

CALIFORNIA DEPARTMENT OF JUSTICE

# Penal Code 991.5 Report to the Legislature



2020

## Penal Code 991.5 Report to the Legislature

Chapter 561, Statutes of 2017 (Assembly Bill 1516) amended Section 991.5 of the Penal Code and mandated the California Department of Justice (DOJ) to report to the Legislature data from a three-year pilot project that comprised three counties (Marin, Fresno, and San Diego counties). This pilot project required a court, upon request of a defendant who at the time was charged with a misdemeanor and was not in custody, to make a finding at the arraignment as to whether probable cause existed to believe that a public offense had been committed and that the defendant was guilty of that offense.

*Penal Code Section 991.5*

*(d) (1) No later than July 1, 2020, the Department of Justice shall provide information to the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, and the appropriate policy committees of the Legislature regarding the implementation of this section, including, but not limited to, the number of instances that a prompt probable cause determination made to an Out of Custody defendant facing a misdemeanor charge resulted in the defendant's early dismissal.*

This report reflects data reported to the DOJ for the July 1, 2017, through May 31, 2020, reporting period.

	MARIN COUNTY	FRESNO COUNTY	SAN DIEGO COUNTY
Number of Cases – Probable Cause Found/ Trial Date Maintained	17	12	6
Number of Cases - No Probable Cause, Complaint Dismissed/Defendant Discharged	1	5	0
Number of Complaints – Refiled on Dismissed Cases	0	0	0
Number of Complaint Refiled Cases - Probable Cause Found	0	0	0
Number of Complaint Refiled Cases - No Probable Cause/Second Dismissal	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>17</b>	<b>6</b>

