

Assembly Bill No. 884

CHAPTER 41

An act to amend Section 1449 of the Penal Code, relating to criminal procedure.

[Approved by Governor June 30, 1995. Filed with
Secretary of State June 30, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 884, Rogan. Criminal procedure: judgments: timing.

Under existing law, a court is required to appoint a time for pronouncing judgment of not less than 6 hours nor more than 5 days after a verdict or plea of guilty. The court may extend this time by not more than 21 days if probation is being considered.

This bill would reduce this time for extension when probation is being considered from 21 to 20 judicial days.

The people of the State of California do enact as follows:

SECTION 1. Section 1449 of the Penal Code is amended to read:

1449. In inferior courts, after a plea, finding, or verdict of guilty, or after a finding or verdict against the defendant on a plea of former conviction or acquittal, or once in jeopardy, the court shall appoint a time for pronouncing judgment which shall be not less than six hours, nor more than five days, after the verdict or plea of guilty, unless the defendant waives the postponement. The court may extend the time for not more than 10 days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment. The court also may extend the time for not more than 20 judicial days if probation is considered. Upon request of the defendant or the probation officer, that time may be further extended for not more than 90 additional days. In case of postponement, the court may hold the defendant to bail to appear for judgment. If, in the opinion of the court there is a reasonable ground for believing a defendant insane, the court may extend the time of pronouncing judgment and may commit the defendant to custody until the question of insanity has been heard and determined.

If the defendant is a veteran who was discharged from service for mental disability, upon his or her request, his or her case shall be referred to the probation officer, who shall secure a military medical history of the defendant and present it to the court together with a recommendation for or against probation.

O

