

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 § 1270

§ 1270. Release on recognizance; non-capital offense; offense; considerations; public safety; procedure

Currentness

(a) Any person who has been arrested for, or charged with, an offense other than a capital offense may be released on his or her own recognizance by a court or magistrate who could release a defendant from custody upon the defendant giving bail, including a defendant arrested upon an out-of-county warrant. A defendant who is in custody and is arraigned on a complaint alleging an offense which is a misdemeanor, and a defendant who appears before a court or magistrate upon an out-of-county warrant arising out of a case involving only misdemeanors, shall be entitled to an own recognizance release unless the court makes a finding on the record, in accordance with **Section 1275**, that an own recognizance release will compromise public safety or will not reasonably assure the appearance of the defendant as required. Public safety shall be the primary consideration. If the court makes one of those findings, the court shall then set bail and specify the conditions, if any, whereunder the defendant shall be released.

(b) Article 9 (commencing with **Section 1318**) shall apply to any person who is released pursuant to this **section**.

Credits

(Added by Stats.1979, c. 873, p. 3039, § 4, operative Jan. 1, 1981. Amended by Stats.1989, c. 514, § 1, eff. Sept. 20, 1989; Stats.1990, c. 1527 (S.B.2184), § 2; Stats.1995, c. 51 (A.B.67), § 1.)

West's Ann. Cal. **Penal Code § 1270**, CA PENAL **§ 1270**

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