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AB-1272 Criminal procedure: trial schedule conflicts. (2015-2016)

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Assembly Bill No. 1272

CHAPTER 91

An act to amend Section 1048.1 of the Penal Code, relating to crimes.

[Approved by Governor July 25, 2016. Filed with Secretary of State July 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1272, Grove. Criminal procedure: trial schedule conflicts.

Existing law requires a superior court to make reasonable efforts to avoid setting a trial for murder, sexual assault, child abuse, or a case being handled in the Career Criminal Prosecution Program on the same day that another case is set for trial involving the same prosecuting attorney.

This bill would expand this requirement to include a trial involving an alleged offense against a person with a developmental disability.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1048.1 of the Penal Code is amended to read:

1048.1. (a) In scheduling a trial date at an arraignment in superior court involving any of the following offenses, reasonable efforts shall be made to avoid setting that trial, when that case is assigned to a particular prosecuting attorney, on the same day that another case is set for trial involving the same prosecuting attorney:

- (1) Murder, as defined in subdivision (a) of Section 187.
- (2) An alleged sexual assault offense, as described in subdivisions (a) and (b) of Section 11165.1.
- (3) An alleged child abuse offense, as described in Section 11165.6.
- (4) A case being handled in the Career Criminal Prosecution Program pursuant to Chapter 2.2 (commencing with Section 999b).
- (5) An alleged offense against a person with a developmental disability.

(b) For purposes of this section, "developmental disability" has the same meaning as found in Section 4512 of the Welfare and Institutions Code.