

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 2. Of Criminal Procedure

Title 10. Miscellaneous Proceedings

Chapter 1. Bail (Refs & Annos)

Article 1. In What Cases the Defendant May be Admitted to Bail (Refs & Annos)

West's Ann.Cal.Penal Code § 1272.1

§ 1272.1. Release on bail pending appeal; conditions; statement of reasons

Currentness

Release on bail pending appeal under subdivision (3) of **Section 1272** shall be ordered by the court if the defendant demonstrates all the following:

(a) By clear and convincing evidence, the defendant is not likely to flee. Under this subdivision the court shall consider the following criteria:

(1) The ties of the defendant to the community, including his or her employment, the duration of his or her residence, the defendant's family attachments and his or her property holdings.

(2) The defendant's record of appearance at past court hearings or of flight to avoid prosecution.

(3) The severity of the sentence the defendant faces.

(b) By clear and convincing evidence, the defendant does not pose a danger to the safety of any other person or to the community.

Under this subdivision the court shall consider, among other factors, whether the crime for which the defendant was convicted is a violent felony, as defined in subdivision (c) of **Section 667.5**.

(c) The appeal is not for the purpose of delay and, based upon the record in the case, raises a substantial legal question which, if decided in favor of the defendant, is likely to result in reversal.

For purposes of this subdivision, a "substantial legal question" means a close question, one of more substance than would be necessary to a finding that it was not frivolous. In assessing whether a substantial legal question has been raised on appeal by the defendant, the court shall not be required to determine whether it committed error.

In making its decision on whether to grant defendants' motions for bail under subdivision (3) of **Section 1272**, the court shall include a brief statement of reasons in support of an order granting or denying a motion for bail on appeal. The statement need only include the basis for the order with sufficient specificity to permit meaningful review.

Credits

(Added by Stats.1986, c. 621, § 1, eff. Aug. 28, 1986. Amended by Stats.1989, c. 150, § 1.)

West's Ann. Cal. **Penal Code § 1272.1**, CA PENAL § 1272.1

Current with urgency legislation through Ch. 770 of 2021 Reg.Sess. Some statute sections may be more current, see credits for details.

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