

RESOLUTION 09-07-2013

DIGEST

Criminal Law and Procedure: Technical Amendment to Statute

Amends Penal Code section 814 to correct antiquated year reference given in the suggested exemplar form for arrest warrants, appearing in the statute.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Penal Code section 814 to correct antiquated year reference given in the suggested exemplar form for arrest warrants, appearing in the statute. This resolution should be approved in principle because it offers a reasonable update to the exemplar form appearing in the current statute, changing the year reflected in the sample arrest warrant from 19__, and aligning it to the current century, 20__.

While this simple change is needed to bring the statute current, it should be noted that the problem will reoccur if the statute still exists in the next century. It might be advisable to modify the form to simply indicate a space for the four digit year.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Association recommends that legislation be sponsored to amend Penal Code §814, to read as follows:

1 § 814

2 A warrant of arrest issued under Section 813 may be in substantially the following form:

3

4 County of _____

5

6 The people of the State of California to any peace officer of said State:

7

8 Complaint on oath having this day been laid before me that the crime of ____ (designating it
9 generally) has been committed and accusing ____ (naming defendant) thereof, you are therefore
10 commanded forthwith to arrest the above named defendant and bring him before me at ____
11 (naming the place), or in case of my absence or inability to act, before the nearest or most
12 accessible magistrate in this county.

13

14 Dated at _____ (place) this day of ~~19~~ 20__.

15

16 _____

17 (Signature and full official title of magistrate.)

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: San Bernardino County Bar Association

STATEMENT OF REASONS

The Problem: In updating various statutes in anticipation of year 2000, it appears that the Legislature overlooked the date designation in Penal Code §814, which section sets forth the general form of an arrest warrant to be used in California.

This Solution: This resolution would make the technical amendment to the statute to conform the designated proscribed form to the current date format.

LEGISLATIVE HISTORY

Not known

IMPACT STATEMENT

The proposed resolution does not affect any other law, statute or rule.

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