



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 26, 2016

Hon. Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 2082
Sacramento, California 95814

Subject: AB 2655 (Weber), as amended May 5, 2016 - Support
Hearing: Senate Public Safety Committee – June 14, 2016

Dear Senator Hancock:

The Judicial Council is pleased to support AB 2655, which provides that the court's jurisdiction to declare a forfeiture and authority to release bail may be extended for not more than 90 days from the date of arraignment if the defendant requests the extension in writing or in open court.

In supporting AB 2655 the council recognizes that it is not uncommon for a prosecutor not to file charges within the 15 day time window established by existing law, at which point bail is exonerated. But, the prosecutor may file the complaint at a later point, at which time the defendant may need to pay an additional premium to post a new bond and the defendant's may be re-arrested when charges are filed. As a result, defendants who were able to pay the first premium, but who lack resources to pay a second premium may end up in jail. The council believes that extending the time in which the court may declare a forfeiture will make courts

more efficient by eliminating the need for a court to issue an arrest warrant when a prosecutor is not able to file a complaint within the 15 day period required by existing law.

Finally, the council shares the author's concern that, that when it comes to forfeiture of bail, it is likely that sureties will argue that under *People v. Indiana Lumbermen's Insurance* (2010) 190 Cal.App.4th 823, a court lacks jurisdiction to order forfeiture of a bond if the complaint is not filed within the 15 day time period required by existing law. In that case the company argued that the trial court had no jurisdiction to forfeit the bond because a complaint was not filed within 15 days of the original date set for a criminal defendant's arraignment, as provided for in §1305(a). The court concluded that the trial court lost jurisdiction to order forfeiture of the bond.

For these reasons, the Judicial Council is pleased to support AB 2655.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory Jasperson', with a long, sweeping horizontal line extending to the right.

Cory T. Jasperson
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Public Safety Committee
Hon. Shirley Weber, Member of the Assembly
Mr. Ignacio Hernandez, California Attorneys for Criminal Justice
Mr. Jerome McGuire, Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

July 8, 2016

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2655 (Weber) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 2655, which provides that the court's jurisdiction to declare a forfeiture and authority to release bail may be extended for not more than 90 days from the date of arraignment if the defendant requests the extension in writing or in open court.

In supporting AB 2655 the council recognizes that it is not uncommon for a prosecutor not to file charges within the 15 day time window established by existing law, at which point bail is exonerated. But, the prosecutor may file the complaint at a later point, at which time the defendant may need to pay an additional premium to post a new bond and the defendant's may be re-arrested when charges are filed. As a result, defendants who were able to pay the first premium, but who lack resources to pay a second premium may end up in jail. The council believes that extending the time in which the court may declare a forfeiture will make courts more efficient by eliminating the need for a court to issue an arrest warrant when a prosecutor is not able to file a complaint within the 15 day period required by existing law.

Hon. Edmund G. Brown, Jr.

July 8, 2016

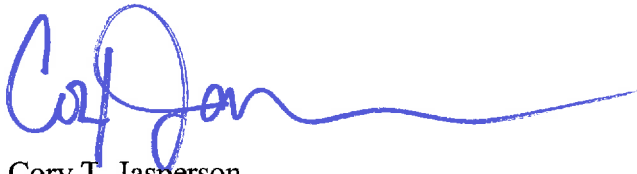
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For these reasons, the Judicial Council requests your signature on AB 2655.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,



Cory T. Jasperson

Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Shirley Weber, Member of the Assembly
Mr. Dennis Hernandez, Hernandez Strategy Group
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California