

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1917 (Schultz) – As Amended March 12, 2026

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill requires a district attorney to file a noticed motion to reinstate any charge that was dismissed by a judge at a preliminary hearing.

**FISCAL EFFECT:**

- 1) Unknown, minor costs to county district attorneys' offices, potentially reimbursable as a state-mandated local program. The bill requires prosecutors to file a noticed motion to reinstate charges dismissed at a preliminary hearing — a new procedural requirement that does not exist under current law. This adds workload to district attorneys' offices, which are county-funded. However, the bill would also eliminate the need for defense attorneys to file Section 995 motions to challenge reinstated charges, producing offsetting savings for county public defenders' offices. The net county impact is likely minor, and may be negligible given the offsetting workload shift. If the Commission on State Mandates determines this bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to local agencies.
- 2) Minor and likely positive impact on trial courts (Trial Court Trust Fund, General Fund). Courts would hear 871.5 motions in place of 995 motions. The policy committee analysis notes that the 871.5 process is likely faster than the 995 process it replaces, suggesting a modest reduction in judicial workload.

**COMMENTS:**

According to the author, under current law a prosecutor may add back charges dismissed at a preliminary hearing without any process or explanation, forcing the defense to carry the burden of filing a lengthy motion to remove those charges. The bill shifts the burden to prosecutors to demonstrate probable cause for reinstating dismissed charges through a noticed motion.

At a felony preliminary hearing, a judge determines whether there is sufficient evidence to hold a defendant to answer at trial. If the judge dismisses a charge for insufficient probable cause, the prosecutor may nonetheless add that charge back into the information under Penal Code Section 739, so long as there was some evidence of the conduct introduced at the hearing. The defense's only recourse is to file a Section 995 motion to set aside the information — a process that can effectively require relitigating the preliminary hearing.

This bill would instead require the prosecutor to file a motion under Penal Code Section 871.5 to reinstate dismissed charges. Under existing law, Section 871.5 applies only when an entire action is dismissed; this bill extends the same procedure to individual charges. If the motion is litigated to decision and denied, the prosecution is barred from refileing that charge.

**Analysis Prepared by:** Shiran Zohar / APPR. / (916) 319-2081