



# Judicial Council of California

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### Title

### Judicial Branch Administration | Response to the COVID-19 Pandemic (Action Required)

### Summary

Pursuant to its authority under article VI, section 6 of the California Constitution as the policy-making body of the California judicial branch, the Judicial Council should take actions due to the unprecedented nature of the COVID-19 pandemic, in order to protect the health and safety of the public, court employees, attorneys, litigants, and judicial officers, as well as staff and inmates in detention facilities, and law enforcement.

### Recommendation

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council:

- A. Authorize and support the Chief Justice and Chair of the Judicial Council, in issuing statewide orders that do the following until 90 days after the state of emergency related to COVID-19 is lifted:
1. Extending the 10 court day period provided in Penal Code section 859b for the holding of a preliminary examination and the defendant's right of release to 30 court days;
  2. Extending the time period provided in Penal Code section 825 for the time in which a defendant charged with a felony offense shall be taken before a magistrate from 48 hours to not more than 7 days;
  3. Extending the time period provided in Penal Code section 1382 for the holding of a criminal trial by more than 30 days; and
  4. Extending the time periods provided in Code of Civil Procedure sections 583.310 and 583.320 to bring an action to trial by more than 30 days.
- B. Direct the superior courts to:
1. Make use of available technology, when possible, to conduct judicial proceedings and court operations

remotely, in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses. This includes the use of video, audio, and telephonic means for remote appearances, reporting, and interpreting in judicial proceedings, the electronic exchange and authentication of documentary evidence, and the use of e-filing and e-service; and

2. For criminal and juvenile proceedings, including arraignments and preliminary examinations, prioritize use of available technology to meet current statutory time requirements and ensure that defendants are not held in custody, and children are not held in custody or removed from the custody of their parents or guardians, without timely due process of law or in violation of constitutional rights.

C. Recommend to the Governor that he issue an executive order, effective until 90 days after the state of emergency related to COVID-19 is lifted that, notwithstanding current law:

1. Extends the 10 court day period provided in Penal Code section 859b for the holding of a preliminary examination and the defendant's right of release to 30 court days;
2. Extends the time period provided in Penal Code section 825 for the time in which a defendant charged with a felony offense shall be taken before a magistrate from 48 hours to not more than 7 days;
3. Extends the authority in Government Code section 68115 to allow the Chair of the Judicial Council to issue statewide emergency orders without the need for individual requests; and
4. Suspends all statutory authority that impedes the courts from making use of technology that allows courts to conduct judicial proceedings and court operations remotely, in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses. This includes the use of video, audio, and telephonic means for remote appearances, reporting, and interpreting in judicial proceedings, the electronic exchange and authentication of documentary evidence, and the use of e-filing and e-service.

### **Speakers**

Hon. Marsha G. Slough, Chair, Executive and Planning Committee

Mr. Martin Hoshino, Administrative Director, Judicial Council