

**ASSEMBLY BILL**

**No. 2839**

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**Introduced by Assembly Member Thurmond**

February 19, 2016

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An act to amend Section 1270 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2839, as introduced, Thurmond. Criminal procedure: release on defendant's own recognizance.

Existing law provides that a defendant who is in custody and arraigned for a misdemeanor offense, or who has been arrested upon an out-of-county warrant arising from a case involving only misdemeanors, is entitled to be released on his or her recognizance unless the court finds that the release will compromise public safety or will not reasonably ensure the appearance of the defendant, in which case the court is required to set bail and specify conditions, if any, for release.

This bill would make technical, nonsubstantive changes to those provisions.

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 1270 of the Penal Code is amended to  
2 read:  
3 1270. (a) Any person who has been arrested for, or charged  
4 with, an offense other than a capital offense may be released on  
5 his or her own recognizance by a court or magistrate who could

1 release a defendant from custody upon the defendant giving bail,  
2 including a defendant arrested upon an out-of-county warrant. A  
3 defendant who is in custody and is arraigned on a complaint  
4 alleging an offense ~~which~~ *that* is a misdemeanor, and a defendant  
5 who appears before a court or magistrate upon an out-of-county  
6 warrant arising out of a case involving only misdemeanors, shall  
7 be entitled to an own recognizance release unless the court makes  
8 a finding on the record, in accordance with Section 1275, that an  
9 own recognizance release will compromise public safety or will  
10 not reasonably ~~assure~~ *ensure* the appearance of the defendant as  
11 required. Public safety shall be the primary consideration. If the  
12 court makes one of those findings, the court shall then set bail and  
13 specify the conditions, if any, whereunder the defendant shall be  
14 released.

15 (b) Article 9 (commencing with Section 1318) shall apply to  
16 ~~any~~ *a* person who is released pursuant to this section.