manner as if the defendant had not~~
31 ~~previously been sentenced, provided that the new sentence, if any,~~
32 ~~is not greater than the initial sentence. The discretion of the court~~
33 ~~shall be exercised in consideration of the criteria in subparagraph~~
34 ~~(B). Victims, or victim family members if the victim is deceased,~~
35 ~~shall be notified of the resentencing hearing and shall retain their~~
36 ~~rights to participate in the hearing.~~

37 ~~(H) If the sentence is not recalled, the defendant may submit~~
38 ~~another petition for recall and resentencing to the sentencing court~~
39 ~~when the defendant has been committed to the custody of the~~
40 ~~department for at least 20 years. If recall and resentencing is not~~

1 granted under that petition, the defendant may file another petition
2 after having served 24 years. The final petition may be submitted;
3 and the response to that petition shall be determined, during the
4 25th year of the defendant's sentence.

5 (I) In addition to the criteria in subparagraph (F), the court may
6 consider any other criteria that the court deems relevant to its
7 decision, so long as the court identifies them on the record,
8 provides a statement of reasons for adopting them, and states why
9 the defendant does or does not satisfy the criteria.

10 (J) This subdivision shall have retroactive application.

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

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

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

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

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

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

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

39 (4) Any physician employed by the department who determines
40 that a prisoner has six months or less to live shall notify the chief

1 medical officer of the prognosis. If the chief medical officer
2 concurs with the prognosis, he or she shall notify the warden.
3 Within 48 hours of receiving notification, the warden or the
4 warden's representative shall notify the prisoner of the recall and
5 resentencing procedures, and shall arrange for the prisoner to
6 designate a family member or other outside agent to be notified
7 as to the prisoner's medical condition and prognosis, and as to the
8 recall and resentencing procedures. If the inmate is deemed
9 mentally unfit, the warden or the warden's representative shall
10 contact the inmate's emergency contact and provide the information
11 described in paragraph (2).

12 (5) The warden or the warden's representative shall provide the
13 prisoner and his or her family member, agent, or emergency
14 contact, as described in paragraph (4), updated information
15 throughout the recall and resentencing process with regard to the
16 prisoner's medical condition and the status of the prisoner's recall
17 and resentencing proceedings.

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

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

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

3 (9) If the court grants the recall and resentencing application,
4 the prisoner shall be released by the department within 48 hours
5 of receipt of the court's order, unless a longer time period is agreed
6 to by the inmate. At the time of release, the warden or the warden's
7 representative shall ensure that the prisoner has each of the
8 following in his or her possession: a discharge medical summary,
9 full medical records, state identification, parole or postrelease
10 community supervision medications, and all property belonging
11 to the prisoner. After discharge, any additional records shall be
12 sent to the prisoner's forwarding address.

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

20 (11) The provisions of this subdivision shall be available to an
21 inmate who is sentenced to a county jail pursuant to subdivision
22 (h). For purposes of those inmates, "secretary" or "warden" shall
23 mean the county correctional administrator and "chief medical
24 officer" shall mean a physician designated by the county
25 correctional administrator for this purpose.

26 (f) Notwithstanding any other provision of this section, for
27 purposes of paragraph (3) of subdivision (h), any allegation that
28 a defendant is eligible for state prison due to a prior or current
29 conviction, sentence enhancement, or because he or she is required
30 to register as a sex offender shall not be subject to dismissal
31 pursuant to Section 1385.

32 (g) A sentence to state prison for a determinate term for which
33 only one term is specified, is a sentence to state prison under this
34 section.

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

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

4 ~~(3) Notwithstanding paragraphs (1) and (2), where the defendant~~
5 ~~(A) has a prior or current felony conviction for a serious felony~~
6 ~~described in subdivision (c) of Section 1192.7 or a prior or current~~
7 ~~conviction for a violent felony described in subdivision (c) of~~
8 ~~Section 667.5, (B) has a prior felony conviction in another~~
9 ~~jurisdiction for an offense that has all the elements of a serious~~
10 ~~felony described in subdivision (c) of Section 1192.7 or a violent~~
11 ~~felony described in subdivision (c) of Section 667.5, (C) is required~~
12 ~~to register as a sex offender pursuant to Chapter 5.5 (commencing~~
13 ~~with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime~~
14 ~~and as part of the sentence an enhancement pursuant to Section~~
15 ~~186.11 is imposed, an executed sentence for a felony punishable~~
16 ~~pursuant to this subdivision shall be served in state prison.~~

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

21 ~~(5) (A) Unless the court finds, in the interest of justice, that it~~
22 ~~is not appropriate in a particular case, the court, when imposing a~~
23 ~~sentence pursuant to paragraph (1) or (2), shall suspend execution~~
24 ~~of a concluding portion of the term for a period selected at the~~
25 ~~court's discretion.~~

26 ~~(B) The portion of a defendant's sentenced term that is~~
27 ~~suspended pursuant to this paragraph shall be known as mandatory~~
28 ~~supervision, and, unless otherwise ordered by the court, shall~~
29 ~~commence upon release from physical custody or an alternative~~
30 ~~eustody program, whichever is later. During the period of~~
31 ~~mandatory supervision, the defendant shall be supervised by the~~
32 ~~county probation officer in accordance with the terms, conditions,~~
33 ~~and procedures generally applicable to persons placed on probation,~~
34 ~~for the remaining unserved portion of the sentence imposed by the~~
35 ~~court. The period of supervision shall be mandatory, and may not~~
36 ~~be earlier terminated except by court order. Any proceeding to~~
37 ~~revoke or modify mandatory supervision under this subparagraph~~
38 ~~shall be conducted pursuant to either subdivisions (a) and (b) of~~
39 ~~Section 1203.2 or Section 1203.3. During the period when the~~
40 ~~defendant is under that supervision, unless in actual custody related~~

1 to the sentence imposed by the court, the defendant shall be entitled
2 to only actual time credit against the term of imprisonment imposed
3 by the court. Any time period which is suspended because a person
4 has absconded shall not be credited toward the period of
5 supervision.

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

9 ~~(7) The sentencing changes made to paragraph (5) by the act~~
10 ~~that added this paragraph shall become effective and operative on~~
11 ~~January 1, 2015, and shall be applied prospectively to any person~~
12 ~~sentenced on or after January 1, 2015.~~

13 ~~(i) This section shall become operative on January 1, 2017.~~

14 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~