



Judicial Council of California

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Subject Details (With Text)

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Title

Judicial Council-Sponsored Legislation (Criminal Procedure): Electronic Arrest and Search Warrants (Action Required)

Summary

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend amending Penal Code sections 817 and 1526 to make more efficient the process for electronically issuing arrest and search warrants, respectively. This recommendation would allow magistrates to issue arrest and search warrants electronically without communicating with the officer telephonically by eliminating the requirement of an oral statement under oath. It would also make amendments to align Penal Code section 817 with Penal Code section 1526.

Recommendation

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend amending Penal Code sections 817 and 1526 to eliminate the requirement of an oral statement under oath and all telephonic conversations between the magistrate and the officer. The committees also recommend amending section 817 to provide that the warrant signed by the magistrate and received by the officer be deemed the original warrant.