

AMENDED IN SENATE MAY 17, 2016
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 notice to appear issued to *and signed by* the arrested person is being transmitted in electronic form, the copy of the 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:

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

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

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

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

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