

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1927

Introduced by Assembly Member Lackey

February 12, 2016

An act to amend Section 853.9 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1927, as amended, Lackey. Criminal procedure: notice to appear.

Existing law, under specified circumstances, requires an officer or his or her superior to prepare in duplicate a written notice for an arrested person to appear in court. Existing law requires that when an officer or the prosecuting attorney has filed the notice to appear with the court, an exact and legible duplicate copy of the notice, in lieu of a verified complaint, constitutes a complaint to which the defendant may plead "guilty" or "nolo contendere."

This bill would provide that, if the ~~citation~~ *notice to appear* issued to the arrested person is being transmitted in electronic form, the copy of the ~~citation~~ *notice to appear* issued to the arrested person need not include the signature of the arrested person, unless specifically requested by the arrested person.

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

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

1 SECTION 1. Section 853.9 of the Penal Code is amended to
2 read:

1 853.9. (a) (1) If written notice to appear has been prepared,
2 delivered, and filed by an officer or the prosecuting attorney with
3 the court pursuant to Section 853.6, an exact and legible duplicate
4 copy of the notice when filed with the magistrate, in lieu of a
5 verified complaint, shall constitute a complaint to which the
6 defendant may plead “guilty” or “nolo contendere.”

7 (2) If the defendant violates his or her promise to appear in
8 court, or does not deposit lawful bail, or pleads other than “guilty”
9 or “nolo contendere” to the offense charged, a complaint shall be
10 filed which shall conform to the provisions of this code and which
11 shall be deemed to be an original complaint; and thereafter
12 proceedings shall be had as provided by law, except that a
13 defendant may, by an agreement in writing, subscribed by him or
14 her and filed with the court, waive the filing of a verified complaint
15 and elect that the prosecution may proceed upon a written notice
16 to appear.

17 (b) Notwithstanding subdivision (a), if the written notice to
18 appear has been prepared on a form approved by the Judicial
19 Council, an exact and legible duplicate copy of the notice when
20 filed with the magistrate shall constitute a complaint to which the
21 defendant may enter a plea and, if the notice to appear is verified,
22 upon which a warrant may be issued. If the notice to appear is not
23 verified, the defendant may, at the time of arraignment, request
24 that a verified complaint be filed.

25 (c) If the ~~citation~~ *notice to appear* issued to the arrested person
26 is being transmitted in electronic form, the copy of the ~~citation~~
27 *notice to appear* issued to the arrested person need not include the
28 signature of the arrested person, unless specifically requested by
29 the arrested person.