

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MERCED

3 GENERAL ORDER RE: EARLY TERMINATION OF PROBATION
4 PURSUANT TO ASSEMBLY BILL 1950
5

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7 Effective January 1, 2021, Assembly Bill No. 1950 (2019-2020 Reg. Sess.)(AB1950) has
8 amended Penal Code sections 1203a and 1203.1. The amendments retroactively modify the
9 probation terms for certain offenses. In implementing the amendments, this Court hereby FINDS
10 AND ORDERS AS FOLLOWS:

- 11
- 12 1. **Felonies**- AB1950 has shortened the probation terms for most felony offenses to two
13 years. In relevant part, Penal Code section 1203.1, subdivision (a), with certain
14 exceptions, provides, “The court...in the order granting probation, may suspend the
15 imposing or the execution of the sentence and may direct that the suspension may
16 continue for a period of time not exceeding two years...” Previously, the maximum term
17 of probation for a felony offense could be for a period of time not exceeding the
18 maximum possible term of the sentence. If the maximum possible term of the sentence
19 was five years or less, the period of probation could be up to five years.
 - 20 a. By operation of law, the shortening of the probation terms is retroactive.
 - 21 b. **Exclusions**-Pursuant to Penal Code section 1203.1, subdivision (m), the two-year
22 limit on the term of probation shall not apply to:
 - 23 i. Any violent felony listed in Penal Code section 667.5, subdivision (c).
24 (See Appendix II for a complete list of excluded violent offenses and their
25 maximum probation terms.)
 - 26 ii. Any offense that includes specific probation lengths within its provisions.
27 (See Appendix I for the complete list of crimes with specified minimum
28 terms of probation.)
 - iii. Any felony conviction of Penal Code section 487, subdivision (b)(3), if
the total value of the property taken exceeds \$25,000. In this case, the
maximum term of probation is three years.
 - iv. Any felony conviction of Penal Code section 503, if the total value of the
property taken exceeds \$25,000. In this case, the maximum term of
probation is three years.
 - v. Any felony conviction of Penal Code section 532a, if the total value of the
property taken exceeds \$25,000. In this case, the maximum term of
probation is three years.
 2. **Misdemeanors** – AB1950 has shortened the probation terms for most misdemeanor
offenses to one year. In relevant part, Penal Code section 1203a subdivision (a) states,
“The court may suspend the imposition or execution of the sentence and make and
enforce the terms of probation for a period not to exceed one year.” Previously, the
maximum term of probation for a misdemeanor offense was three years, or if the term of

1 imprisonment on a particular crime was greater than three years, the probation term was
2 up to the maximum term of imprisonment.

3 a. By operation of law, the shortening of the probations terms is retroactive.

4 b. **Exclusions**-Per section 1203a, subdivision (b), "The one-year probation limit in
5 subdivision (a) shall not apply to any offense that includes specific probation
6 lengths within its provisions." (See Appendix I for the complete list of crimes
7 with specified minimum terms of probation.)

8 3. **Exclusion for Crimes Involving Domestic Violence**-In relevant part, pursuant to Penal
9 Code section 1203.097, subdivision (a), "If a person is granted probation for a crime in
10 which the victim is a person defined in Section 6211 of the Family Code, the terms of
11 probation shall include...[a] minimum period of probation of 36 months..." Thus, a
12 probationer is excluded from the retroactive shortening of probation if the probationer's
13 victim is a person defined in Family Code section 6211, even if the probationer was
14 convicted of an offense that generally carries a two-year probationary term. For example,
15 probation for a violation of Penal Code section 245, subdivision (a)(4) is two years.
16 However, if the victim is a person included in Family Code section 6211, the minimum
17 probation term is three years, and the maximum probation term is four years.

18 4. **Determination Procedure** - By operation of law, the new requirements of AB1950 have
19 amended existing terms of probation in accordance with the new limits for all included
20 crimes, without the need of the court to specifically order the modified terms. The Court
21 orders the Probation Department to compile a list of cases under their jurisdiction and/or
22 supervision that meet the criteria set forth in AB1950. After compiling the list, the
23 Probation Department is to provide the list to the District Attorney's Office for an
24 opportunity to review eligibility for termination. If the District Attorney's Office agrees
25 probation has expired pursuant to AB1950, a stipulation signed by the District Attorney's
26 Office shall be filed with the Court and a copy served on the Probation Department and
27 Defense Counsel. If the District Attorney's Office challenges the Probation Department's
28 determination of termination eligibility, Probation and Defense Counsel will be properly
noticed, and Defense Counsel will calendar the matter with the Court for determination of
eligibility if necessary.

5. **Revoked Probation or Warrants**- Defendants whose probation has been revoked and/or
have outstanding warrants are not eligible for the procedure contained in this Order.

21 THIS ORDER IS EFFECTIVE IMMEDIATELY.

23 Dated: 03/10/2021



HON. DONALD J. PROIETTI
Presiding Judge

APPENDIX I: CRIMES EXCLUDED FROM THE ONE-YEAR OR TWO-YEAR LIMIT ON PROBATION DUE TO SPECIFIC PROBATION LENGTHS (Pen. Code, §§ 1203a(b), 1203.1(m)(1))

Code Section	Crime	Specific Probation Length	Max. probation term (felonies only)	Authority for Exception
PENAL CODE				
136.1(a), (b) (M)	Witness intimidation	Max./Min. of 36 months	3 years	If § 1203.097 applies ¹
136.1(a), (b) (F)	Witness intimidation	Min. of 36 months	3 years	If § 1203.097 applies
136.1(c) (F)	Witness intimidation - prevent testimony with threat of violence or force	Min. of 36 months	4 years	If § 1203.097 applies
140 (M)	Witness intimidation – use of force or threat of force or violence	Max./Min. of 36 months		If § 1203.097 applies
140 (F)	Witness intimidation – use of force or threat of force or violence	Min. of 36 months	4 years	If § 1203.097 applies
166(c) (M)	Violation of protective or stay away order	Max./Min. of 36 months		§ 166(e)(1); § 1203.097
166(d)(1) (M)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Max./Min. of 36 months		§ 29825(c); § 1203.097
166(d)(1) (F)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Min. of 36 months	3 years	§ 29825(c); § 1203.097
243(e)(1) (M)	Simple battery on spouse, cohabitant, or fellow parent	Max./Min. of 36 months		§ 1203.097
245(a)(1) (M)	Assault with a deadly weapon other than firearm	Max./Min. of 36 months		If § 1203.097 applies

¹ If a person is granted probation for a crime in which the victim is a person defined in Section 6211 of the Family Code, the minimum period of probation is 36 months. (Pen. Code, § 1203.097(a)(1).)

245(a)(1) (F)	Assault with a deadly weapon other than firearm	Min. of 36 months	4 years	If § 1203.097 applies
245(a)(4) (M)	Assault by any means of force likely to produce great bodily injury	Max./Min. of 36 months		If § 1203.097 applies
245(a)(4) (F)	Assault by any means of force likely to produce great bodily injury	Min. of 36 months	4 years	If § 1203.097 applies
273a(a) (M)	Child abuse likely to produce great bodily harm or death	Max./Min. of 48 months		§ 273a(c)(1)
273a(a) (F)	Child abuse likely to produce great bodily harm or death	Min. of 48 months	6 years	§ 273d(c)(1)
273a(b) (M)	Child abuse	Max./Min. of 48 months		§ 273a(c)(1)
273d(a) (M)	Inflicting physical punishment on child	Max./Min. of 36 months		§ 273d(c)(1)
273d(a) (F)	Inflicting physical punishment on child	Min. of 36 months	6 years	§ 273d(c)(1)
273.5 (M)	Inflicting injury on spouse, cohabitant, or fellow parent resulting in traumatic condition	Max./Min. of 36 months		§ 273.5(g); § 1203.097
273.5 (F)	Inflicting injury on spouse, cohabitant, or fellow parent resulting in traumatic condition	Min. of 36 months	4 years	§ 273.5(g); § 1203.097
273.6 (M)	Violation of protective or stay away order	Max./Min. of 36 months		§ 273.6(h); § 1203.097
278 (M)	Child abduction	Max./Min. of 36 months		If § 1203.097 applies
278 (F)	Child abduction	Min. of 36 months	4 years	If § 1203.097 applies
278.5 (M)	Child abduction in violation of custody order	Max./Min. of 36 months		If § 1203.097 applies
278.5 (F)	Child abduction in violation of custody order	Min. of 36 months	3 years	If § 1203.097 applies
368 (M)	Elder/dependent adult abuse	Max./Min. of 36 months		If § 1203.097 applies

368 (F)	Elder/dependent adult abuse	Min. of 36 months	4 years	If § 1203.097 applies
422 (M)	Criminal threats	Max./Min. of 36 months		If § 1203.097 applies
422 (F)	Criminal threats	Min. of 36 months	3 years	If § 1203.097 applies
502(c)(1)-(2), (4)-(5) (M)	Unauthorized computer access	Max./Not less than 3 years		§ 1203.047
502(c)(1)-(2), (4)-(5) (F)	Unauthorized computer access	Not less than 3 years	3 years	§ 1203.047
502(c)(3), (6), (7), (8) (felony only)	Unauthorized computer access	Not less than 3 years	3 years	§ 1203.047
502.7(b) (M)	Telephone fraud	Max./Not less than 3 years		§ 1203.047
502.7(b) (F)	Telephone fraud	Not less than 3 years	3 years	§ 1203.047
594 (M)	Vandalism	Max./Min. of 36 months		If § 1203.097 applies
594 (F)	Vandalism	Min. of 36 months	3 years	If § 1203.097 applies
647(j)(4) (M)	Intentional and nonconsensual distribution of the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in a sexual act	Max./Min. of 36 months		If § 1203.097 applies
646.9(a) (M)	Stalking	Max./Min. of 36 months		If § 1203.097 applies

646.9(a) (F)	Stalking	Min. of 36 months	3 years	If § 1203.097 applies
646.9(b) (F)	Stalking in violation of court order	Min. of 36 months	4 years	If § 1203.097 applies
653m (M)	Telephone or electronic communication with intent to annoy or harass	Max./Min. of 36 months		If § 1203.097 applies
29825(a), (b) (M)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Max./Min. of 36 months		§ 29825(c); § 1203.097
29825(a), (b) (F)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Min. of 36 months	3 years	§ 29825(c); § 1203.097
VEHICLE CODE				
23152 (M/F)	Driving under the influence	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	§ 23600(b)(1)
23153 (M/F)	Driving under the influence causing injury	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	§ 23600(b)(1)

APPENDIX II: CRIMES EXCLUDED FROM THE TWO-YEAR LIMIT ON PROBATION DUE TO INCLUSION IN PENAL CODE SECTION 667.5(c) OR SECTION 1203.1(m)(2)

Code Section	Crime	Maximum Probation Term	Authority for Exception
PENAL CODE			
37	Treason	Life	§ 667.5(c)(7); § 1203.1(m)(1)
128	Perjury resulting in execution of innocent person	Life	§ 667.5(c)(7); § 1203.1(m)(1)
136.1/186.22	Intimidation of witness if a felony violation of § 186.22	§ 186.22(4)(A) (c): 7 years - life	§ 667.5(c)(20); § 1203.1(m)(1)
187	Murder	§ 190(a): first degree, 25 years-life; second degree, 15 years-life; § 190(b): 25 years-life; § 190(d): 20 years-life	§ 667.5(c)(1), (7); § 1203.1(m)(1)
187/664	Attempted murder	§ 664(a): 9 years; § 664(f): 15-life	§ 667.5(c)(7), (12); § 1203.1(m)(1)
192(a)	Voluntary manslaughter	11 years	§ 667.5(c)(1); § 1203.1(m)(1)
203	Mayhem	8 years	§ 667.5(c)(2); § 1203.1(m)(1)
205	Aggravated mayhem	Life	§ 667.5(c)(2), (7); §1203.1(m)(1)
206	Torture	Life	§ 667.5(c)(7); § 1203.1(m)(1)
207	Kidnapping	8 years; 11 years if victim under 14	§ 667.5(c)(14); § 1203.1(m)(1)
209	Kidnapping for gain or robbery	Life	§ 667.5(c)(7), (14)
209.5	Kidnapping in course of carjacking	Life	§ 667.5(c)(7), (14); § 1203.1(m)(1)

211	Robbery	1 st degree under § 213(a)(1)(A): 9 years; 1 st degree under § 213(a)(1)(B): 6 years; 2 nd degree: 5 years	§ 667.5(c)(9); § 1203.1(m)(1)
214	Train robbery	3 years	§ 667.5(c)(9); § 1203.1(m)(1)
215	Carjacking	9 years	§ 667.5(c)(17); § 1203.1(m)(1)
217.1(b)	Attempted murder of government official	15-life	§ 667.5(c)(7), (12); § 1203.1(m)(1)
218	Train wrecking	Life	§ 667.5(c)(7); § 1203.1(m)(1)
219	Train derailing	Life	§ 667.5(c)(7); § 1203.1(m)(1)
220	Assault with intent to commit mayhem, rape, sodomy, or oral copulation	§ 220(a)(1): 6 years; § 220 (a)(2): 9 years; § 220(b): life	§ 667.5(c)(7), (15); § 1203.1(m)(1)
236.1(c)(2)	Causing minor to engage in commercial sex act – with force or fear	§ 236.1(c)(2): with force or fear, 15-life	§ 667.5(c)(7); § 1203.1(m)(1)
262(a)(1), (4)	Spousal rape	8 years	§ 667.5(c)(3); § 1203.1(m)(1)
273ab	Assault on child with GBI resulting in death	§ 273ab(a): 25-life; § 273ab(b): life	§ 667.5(c)(7); § 1203.1(m)(1)
286(c)(1)	Sodomy with person under 14 and more than 10 years younger	8 years	§ 667.5(c)(4); § 1203.1(m)(1)
287(c)(1)	Oral copulation with person under 14 and more than 10 years younger	8 years	§ 667.5(c)(5); § 1203.1(m)(1)
288(a)	Lewd act on child under 14	8 years	§ 667.5(c)(6); § 1203.1(m)(1)
288.5	Continuous sexual abuse of a child	16 years	§ 667.5(c)(16); § 1203.1(m)(1)
289(j)	Sexual penetration by foreign object of a child under the age of 14	8 years	§ 667.5(c)(11); § 1203.1(m)(1)

451(a), (b)	Arson	§ 451(a): 9 years; § 451(b): 8 years	§ 667.5(c)(10); § 1203.1(m)(1)
452(a)	Arson causing GBI	6 years	§ 667.5(c)(8); § 1203.1(m)(1)
487(b)(3)	Theft by employee or agent [if the total value of the property taken exceeds \$25,000]	3 years	§ 1203.1(m)(2)
503	Theft by embezzlement [if the total value of the property taken exceeds \$25,000]	3 years	§ 1203.1(m)(2)
518	Extortion [if in violation of Penal Code section 186.22]	§ 186.22(4)(A)(c) : 7 years-life	§ 667.5(c)(7), (19); § 1203.1(m)(1)
532a	False financial statement [if the total value of the property taken exceeds \$25,000]	3 years	§ 1203.1(m)(2)
11418(b)	Possession, use, or manufacture of weapon of mass destruction	12 years	§ 667.5(c)(23); § 1203.1(m)(1)
11418(c)	Possession, use, or manufacture of weapon of mass destruction	6 years	§ 667.5(c)(23); § 1203.1(m)(1)
12022.3(a)	Sex offense with use of firearm or deadly weapon	10 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.5(a)	Use of firearm	10 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.53	Use or discharge of firearm in specified felonies	§ 12022.53(b): 10 years; § 12022.53(c): 20 years; § 12022.53(d): 25-life	§ 667.5(c)(22); § 1203.1(m)(1)
12022.55	Discharging firearm from vehicle	10 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.7	Personal infliction of GBI	§ 12022.7(a): 3 years; § 12022.7(b)-(e): 5 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.9	Personal infliction of GBI resulting in termination of pregnancy	5 years	§ 667.5(c)(8); § 1203.1(m)(1)
18745	Exploding destructive device with intent to murder	Life	§ 667.5(c)(7), (13); § 1203.1(m)(1)

18750	Exploding destructive device causing injury	9 years	§ 667.5(c)(13); § 1203.1(m)(1)
18755	Exploding destructive device causing mayhem or GBI	§ 18755(b): Life	§ 667.5(c)(7), (13); § 1203.1(m)(1)
MIL. & VET. CODE			
1670	Sabotage resulting in death or GBI	§ 1672(a): life	§ 667.5(c)(7); § 1203.1(m)(1)
1671	Making defects or omitting defects resulting in death or GBI	§ 1672(a): life	§ 667.5(c)(7); § 1203.1(m)(1)