IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE SECOND APPELLATE DISTRICT

FRANKLIN ARMORY, INC., and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, Plaintiffs and Appellants, v. CALIFORNIA DEPARTMENT OF JUSTICE, XAVIER BECERRA, in his Official Capacity as Attorney General for the State of California, and DOES 1-10, Defendants and Respondents.	Case No. B340913

APPELLANTS' APPENDIX
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Superior Court of California, County of Los Angeles
Case No. 20STCP01747
Honorable Daniel S. Murphy, Judge

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Email: abarvir@michellawyers.com

Counsel for Plaintiffs-Appellants

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd, Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: CMichel@michellawyers.com

Attorneys for Petitioner - Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., et al.,

Petitioners-Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF JUSTICE, et al.,

Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable Daniel S. Murphy; Department 32]

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION

Hearing Date:	July 10, 2024
Hearing Time:	8:30 a.m.
Department:	32
Judge:	Hon. Daniel S. Murphy

Action Filed:	May 27, 2020
FPC Date:	August 8, 2024
Trial Date:	August 20, 2024

REQUEST FOR JUDICIAL NOTICE

Under Evidence Code section 452 and 453 and California Rule of Court 3.1306(c), Plaintiff Franklin Armory, Inc., through its counsel of record, request that this Court take judicial notice of the following documents:

1. Senate Bill 118, (2019-2020 Reg. Sess.) (Cal. 202). A true and correct copy is attached as **Exhibit 1**.
2. Assembly Bill 88, (2019-2020 Reg. Sess.) (Cal. 202). A true and correct copy is attached as **Exhibit 2**.
3. Senate Bill 118, (2019-2020 Reg. Sess.) (Cal. 202) Bill History. A true and correct copy is attached as **Exhibit 3**.

The Court must take the requested judicial notice if the moving party "(a) [g]ives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and [,] (b) [f]urnishes the court with sufficient information to enable it to take judicial notice of the matter." (Evid. Code, § 453.) California courts have noted that it is not inappropriate to cite published legislative materials without the necessity of a motion for judicial notice. (See, e.g., *Stop Youth Addiction v. Lucky Stores, Inc.* (1998) 17 Cal.4th 553, 571, fn. 9 ["simple citations to such published materials would have sufficed"].) The attached documents are legislative materials. Nevertheless, out of an abundance of caution, Plaintiff moves this court to take judicial notice of these materials.

Exhibits A and B, true and correct copies of Assembly Bill 88 and Senate Bill 118, which are true and correct copies of legislative bills taken from leginfo.legislature.ca.gov/faces/billSearchClient.xhtml, the official website for California Legislative Information. Such documents are plainly judicially noticeable under Evidence Code section 452, subdivisions (a) and (c), which permit courts to take notice of "[t]he decisional, constitutional, and statutory law of any state of the United States and the resolutions and private acts of the Congress of the United States and of the Legislature of this state" and "[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States."

Exhibit C, which is a true and correct copy of Senate Bill 118's bill history of its enactment is also plainly noticeable under Evidence Code 452, subdivision (g) which permits the court to take notice of "[f]acts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute." Courts have taken judicial notice of reports and transcripts of hearings of legislative committees that preceded the enactment of a statute. (*Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 376; *Maggia v. Agricultural Labor Relations Bd.* (1987) 194 Cal.App.3d 1329, 1333 [providing a comprehensive list of legislative history materials that are properly judicially noticed].

For these reasons, the Court should grant Petitioner's Request for Judicial Notice.

Dated: June 26, 2024

MICHEL & ASSOCIATES, P.C.

Anna M. Barvir
Attorneys for Petitioners-Plaintiffs

EXHIBIT 1

Senate Bill No. 118

CHAPTER 29

An act to amend Sections 4021.5, 4187.2, and 4187.5 of the Business and Professions Code, to add Section 66024.5 to the Education Code, to amend Sections 15402, 15420, 15421, 15422, and 15819.403 of, and to repeal Section 15403 of, the Government Code, to amend Sections 290.5, 851.93, 977.2, 1170, 1203.425, 11105, 16532, 18010, 30400, 30405, 30406, 30412, 30414, 30442, 30445, 30447, 30448, 30450, 30452, 30454, 30456, 30470, 30485, 30515, 30900, and 30955 of, to add Sections 3000.01, 5003.7, and 30685 to, and to repeal Article 5 (commencing with Section 2985) of Chapter 7 of Title 1 of Part 3 of, the Penal Code, and to amend Section 1731.7 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor August 6, 2020. Filed with Secretary of State August 6, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 118, Committee on Budget and Fiscal Review. Public safety.

(1) Existing law, the Pharmacy Law, establishes the California State Board of Pharmacy, within the Department of Consumer Affairs, to license and regulate the practice of pharmacy and makes a knowing violation of its provisions a crime. Other existing law authorizes the Department of Corrections and Rehabilitation to maintain and operate a comprehensive pharmacy services program for facilities under its jurisdiction and requires the program to incorporate a statewide Correctional Pharmacy and Therapeutics Committee with prescribed responsibilities (program committee). The Pharmacy Law provides for the licensure of correctional clinics and correctional pharmacies. The Pharmacy Law defines "correctional pharmacy" to mean a pharmacy, licensed by the board, located within a correctional facility for the purpose of providing drugs to a correctional clinic and providing pharmaceutical care to inmates of the correctional facility.

This bill would revise the definition of "correctional pharmacy" to mean a pharmacy licensed for the purpose of providing drugs and pharmaceutical care to inmates of the Department of Corrections and Rehabilitation and would not require that the correctional pharmacy be located within a correctional facility.

The Pharmacy Law requires the program committee to develop and approve policies and procedures to implement the correctional clinic provisions. The Pharmacy Law requires the pharmacist-in-charge of the correctional facility to implement those policies and procedures and the

statewide Inmate Medical Services Policies and Procedures in conjunction with specified persons. The Pharmacy Law authorizes the location of an automated drug delivery system (ADDS) in a board-licensed correctional clinic and, if so located, also requires the correctional clinic to implement the above policies and procedures, as prescribed.

This bill would require implementation of the California Correctional Health Care Services Health Care Department Operations Manual (operations manual) in lieu of the statewide Inmate Medical Services Policies and Procedures.

The Pharmacy Law requires a correctional facility pharmacist to inspect the clinic at least quarterly.

This bill would require that a correctional clinic be inspected at least quarterly by a pharmacist of the correctional pharmacy assigned to service that facility.

The Pharmacy Law requires that drugs be removed from a correctional clinic ADDS upon authorization by a pharmacist after the pharmacist has reviewed the prescription and the patient profile for potential contraindications and adverse drug reactions. The Pharmacy Law authorizes a medication to be removed from the ADDS and administered or furnished to a patient under the direction of the prescriber if the correctional pharmacy is closed and if, in the prescriber's professional judgment, delay in therapy may cause patient harm. The Pharmacy Law also authorizes the removal and administering or furnishing of a drug to a patient pursuant to a protocol in the statewide Inmate Medical Services Policies and Procedures where the drug is otherwise unavailable. Existing law authorizes removal of drugs from the ADDS only by a person lawfully authorized to administer or dispense the drugs.

This bill would revise those provisions to allow removal and administering or furnishing of a drug under the direction of the prescriber if administration is necessary before a pharmacist has reviewed the prescription, instead of if the correctional pharmacy is closed, and delay in therapy may cause patient harm. The bill would require the protocol followed to be in the operations manual. The bill would additionally allow a person authorized to stock the correctional clinic ADDS to remove drugs from it.

Because a knowing violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(2) Existing law establishes the California Community Colleges, the California State University, the University of California, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in this state.

This bill would prohibit a postsecondary educational institution in this state, except as provided, from inquiring about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission. By imposing new duties on community college districts, this bill would impose a state-mandated local program.

(3) Existing law authorizes the State Public Defender to represent any person financially unable to employ appellate counsel in capital cases, and in specified noncapital appeals. The State Public Defender is authorized to employ deputies and other employees, and establish and operate offices, as they may need for the proper performance of their duties, and to contract with county public defenders, private attorneys, and nonprofit corporations for participation in the representation of eligible persons. Existing law authorizes the office of the State Public Defender to hire specified additional staff attorneys and support staff. Existing law requires the State Public Defender to formulate plans for the representation of indigents in specified courts, as provided.

This bill would additionally require the State Public Defender to, among other things, provide training and assistance to specified public defender offices and to other specified counsel appointed to represent indigent defendants in specified matters. The bill would additionally authorize the State Public Defender to provide representation to an eligible person where providing the representation is in furtherance of the primary missions of the State Public Defender or that would impact the resolution of death penalty claims. The bill would repeal that provision authorizing the State Public Defender to hire additional staff attorneys and support staff. The bill would also repeal those provisions requiring the State Public Defender to formulate plans for the representation of indigents in specified courts, as specified above. This bill would also revise and recast certain other provisions relating to the State Public Defender and make conforming changes.

(4) Existing law authorizes the Department of Corrections and Rehabilitation to design and construct new, or renovate existing, buildings and any necessary ancillary improvements at facilities under the department's jurisdiction to provide medical, dental, and mental health treatment or housing. Existing law limits financing pursuant to this authorization to specified facilities and projects, including all projects established by the board in the Health Care Facility Improvement Program. Under existing law, costs for design and construction, including renovation, and construction-related costs for all projects approved for financing by the State Public Works Board may not exceed $1,139,429,000. Existing law continuously appropriates the funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to these provisions to the board on behalf of the department for these purposes.

This bill would increase the maximum amount of costs authorized for the purposes described above to $1,171,961,000. The bill would make the additional $32,532,000 available for allocation to any project established by the board in the Health Care Facility Improvement Program, subject to existing requirements, including that each allocation be approved by the board and that the Department of Finance report specified information regarding the project to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature at least 20 days before the board's approval. By increasing the amount of funds that are continuously

appropriated to the board on behalf of the department for these purposes, the bill would make an appropriation.

(5) Existing law, the Sex Offender Registration Act, requires a person convicted of one of certain crimes, as specified, to register with law enforcement as a sex offender while residing in California or while attending school or working in California, as specified. Existing law, on and after July 1, 2021, authorizes a person to file a petition in the superior court for termination from the sex offender registry upon the expiration of their mandated minimum registration period. Existing law requires the petition to be served on the registering law enforcement agency and the district attorney, as specified. Existing law requires the registering law enforcement agency to report to the district attorney and the superior or juvenile court in which the petition is filed regarding whether the person has met the requirements for termination.

This bill would instead authorize a person to file a petition in the superior court for termination from the sex offender registry on or after their birthday following the expiration of their mandated minimum registration period. The bill would require the registering law enforcement agency to report receipt of service of a filed petition to the Department of Justice, in a manner prescribed by the department. By imposing additional duties on local law enforcement agencies, this bill would create a state-mandated local program. The bill would additionally authorize the court to summarily deny a petition for termination from the sex offender registry if the petitioner has not fulfilled the filing and service requirements for the petition, as specified.

(6) Existing law, commencing January 1, 2021, and subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified.

This bill would delay the implementation of these provisions until July 1, 2022.

(7) Existing law authorizes the Department of Corrections and Rehabilitation to arrange for court appearances in superior court, except for preliminary hearings, trials, judgements and sentencing, and motions to suppress, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom in any case in which the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison. For those court appearances that the department determines to conduct by two-way electronic audiovideo communication, existing law requires the department to arrange for that communication between the superior court and any state prison facility in the county, and, in lieu of the physical presence of the defendant's counsel at the institution with the defendant, requires the court and the department to establish a confidential telephone and facsimile transmission line between the court and the

institution for communication between the defendant's counsel in court and the defendant at the institution.

This bill would instead limit the above-specified exception to preliminary hearings and trials, and, if the defendant agrees, would authorize preliminary hearings and trials to be held by two-way electronic audiovideo communication. The bill would instead require the department to arrange for that communication between the superior court and any state prison facility, would delete the department's obligation to establish the above-referenced facsimile transmission line, and would make conforming changes.

(8) Under existing law, felonies are punishable by imprisonment in a county jail or in the state prison. Existing law imposes additional enhancements for certain crimes that may also be punishable in a county jail or the state prison, as specified. Existing case law requires that an entire sentence be punished by imprisonment in the state prison, including a sentence punishable in a county jail, if an applicable enhancement is punishable in state prison.

This bill would make an enhancement punishable in a county jail or the state prison as required by the underlying offense and not as required by the enhancement. Because this provisions would transfer responsibility for punishing existing crimes from the state prison to counties, this bill would impose a state-mandated local program.

(9) Existing law requires the Department of Corrections and Rehabilitation to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems, and requires the department to provide a supportive housing program, known as the Integrated Services for Mentally Ill Parolees (ISMIP) program, that provides wraparound services to mentally ill parolees at risk of homelessness using funding appropriated for that purpose.

This bill would repeal the ISMIP program.

(10) Existing law allows the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, or both, to recommend to a court that a prisoner's sentence be recalled if the prisoner is terminally ill or permanently incapacitated. If the prisoner has been sentenced to an indeterminate term, existing law requires the secretary to make a recommendation to the Board of Parole Hearings and requires the board to exercise independent judgment in either rejecting the request or making a recommendation to the court. Upon recommendation, existing law allows the court to resentence the prisoner if, among other things, the prisoner is terminally ill and has less than 6 months to live. Existing law also makes these provisions available to an inmate who is sentenced to a county jail for a felony.

This bill would instead authorize the court to resentence or recall the sentence of a terminally ill prisoner if the prisoner has less than 12 months to live. The bill would remove the authority of the board to recommend recall and resentencing and the requirement that the secretary notify the board for its independent consideration in the case of an indeterminately

sentenced prisoner. By increasing county administrative duties associated with resentencing, or recalling the sentence of, inmates pursuant to these provisions, this bill would impose a state-mandated local program.

(11) Existing law requires a sentence resulting in imprisonment in the state prison to include a period of parole supervision or postrelease community supervision, as specified. Existing law limits the period of parole, as specified.

This bill would require persons released from state prison on or after July 1, 2020, and subject to parole supervision by the Department of Corrections and Rehabilitation, to serve a parole term of 2 years for a determinate term and a parole term of 3 years for a life term. The bill would require a person released on parole from a determinate term to be reviewed by the Division of Adult Parole Operations for possible discharge from parole no later than 12 months after release from confinement, as specified. The bill would require a person released on parole from a life term to be reviewed by the Division of Adult Parole Operations and referred to the Board of Parole hearings for possible discharge no later than 12 months after release from confinement. The bill would exempt inmates convicted of sex offenses and inmates whose parole term at the time of the commission of the offense was less than the terms required by these provisions.

(12) Existing law grants the Department of Corrections and Rehabilitation authority to operate the state prison system and gives the department jurisdiction over various state prisons and other institutions.

This bill would require the Department of Corrections and Rehabilitation to notify the budget committees of each house and the Legislative Analyst's Office, by specified dates, of 2 state-owned and operated prisons for closure. In making that identification, the bill would require the department to consider certain criteria, including which prisons have high operational costs and costly infrastructure needs, as specified.

(13) Existing law requires the Department of Justice to maintain a database of state summary criminal history information, as defined, and requires the Attorney General to furnish that information to specified individuals, organizations, and agencies when necessary for the execution of official duties or to implement a statute or regulation. Existing law requires the Attorney General to provide information to specified agencies, organizations, or individuals for employment, licensing, or certification, including every conviction rendered against the applicant, except those convictions for which specified relief has been granted. Under existing law, the department is required to provide state and federal criminal history information to the Commission on Teacher Credentialing.

This bill would require the Attorney General to provide information to the Commission on Teacher Credentialing on every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted.

(14) Under existing law, a licensed firearms dealer or licensed ammunition vendor is automatically deemed a licensed firearm precursor part vendor beginning July 1, 2023, if they comply with specified

requirements. Existing law, beginning July 1, 2024, requires the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor and prohibits the sale of firearm precursor parts to a person under 21 years of age. Beginning July 1, 2024, existing law requires a person or business to have a valid firearm precursor part vendor license to sell more than one firearm precursor part in a 30-day period, except as exempted. Under existing law, a violation of these provisions is a misdemeanor.

Existing law, beginning July 1, 2025, requires the Department of Justice to electronically approve the purchase or transfer of firearm precursor parts through a vendor. Beginning July 1, 2025, existing law requires a vendor to submit records of sales and transfers of firearm precursor parts to the department, and requires the department to retain those records.

This bill would instead automatically deem a licensed firearms dealer or licensed ammunition vendor to be a licensed firearm precursor part vendor beginning April 1, 2022. Beginning July 1, 2022, the bill would require the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor and would require a person or business to have a valid firearm precursor part vendor license to sell more than one firearm precursor part in a 30-day period. The bill would require the Department of Justice to electronically approve the purchase or transfer of firearm precursor parts through a vendor beginning July 1, 2022, and would require a vendor to submit records of sales and transfers of firearm precursor parts to the department beginning July 1, 2022. By accelerating the operative dates of crimes, the bill would impose a state-mandated program.

(15) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle, a semiautomatic shotgun, or a semiautomatic pistol that does not have a fixed magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a 2nd handgrip.

This bill would expand the definition of "assault weapon" to include a semiautomatic firearm that is not a rifle, pistol, or shotgun, that either does not have a fixed magazine but has any one of the attributes currently associated with assault weapons, as specified, that has a fixed magazine with the capacity to accept more than 10 rounds, or that has an overall length of less than 30 inches.

The bill would provide an exception to the prohibition on possessing an assault weapon that is not a rifle, pistol, or shotgun if the person lawfully possessed the weapon prior to September 1, 2020, and registers the weapon by January 1, 2022, as specified. The bill would require the Department of Justice to adopt regulations to implement these registration requirements. By expanding the application of a crime, this bill would impose a state-mandated local program.

(16) Existing law authorizes the Department of Justice to provide an option for joint registration of an assault weapon owned by family members residing in the same household.

This bill would prohibit the joint registration of an assault weapon that is not a rifle, pistol, or shotgun.

(17) Existing law requires the Division of Juvenile Justice to establish and operate a 7-year pilot program for transition-aged youth. Existing law suspends that program on July 1, 2020.

This bill would allow participants in the pilot program who were housed at the Division of Juvenile Justice prior to January 1, 2020, to remain at the Division of Juvenile Justice pursuant to the terms of the program.

(18) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(19) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 4021.5 of the Business and Professions Code is amended to read:

4021.5. (a) "Correctional pharmacy" means a pharmacy, licensed by the board, for the purpose of providing drugs and pharmaceutical care to inmates of the Department of Corrections and Rehabilitation.

(b) As part of its pharmaceutical care, a correctional pharmacy may dispense or administer medication pursuant to a chart order, as defined in Section 4019, or other valid prescription consistent with this chapter.

SEC. 2. Section 4187.2 of the Business and Professions Code is amended to read:

4187.2. (a) The policies and procedures to implement the laws and regulations of this article within a correctional clinic shall be developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code. Prior to the issuance of a correctional clinic license by the board, an acknowledgment shall be signed by the correctional facility pharmacist-in-charge servicing that institution, the pharmacist-in-charge for the Department of Corrections and Rehabilitation's Central Fill Pharmacy, and the correctional clinic's chief medical executive, supervising dentist, chief nurse executive, and chief executive officer.

(b) (1) The chief executive officer shall be responsible for the safe, orderly, and lawful provision of pharmacy services. The pharmacist-in-charge of servicing the correctional facility shall implement the policies and procedures developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code and the California Correctional Health Care Services Health Care Department Operations Manual in conjunction with the chief executive officer, the chief medical executive, the supervising dentist, and the chief nurse executive.

(2) A licensed correctional clinic shall notify the board within 30 days of any change in the chief executive officer on a form furnished by the board.

(c) A correctional clinic shall be inspected at least quarterly by a pharmacist of the correctional pharmacy assigned to service that facility.

SEC. 3. Section 4187.5 of the Business and Professions Code is amended to read:

4187.5. (a) An automated drug delivery system, as defined in subdivision (h), may be located in a correctional clinic licensed by the board under this article. If an automated drug delivery system is located in a correctional clinic, the correctional clinic shall implement the statewide Correctional Pharmacy and Therapeutics Committee's policies and procedures and the California Correctional Health Care Services Health Care Department Operations Manual to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the quality, potency, and purity of drugs. All policies and procedures shall be maintained either in electronic form or paper form at the location where the automated drug system is being used.

(b) Drugs shall be removed from the automated drug delivery system upon authorization by a pharmacist after the pharmacist has reviewed the prescription and the patient profile for potential contraindications and adverse drug reactions. Where administration of the drug is necessary before a pharmacist has reviewed the prescription, and if, in the prescriber's professional judgment, delay in therapy may cause patient harm, a medication may be removed from the automated drug delivery system and administered or furnished to a patient under the direction of the prescriber. Where the drug is otherwise unavailable, a medication may be removed and administered or furnished to the patient pursuant to an approved protocol as identified within the California Correctional Health Care Services Health Care Department Operations Manual. Any removal of medication from an automated drug delivery system shall be documented and provided to the correctional pharmacy when it reopens.

(c) Drugs removed from the automated drug delivery system shall be provided to the patient by a health professional licensed pursuant to this division who is lawfully authorized to perform that task.

(d) The stocking of an automated drug delivery system shall be performed by either:

(1) A pharmacist.

(2) An intern pharmacist or pharmacy technician, acting under the supervision of a pharmacist.

(e) Review of the drugs contained within, and the operation and maintenance of, the automated drug delivery system shall be the responsibility of the correctional clinic. The review shall be conducted on a monthly basis by a pharmacist and shall include a physical inspection of the drugs in the automated drug delivery system, an inspection of the automated drug delivery system machine for cleanliness, and a review of all transaction records in order to verify the security and accountability of the system.

(f) The automated drug delivery system shall be operated by a licensed correctional pharmacy. Any drugs within an automated drug delivery system are considered owned by the licensed correctional pharmacy until they are dispensed from the automated drug delivery system.

(g) Drugs from the automated drug delivery system in a correctional clinic shall only be removed by a person authorized to stock the automated drug delivery system, or by a person lawfully authorized to administer or dispense the drugs.

(h) For purposes of this section, an "automated drug delivery system" means a mechanical system controlled remotely by a pharmacist that performs operations or activities, other than compounding or administration, relative to the storage, dispensing, or distribution of prepackaged dangerous drugs or dangerous devices. An automated drug delivery system shall collect, control, and maintain all transaction information to accurately track the movement of drugs into and out of the system for security, accuracy, and accountability.

SEC. 4. Section 66024.5 is added to the Education Code, to read:

66024.5. (a) This section shall apply to all segments of postsecondary education in this state.

(b) Except for purposes of an application for a professional degree or law enforcement basic training courses and programs, a postsecondary educational institution shall not inquire about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission.

(c) A postsecondary educational institution shall make any necessary changes to its application form to comply with subdivision (b) by the fall term of the 2021–22 academic year.

SEC. 5. Section 15402 of the Government Code is amended to read:

15402. The State Public Defender may employ deputies and other employees, contract with county public defenders, private attorneys, and nonprofit corporations, and establish and operate offices, as they may need for the proper performance of their duties. The State Public Defender may provide for participation by those attorneys and organizations in the performance of State Public Defender's duties. The attorneys and organizations shall serve under the supervision and control of the State

Public Defender and shall be compensated for their services either under those contracts or in the manner provided in Section 1241 of the Penal Code.

The State Public Defender may also enter into reciprocal or mutual assistance agreements with the board of supervisors of one or more counties to provide for exchange of personnel for the purposes set forth in Section 27707.1.

SEC. 6. Section 15403 of the Government Code is repealed.

SEC. 7. Section 15420 of the Government Code is amended to read:

15420. The primary responsibilities of the State Public Defender are as follows:

(a) To represent those persons who are entitled to representation at public expense in the proceedings listed in subdivisions (a) to (d), inclusive, of Section 15421.

(b) To provide assistance and training to public defender offices established pursuant to Sections 27700 to 27712, inclusive, to counsel appointed pursuant to Sections 987 to 987.9, inclusive, of the Penal Code, and to counsel appointed pursuant to Sections 634, 634.3, and 634.6, inclusive, of the Welfare and Institutions Code, and to engage in related efforts for the purpose of improving the quality of indigent defense.

SEC. 8. Section 15421 of the Government Code is amended to read:

15421. The State Public Defender is authorized to represent any person who is not financially able to employ counsel in the following matters:

(a) An automatic appeal to the Supreme Court under Section 11 of Article VI of the California Constitution and subdivision (b) of Section 1239 of the Penal Code.

(b) A petition for a writ of certiorari to the United States Supreme Court with respect to a judgment on the automatic appeal to the Supreme Court under Section 11 of Article VI of the California Constitution and subdivision (b) of Section 1239 of the Penal Code.

(c) An appeal in a noncapital, criminal case as long as the State Public Defender is fulfilling the responsibilities to provide representation imposed pursuant to subdivisions (a) and (b), or the State Public Defender determines that taking a limited number of those cases is necessary for staff training.

(d) Any other proceeding in which a person is entitled to representation at public expense where providing this representation is in furtherance of the State Public Defender's primary responsibilities, as set forth in Section 15420, or to address legal claims that impact the resolution of death penalty cases.

SEC. 9. Section 15422 of the Government Code is amended to read:

15422. Where a county public defender has refused, or is otherwise reasonably unable, to represent a person because of conflict of interest or other reason, the State Public Defender is authorized to represent that person, pursuant to a contract with the county which provides for reimbursement of costs, where the person is not financially able to employ counsel and is charged with the commission of any contempt or offense triable in the superior court at all stages of any proceedings relating to that charge, including restrictions on liberty resulting from that charge. The State Public

Defender may decline to represent the person by filing a letter with the appropriate court citing Section 15420.

SEC. 10. Section 15819.403 of the Government Code is amended to read:

15819.403. (a) The board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to this part to finance the design and construction, including, without limitation, renovation, and the costs of interim financing of the projects authorized in Section 15819.40. Authorized costs for design and construction, including, without limitation, renovation, and construction-related costs for all projects approved for financing by the board shall not exceed one billion six million three hundred sixty-nine thousand dollars ($1,006,369,000) for subdivision (a) of Section 15819.40, and one billion one hundred seventy-one million nine hundred sixty-one thousand dollars ($1,171,961,000) for subdivision (b) of Section 15819.40.

(b) Notwithstanding Section 13340, funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to this chapter are hereby continuously appropriated to the board on behalf of the Department of Corrections and Rehabilitation for the purposes specified in Section 15819.40.

(c) For the purposes of this section, "construction-related costs" shall include mitigation costs of local government and school districts and shall be made available pursuant to subdivisions (c) and (d) of Section 7005.5 of the Penal Code. It is the intent of the Legislature that any payments made for mitigation shall be made in a timely manner.

(d) Notwithstanding any other law, the financing authorized in this section for projects approved pursuant to subdivision (a) of Section 15819.40 shall only be used for the California Health Care Facility, Stockton project and the conversion of the DeWitt Nelson Youth Correctional Facility to a semiautonomous annex facility to the California Health Care Facility. In addition, the financing authorized in this section for projects approved pursuant to subdivision (b) of Section 15819.40 shall only be used for the following projects:

(1) The California Medical Facility, Vacaville: Intermediate Care Facility.

(2) The California Institution for Women, Chino: Acute/Intermediate Care Facility.

(3) The California State Prison Los Angeles County, Lancaster: Enhanced Outpatient Program Treatment and Office Space.

(4) The California Men's Colony, San Luis Obispo: Mental Health Crisis Beds Facility.

(5) The California Medical Facility, Vacaville: Enhanced Outpatient Program Treatment and Office Space.

(6) The California State Prison, Sacramento: Psychiatric Services Unit Treatment and Office Space.

(7) The California State Prison, Corcoran: Administrative Segregation Unit/Enhanced Outpatient Program Treatment and Office Space.

(8) The Salinas Valley State Prison, Soledad: Enhanced Outpatient Program Treatment and Office Space.

(9) The Central California Women's Facility, Chowchilla: Enhanced Outpatient Program Treatment and Office Space.

(10) All projects established by the board in the Health Care Facility Improvement Program.

(e) The amount authorized in subdivision (a) for subdivision (b) of Section 15819.40 reflects an increase of one hundred twenty-five million three hundred eighty-two thousand dollars ($125,382,000) to fund any project established by the board in the Health Care Facility Improvement Program, subject to all of the following:

(1) Each allocation shall be approved by the board.

(2) Not less than 20 days prior to the board's approval, the Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the respective fiscal committee of each house of the Legislature the following:

(A) The name of the project, the additional allocation received, the reason for this allocation, and the estimated date of completion.

(B) The amount remaining to be allocated to other projects.

SEC. 11. Section 290.5 of the Penal Code, as added by Section 12 of Chapter 541 of the Statutes of 2017, is amended to read:

290.5. (a) (1) A person who is required to register pursuant to Section 290 and who is a tier one or tier two offender may file a petition in the superior court in the county in which the person is registered for termination from the sex offender registry on or after their next birthday after July 1, 2021, following the expiration of the person's mandated minimum registration period, or if the person is required to register pursuant to Section 290.008, the person may file the petition in juvenile court on or after their next birthday after July 1, 2021, following the expiration of the mandated minimum registration period. The petition shall contain proof of the person's current registration as a sex offender.

(2) The petition shall be served on the registering law enforcement agency and the district attorney in the county where the petition is filed and on the law enforcement agency and the district attorney of the county of conviction of a registerable offense if different than the county where the petition is filed. The registering law enforcement agency shall report receipt of service of a filed petition to the Department of Justice in a manner prescribed by the department. The registering law enforcement agency and the law enforcement agency of the county of conviction of a registerable offense if different than the county where the petition is filed shall, within 60 days of receipt of the petition, report to the district attorney and the superior or juvenile court in which the petition is filed regarding whether the person has met the requirements for termination pursuant to subdivision (e) of Section 290. If an offense which may require registration pursuant to Section 290.005 is identified by the registering law enforcement agency which has not previously been assessed by the Department of Justice, the registering law enforcement agency shall refer that conviction to the department for

assessment and determination of whether the conviction changes the tier designation assigned by the department to the offender. If the newly discovered offense changes the tier designation for that person, the department shall change the tier designation pursuant to subdivision (d) of Section 290 within three months of receipt of the request by the registering law enforcement agency and notify the registering law enforcement agency. If more time is required to obtain the documents needed to make the assessment, the department shall notify the registering law enforcement agency of the reason that an extension of time is necessary to complete the tier designation. The registering law enforcement agency shall report to the district attorney and the court that the department has requested an extension of time to determine the person's tier designation based on the newly discovered offense, the reason for the request, and the estimated time needed to complete the tier designation. The district attorney in the county where the petition is filed may, within 60 days of receipt of the report from either the registering law enforcement agency, the law enforcement agency of the county of conviction of a registerable offense if different than the county where the petition is filed, or the district attorney of the county of conviction of a registerable offense, request a hearing on the petition if the petitioner has not fulfilled the requirement described in subdivision (e) of Section 290, or if community safety would be significantly enhanced by the person's continued registration. If no hearing is requested, the petition for termination shall be granted if the court finds the required proof of current registration is presented in the petition, provided that the registering agency reported that the person met the requirement for termination pursuant to subdivision (e) of Section 290, there are no pending charges against the person which could extend the time to complete the registration requirements of the tier or change the person's tier status, and the person is not in custody or on parole, probation, or supervised release. The court may summarily deny a petition if the court determines the petitioner does not meet the statutory requirements for termination of sex offender registration or if the petitioner has not fulfilled the filing and service requirements of this section. In summarily denying a petition the court shall state the reason or reasons the petition is being denied.

(3) If the district attorney requests a hearing, the district attorney shall be entitled to present evidence regarding whether community safety would be significantly enhanced by requiring continued registration. In determining whether to order continued registration, the court shall consider: the nature and facts of the registerable offense; the age and number of victims; whether any victim was a stranger at the time of the offense (known to the offender for less than 24 hours); criminal and relevant noncriminal behavior before and after conviction for the registerable offense; the time period during which the person has not reoffended; successful completion, if any, of a Sex Offender Management Board-certified sex offender treatment program; and the person's current risk of sexual or violent reoffense, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if available. Any judicial determination made

pursuant to this section may be heard and determined upon declarations, affidavits, police reports, or any other evidence submitted by the parties which is reliable, material, and relevant.

(4) If termination from the registry is denied, the court shall set the time period after which the person can repetition for termination, which shall be at least one year from the date of the denial, but not to exceed five years, based on facts presented at the hearing. The court shall state on the record the reason for its determination setting the time period after which the person may repetition.

(5) The court shall notify the Department of Justice, California Sex Offender Registry, when a petition for termination from the registry is granted, denied, or summarily denied, in a manner prescribed by the department. If the petition is denied, the court shall also notify the Department of Justice, California Sex Offender Registry, of the time period after which the person can file a new petition for termination.

(b) (1) A person required to register as a tier two offender, pursuant to paragraph (2) of subdivision (d) of Section 290, may petition the superior court for termination from the registry after 10 years from release from custody on the registerable offense if all of the following apply: (A) the registerable offense involved no more than one victim 14 to 17 years of age, inclusive; (B) the offender was under 21 years of age at the time of the offense; (C) the registerable offense is not specified in subdivision (c) of Section 667.5, except subdivision (a) of Section 288; and (D) the registerable offense is not specified in Section 236.1.

(2) A tier two offender described in paragraph (1) may file a petition with the superior court for termination from the registry only if the person has not been convicted of a new offense requiring sex offender registration or an offense described in subdivision (c) of Section 667.5 since the person was released from custody on the offense requiring registration pursuant to Section 290, and has registered for 10 years pursuant to subdivision (e) of Section 290. The court shall determine whether community safety would be significantly enhanced by requiring continued registration and may consider the following factors: whether the victim was a stranger (known less than 24 hours) at the time of the offense; the nature of the registerable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior before and after the conviction for the registerable offense; whether the offender has successfully completed a Sex Offender Management Board-certified sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and the person's current risk of sexual or violent reoffense, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if known. If the petition is denied, the person may not repetition for termination for at least one year.

(3) A person required to register as a tier three offender based solely on the person's risk level, pursuant to subparagraph (D) of paragraph (3) of subdivision (d) of Section 290, may petition the court for termination from the registry after 20 years from release from custody on the registerable

offense, if the person (A) has not been convicted of a new offense requiring sex offender registration or an offense described in subdivision (c) of Section 667.5 since the person was released from custody on the offense requiring registration pursuant to Section 290, and (B) has registered for 20 years pursuant to subdivision (e) of Section 290; except that a person required to register for a conviction pursuant to Section 288 or an offense listed in subdivision (c) of Section 1192.7 who is a tier three offender based on the person's risk level, pursuant to subparagraph (D) of paragraph (3) of subdivision (d) of Section 290, shall not be permitted to petition for removal from the registry. The court shall determine whether community safety would be significantly enhanced by requiring continued registration and may consider the following factors: whether the victim was a stranger (known less than 24 hours) at the time of the offense; the nature of the registerable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior before and after the conviction for the registerable offense; whether the offender has successfully completed a Sex Offender Management Board-certified sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and the person's current risk of sexual or violent reoffense, including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if known. If the petition is denied, the person may not re-petition for termination for at least three years.

(c) This section shall become operative on July 1, 2021.

SEC. 12. Section 851.93 of the Penal Code is amended to read:

851.93. (a) (1) On a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, shall identify persons with records of arrest that meet the criteria set forth in paragraph (2) and are eligible for arrest record relief.

(2) A person is eligible for relief pursuant to this section, if the arrest occurred on or after January 1, 2021, and meets any of the following conditions:

(A) The arrest was for a misdemeanor offense and the charge was dismissed.

(B) The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.

(C) The arrest was for an offense that is punishable by imprisonment pursuant to paragraph (1) or (2) of subdivision (h) of Section 1170, there is no indication that criminal proceedings have been initiated, at least three calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.

(D) The person successfully completed any of the following, relating to that arrest:

(i) A prefiling diversion program, as defined in Section 851.87, administered by a prosecuting attorney in lieu of filing an accusatory pleading.

(ii) A drug diversion program administered by a superior court pursuant to Section 1000.5, or a deferred entry of judgment program pursuant to Section 1000 or 1000.8.

(iii) A pretrial diversion program, pursuant to Section 1000.4.

(iv) A diversion program, pursuant to Section 1001.9.

(v) A diversion program described in Chapter 2.8 (commencing with Section 1001.20), Chapter 2.8A (commencing with Section 1001.35), Chapter 2.81 (commencing with Section 1001.40), Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A (commencing with Section 1001.60), Chapter 2.9B (commencing with Section 1001.70), Chapter 2.9C (commencing with Section 1001.80), Chapter 2.9D (commencing with Section 1001.81), or Chapter 2.92 (commencing with Section 1001.85), of Title 6.

(b) (1) The department shall grant relief to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the department granted relief, and this section. This note shall be included in all statewide criminal databases with a record of the arrest.

(3) Except as otherwise provided in subdivision (d), an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly.

(c) On a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in subdivision (d), the court shall not disclose information concerning an arrest that is granted relief pursuant to this section to any person or entity, in any format, except to the person whose arrest was granted relief or a criminal justice agency, as defined in Section 851.92.

(d) Relief granted pursuant to this section is subject to the following conditions:

(1) Arrest relief does not relieve a person of the obligation to disclose an arrest in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(2) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use

records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(3) This section does not limit the ability of a district attorney to prosecute, within the applicable statute of limitations, an offense for which arrest relief has been granted pursuant to this section.

(4) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

(5) Relief granted pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(6) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(e) This section does not limit petitions, motions, or orders for arrest record relief, as required or authorized by any other law, including, but not limited to, Sections 851.87, 851.90, 851.91, 1000.4, and 1001.9.

(f) The department shall annually publish statistics for each county regarding the total number of arrests granted relief pursuant to this section and the percentage of arrests for which the state summary criminal history information does not include a disposition, on the OpenJustice Web portal, as defined in Section 13010.

(g) This section shall be operative commencing July 1, 2022, subject to an appropriation in the annual Budget Act.

SEC. 13. Section 977.2 of the Penal Code is amended to read:

977.2. (a) Notwithstanding Section 977 or any other law, in any case in which the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison, the Department of Corrections and Rehabilitation may arrange for all court appearances in superior court, except for the preliminary hearing and trial, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. If the defendant agrees, the preliminary hearing and trial may be held by two-way electronic audiovideo communication. This section shall not be interpreted to eliminate the authority of the court to issue an order requiring the defendant to be physically present in the courtroom in those cases where the court finds circumstances that require the physical presence of the defendant in the courtroom. For those court appearances that are conducted by two-way electronic audiovideo communication, the department shall arrange for two-way electronic audiovideo communication between the superior court and any state prison facility. The department shall provide properly maintained equipment, adequately trained staff at the prison, and

appropriate training for court staff to ensure that consistently effective two-way electronic audiovideo communication is provided between the prison facility and the courtroom for all appearances conducted by two-way electronic audiovideo communication.

(b) If the defendant is represented by counsel, the attorney shall be present with the defendant at the initial court appearance and arraignment, and may enter a plea during the arraignment. However, if the defendant is represented by counsel at an arraignment on an information or indictment in a felony case, and if the defendant does not plead guilty or nolo contendere to any charge, the attorney shall be present with the defendant or if the attorney is not present with the defendant, the attorney shall be present in court during the hearing.

(c) In lieu of the physical presence of the defendant's counsel at the institution with the defendant, the court and the department shall establish a confidential telephone line between the court and the institution for communication between the defendant's counsel in court and the defendant at the institution. In this case, counsel for the defendant shall not be required to be physically present at the institution during any court appearance that is conducted via electronic audiovideo communication. This section shall not be construed to prohibit the physical presence of the defense counsel with the defendant at the state prison.

SEC. 14. Section 1170 of the Penal Code, as amended by Section 1 of Chapter 1001 of the Statutes of 2018, is amended to read:

1170. (a) (1) The Legislature finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. When a sentence includes incarceration, this purpose is best served by terms that are proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances.

(2) The Legislature further finds and declares that programs should be available for inmates, including, but not limited to, educational, rehabilitative, and restorative justice programs that are designed to promote behavior change and to prepare all eligible offenders for successful reentry into the community. The Legislature encourages the development of policies and programs designed to educate and rehabilitate all eligible offenders. In implementing this section, the Department of Corrections and Rehabilitation is encouraged to allow all eligible inmates the opportunity to enroll in programs that promote successful return to the community. The Department of Corrections and Rehabilitation is directed to establish a mission statement consistent with these principles.

(3) In any case in which the sentence prescribed by statute for a person convicted of a public offense is a term of imprisonment in the state prison or a term pursuant to subdivision (h) of any specification of three time periods, the court shall sentence the defendant to one of the terms of imprisonment specified unless the convicted person is given any other disposition provided by law, including a fine, jail, probation, or the suspension of imposition or execution of sentence or is sentenced pursuant

to subdivision (b) of Section 1168 because they had committed their crime prior to July 1, 1977. In sentencing the convicted person, the court shall apply the sentencing rules of the Judicial Council. The court, unless it determines that there are circumstances in mitigation of the sentence prescribed, shall also impose any other term that it is required by law to impose as an additional term. Nothing in this article shall affect any provision of law that imposes the death penalty, that authorizes or restricts the granting of probation or suspending the execution or imposition of sentence, or expressly provides for imprisonment in the state prison for life, except as provided in paragraph (2) of subdivision (d). In any case in which the amount of preimprisonment credit under Section 2900.5 or any other law is equal to or exceeds any sentence imposed pursuant to this chapter, except for the remaining portion of mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h), the entire sentence shall be deemed to have been served, except for the remaining period of mandatory supervision, and the defendant shall not be actually delivered to the custody of the secretary or to the custody of the county correctional administrator. The court shall advise the defendant that they shall serve an applicable period of parole, postrelease community supervision, or mandatory supervision, and order the defendant to report to the parole or probation office closest to the defendant's last legal residence, unless the in-custody credits equal the total sentence, including both confinement time and the period of parole, postrelease community supervision, or mandatory supervision. The sentence shall be deemed a separate prior prison term or a sentence of imprisonment in a county jail under subdivision (h) for purposes of Section 667.5, and a copy of the judgment and other necessary documentation shall be forwarded to the secretary.

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

(c) The court shall state the reasons for its sentence choice on the record at the time of sentencing. The court shall also inform the defendant that as part of the sentence after expiration of the term they may be on parole for

PROOF OF SERVICE

Case Name: *Franklin Armory, Inc., et al. v. California Department of Justice, et al.*
Court of Appeal Case No. B340913
Superior Court Case No. 20STCP01747

I, Laura Fera, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Long Beach, California 90802.

On May 21, 2025, I served a copy of the foregoing document described as: **APPELLANTS' APPENDIX, VOLUME VII OF XX, Pages 1107-1132**, on the following parties, as follows:

Kenneth G. Lake
Kenneth.Lake@doj.ca.gov
Andrew F. Adams
Andrew.Adams@doj.ca.gov
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

Attorneys for Respondent

These parties were served as follows: I served a true and correct copy by electronic transmission through TrueFiling. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2025, at Long Beach, California.

Laura Fera
Declarant