



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 19, 2017

Title	Agenda Item Type
Criminal Law: Judicial Council Appointment to the Selecting Committee for the Assembly Bill 2013 Misdemeanor Pilot Program	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	February 1, 2017
Recommended by	Date of Report
Executive and Planning Committee Hon. Douglas P. Miller, Chair	January 17, 2017
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Executive Summary

The Executive and Planning Committee recommends appointing Judge Burt Pines (Ret.), Superior Court of Los Angeles County, to serve on a three-member selecting committee to select the counties to participate in the Assembly Bill 2013 Misdemeanor Pilot Program, which was established by recently enacted AB 2013. The three-year pilot project will be active in three counties and will require a court, on request of an out-of-custody misdemeanor defendant, to make a probable cause finding at arraignment.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council appoint Judge Burt Pines (Ret.), Superior Court of Los Angeles County, to serve on a three-member selecting committee to select the counties for the Assembly Bill 2013 Misdemeanor Pilot Program, effective February 1, 2017.

Previous Council Action

Because this pilot program is new, the Judicial Council has not acted previously on this matter.

Rationale for Recommendation

Penal Code section 991.5 describes the mission, responsibilities, and membership of the pilot project.

(a) On or before July 1, 2017, three counties shall be selected to participate in a three-year pilot project that would require a court, upon request by the defendant in the case of a defendant charged with a misdemeanor who is not in custody, to make a finding at the arraignment as to whether probable cause exists to believe that a public offense has been committed and that the defendant is guilty thereof.

(b) The pilot counties shall be selected by a three-member committee. One member of the committee shall be selected by the California Public Defenders Association, one member of the committee shall be selected by the California District Attorneys Association, and one member of the committee shall be selected by the Judicial Council. The committee shall be convened by the California Public Defenders Association and the California District Attorneys Association. The committee shall select one small county, one medium county, and one large county to participate in the pilot project. The committee shall consult with the relevant local officials in the eligible counties in making its selections. A county selected for the pilot project shall have a county public defender's office.

(Pen. Code, § 991.5(a)–(b).)

Comments, Alternatives Considered, and Policy Implications

Public comment was not solicited on this recommendation.

Implementation Requirements, Costs, and Operational Impacts

Appointing a judge to the three-member committee will have no operational impacts and represents no added costs.

Attachments and Links

1. Attachment A: Penal Code Section 991.5