

Existing law provides that if a felony or misdemeanor offense specifies a sentence with a minimum term of confinement or a minimum fine, or that the sentence shall be served without benefit of parole, probation, or suspension of sentence, the court, upon conviction, in sentencing the offender shall impose the sentence as provided in the penalty provisions for the offense unless either of the following occur:

- (1) The defendant enters a guilty plea pursuant to a negotiated plea agreement with the prosecution and the court which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence or specifies a reduced fine or term of confinement.
- (2) The prosecution, the defendant, and the court enter into a post-conviction agreement, which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence, or specifies a reduced fine or term of confinement.

Existing law provides that these provisions shall not apply to any sex offense.

Prior law provided that these provisions shall not apply to any crime of violence.

New law amends prior law to authorize the waiver of minimum mandatory sentences pursuant to existing law for certain crimes of violence and to prohibit the waiver of certain other offenses.

New law retains existing law as it relates to sex offenses.

Effective Aug. 1, 2014.

(Amends C.Cr.P. Art. 890.1(D))