

## Assembly Bill No. 67

### CHAPTER 51

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

[Approved by Governor June 30, 1995. Filed with  
Secretary of State July 3, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 67, Bowen. Misdemeanors: release on own recognizance.

The California Constitution states that a person may be released on his or her own recognizance in the court's discretion.

Existing statutory law requires a defendant who is in custody and is arraigned on a complaint alleging a misdemeanor, including a defendant arrested pursuant to an out-of-county warrant involving only misdemeanors, to be released on his or her own recognizance, unless the court makes a finding on the record that the release will not reasonably assure the appearance of the defendant as required.

This bill would create another exception to releasing a defendant on his or her own recognizance when a court finds that releasing the defendant on his or her own recognizance will compromise public safety. The bill would require that public safety be the primary consideration in determining whether to release a misdemeanant on his or her own recognizance.

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

SECTION 1. Section 1270 of the Penal Code is amended to read:

1270. (a) Any person who has been arrested for, or charged with, an offense other than a capital offense may be released on his or her own recognizance by a court or magistrate who could release a defendant from custody upon the defendant giving bail, including a defendant arrested upon an out-of-county warrant. A defendant who is in custody and is arraigned on a complaint alleging an offense which is a misdemeanor, and a defendant who appears before a court or magistrate upon an out-of-county warrant arising out of a case involving only misdemeanors, shall be entitled to an own recognizance release unless the court makes a finding on the record, in accordance with Section 1275, that an own recognizance release will compromise public safety or will not reasonably assure the appearance of the defendant as required. Public safety shall be the primary consideration. If the court makes one of those findings, the court shall then set bail and specify the conditions, if any, whereunder the defendant shall be released.



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

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