

AMENDED IN ASSEMBLY JUNE 10, 2020

AMENDED IN ASSEMBLY MAY 21, 2020

AMENDED IN ASSEMBLY MAY 6, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1950**

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**Introduced by Assembly Member Kamlager  
(Coauthors: Assembly Members Kalra, Quirk, and Wicks)**

January 17, 2020

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An act to amend Sections 1203a and 1203.1 of the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1950, as amended, Kamlager. Probation: length of terms.

Existing law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned.

This bill would instead restrict the period of probation for a misdemeanor to no longer than ~~one year~~ *year, except as specified*.

Existing law authorizes the court, in the order granting probation, to suspend the imposition or execution of sentence and direct the suspension to continue for a period of time not exceeding the maximum term for which the person could be imprisoned, except as specified.

This bill would instead authorize a court to impose a term of probation not longer than ~~2 years~~ *years, except as specified*.

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 1203a of the Penal Code is amended to  
2 read:

3 1203a. (a) In all counties and cities and counties, the courts  
4 therein, having jurisdiction to impose punishment in misdemeanor  
5 cases, may refer cases, demand reports, and to do and require  
6 anything necessary to carry out the purposes of Section 1203,  
7 insofar as that section applies to misdemeanors. The court may  
8 suspend the imposition or execution of the sentence and make and  
9 enforce the terms of probation for a period not to exceed one year.

10 (b) *The one-year probation limit in subdivision (a) shall not*  
11 *apply to any offense that includes specific probation lengths within*  
12 *its provisions.*

13 SEC. 2. Section 1203.1 of the Penal Code is amended to read:

14 1203.1. (a) The court, or judge thereof, in the order granting  
15 probation, may suspend the imposing or the execution of the  
16 sentence and may direct that the suspension may continue for a  
17 period of time not exceeding two years, and upon those terms and  
18 conditions as it shall determine. The court, or judge thereof, in the  
19 order granting probation and as a condition thereof, may imprison  
20 the defendant in a county jail for a period not exceeding the  
21 maximum time fixed by law in the case. The following shall apply  
22 to this subdivision:

23 (1) The court may fine the defendant in a sum not to exceed the  
24 maximum fine provided by law in the case.

25 (2) The court may, in connection with granting probation,  
26 impose either imprisonment in a county jail or a fine, both, or  
27 neither.

28 (3) The court shall provide for restitution in proper cases. The  
29 restitution order shall be fully enforceable as a civil judgment  
30 forthwith and in accordance with Section 1202.4 of the Penal Code.

31 (4) The court may require bonds for the faithful observance and  
32 performance of any or all of the conditions of probation.

33 (b) The court shall consider whether the defendant as a condition  
34 of probation shall make restitution to the victim or the Restitution  
35 Fund. Any restitution payment received by a court or probation

1 department in the form of cash or money order shall be forwarded  
2 to the victim within 30 days from the date the payment is received  
3 by the department. Any restitution payment received by a court or  
4 probation department in the form of a check or draft shall be  
5 forwarded to the victim within 45 days from the date the payment  
6 is received, provided, that payment need not be forwarded to a  
7 victim until 180 days from the date the first payment is received,  
8 if the restitution payments for that victim received by the court or  
9 probation department total less than fifty dollars (\$50). In cases  
10 where the court has ordered the defendant to pay restitution to  
11 multiple victims and where the administrative cost of disbursing  
12 restitution payments to multiple victims involves a significant cost,  
13 any restitution payment received by a probation department shall  
14 be forwarded to multiple victims when it is cost effective to do so,  
15 but in no event shall restitution disbursements be delayed beyond  
16 180 days from the date the payment is received by the probation  
17 department.

18 (c) In counties or cities and counties where road camps, farms,  
19 or other public work is available the court may place the  
20 probationer in the road camp, farm, or other public work instead  
21 of in jail. In this case, Section 25359 of the Government Code shall  
22 apply to probation and the court shall have the same power to  
23 require adult probationers to work, as prisoners confined in the  
24 county jail are required to work, at public work. Each county board  
25 of supervisors may fix the scale of compensation of the adult  
26 probationers in that county.

27 (d) In all cases of probation the court may require as a condition  
28 of probation that the probationer go to work and earn money for  
29 the support of the probationer's dependents or to pay any fine  
30 imposed or reparation condition, to keep an account of the  
31 probationer's earnings, to report them to the probation officer and  
32 apply those earnings as directed by the court.

33 (e) The court shall also consider whether the defendant as a  
34 condition of probation shall make restitution to a public agency  
35 for the costs of an emergency response pursuant to Article 8  
36 (commencing with Section 53150) of Chapter 1 of Part 1 of  
37 Division 2 of the Government Code.

38 (f) In all felony cases in which, as a condition of probation, a  
39 judge of the superior court sitting by authority of law elsewhere  
40 than at the county seat requires a convicted person to serve their

1 sentence at intermittent periods the sentence may be served on the  
2 order of the judge at the city jail nearest to the place at which the  
3 court is sitting, and the cost of the convicted person’s maintenance  
4 shall be a county charge.

5 (g) (1) The court and prosecuting attorney shall consider  
6 whether any defendant who has been convicted of a nonviolent or  
7 nonserious offense and ordered to participate in community service  
8 as a condition of probation shall be required to engage in the  
9 removal of graffiti in the performance of the community service.  
10 For the purpose of this subdivision, a nonserious offense shall not  
11 include the following:

12 (A) Offenses in violation of the Dangerous Weapons Control  
13 Law, as defined in Section 23500.

14 (B) Offenses involving the use of a dangerous or deadly weapon,  
15 including all violations of Section 417.

16 (C) Offenses involving the use or attempted use of violence  
17 against the person of another or involving injury to a victim.

18 (D) Offenses involving annoying or molesting children.

19 (2) Notwithstanding subparagraph (A) of paragraph (1), any  
20 person who violates Chapter 1 (commencing with Section 29610)  
21 of Division 9 of Title 4 of Part 6 shall be ordered to perform not  
22 less than 100 hours and not more than 500 hours of community  
23 service as a condition of probation.

24 (3) The court and the prosecuting attorney need not consider a  
25 defendant pursuant to paragraph (1) if the following circumstances  
26 exist:

27 (A) The defendant was convicted of any offense set forth in  
28 subdivision (c) of Section 667.5 or subdivision (c) of Section  
29 1192.7.

30 (B) The judge believes that the public safety may be endangered  
31 if the person is ordered to do community service or the judge  
32 believes that the facts or circumstances or facts and circumstances  
33 call for imposition of a more substantial penalty.

34 (h) The probation officer or their designated representative shall  
35 consider whether any defendant who has been convicted of a  
36 nonviolent and nonserious offense and ordered to participate in  
37 community service as a condition of probation shall be required  
38 to engage in the performance of house repairs or yard services for  
39 senior citizens and the performance of repairs to senior centers

1 through contact with local senior service organizations in the  
2 performance of the community service.

3 (i) (1) Upon conviction of any offense involving child abuse  
4 or neglect, the court may require, in addition to any or all of the  
5 above-mentioned terms of imprisonment, fine, and other reasonable  
6 conditions, that the defendant shall participate in counseling or  
7 education programs, or both, including, but not limited to, parent  
8 education or parenting programs operated by community colleges,  
9 school districts, other public agencies, or private agencies.

10 (2) Upon conviction of any sex offense subjecting the defendant  
11 to the registration requirements of Section 290, the court may order  
12 as a condition of probation, at the request of the victim or in the  
13 court's discretion, that the defendant stay away from the victim  
14 and the victim's residence or place of employment, and that the  
15 defendant have no contact with the victim in person, by telephone  
16 or electronic means, or by mail.

17 (j) The court may impose and require any or all of the  
18 above-mentioned terms of imprisonment, fine, and conditions, and  
19 other reasonable conditions, as it may determine are fitting and  
20 proper to the end that justice may be done, that amends may be  
21 made to society for the breach of the law, for any injury done to  
22 any person resulting from that breach, and generally and  
23 specifically for the reformation and rehabilitation of the  
24 probationer, and that should the probationer violate any of the  
25 terms or conditions imposed by the court in the matter, it shall  
26 have authority to modify and change any and all the terms and  
27 conditions and to reimprison the probationer in the county jail  
28 within the limitations of the penalty of the public offense involved.  
29 Upon the defendant being released from the county jail under the  
30 terms of probation as originally granted or any modification  
31 subsequently made, and in all cases where confinement in a county  
32 jail has not been a condition of the grant of probation, the court  
33 shall place the defendant or probationer in and under the charge  
34 of the probation officer of the court, for the period or term fixed  
35 for probation. However, upon the payment of any fine imposed  
36 and the fulfillment of all conditions of probation, probation shall  
37 cease at the end of the term of probation, or sooner, in the event  
38 of modification. In counties and cities and counties in which there  
39 are facilities for taking fingerprints, those of each probationer shall  
40 be taken and a record of them kept and preserved.

1 (k) Notwithstanding any other provisions of law to the contrary,  
2 except as provided in Section 13967, as operative on or before  
3 September 28, 1994, of the Government Code and Section 13967.5  
4 of the Government Code and Sections 1202.4, 1463.16, paragraph  
5 (1) of subdivision (a) of Section 1463.18, and Section 1464, and  
6 Section 1203.04, as operative on or before August 2, 1995, all  
7 fines collected by a county probation officer in any of the courts  
8 of this state, as a condition of the granting of probation or as a part  
9 of the terms of probation, shall be paid into the county treasury  
10 and placed in the general fund for the use and benefit of the county.

11 (l) If the court orders restitution to be made to the victim, the  
12 entity collecting the restitution may add a fee to cover the actual  
13 administrative cost of collection, but not to exceed 15 percent of  
14 the total amount ordered to be paid. The amount of the fee shall  
15 be set by the board of supervisors if it is collected by the county  
16 and the fee collected shall be paid into the general fund of the  
17 county treasury for the use and benefit of the county. The amount  
18 of the fee shall be set by the court if it is collected by the court and  
19 the fee collected shall be paid into the Trial Court Operations Fund  
20 or account established by Section 77009 of the Government Code  
21 for the use and benefit of the court.

22 (m) *The two-year probation limit in subdivision (a) shall not*  
23 *apply to:*

24 (1) *An offense listed in subdivision (c) of Section 667.5 and an*  
25 *offense that includes specific probation lengths within its*  
26 *provisions. For these offenses, the court, or judge thereof, in the*  
27 *order granting probation, may suspend the imposing or the*  
28 *execution of the sentence and may direct that the suspension may*  
29 *continue for a period of time not exceeding the maximum possible*  
30 *term of the sentence and under conditions as it shall determine.*  
31 *All other provisions of subdivision (a) shall apply.*

32 (2) *A felony conviction for paragraph (3) of subdivision (b) of*  
33 *Section 487, Section 503, and Section 532a, if the total value of*  
34 *the property taken exceeds \$25,000. For these offenses, the court,*  
35 *or judge thereof, in the order granting probation, may suspend*  
36 *the imposing or the execution of the sentence and may direct that*  
37 *the suspension may continue for a period of time not exceeding*

- 1 *three years, and upon those terms and conditions as it shall*
- 2 *determine. All other provisions of subdivision (a) shall apply.*

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