
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1917 (Schultz) - Criminal procedure: information

Version: June 11, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: AB 1917 would require that before a district attorney may file an information charging an offense not named in the order of commitment, the district attorney must file a noticed motion to reinstate such offenses. By placing new duties on prosecutors, this bill would impose a state mandated local program.

Fiscal Impact: Potentially significant court cost pressure. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would increase pressure to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Potentially significant costs by requiring district attorneys to file a noticed motion to reinstate dismissed charges. Costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates. (General Fund)

Background: Existing law provides a district attorney with the discretion to file criminal charges against an individual. Existing law requires a preliminary examination to be conducted before an information is filed. Upon completion of a preliminary hearing, the district attorney may file an information against the defendant charging the defendant with either the offense or offenses named in the order of commitment or any offense or offenses shown by the evidence taken before the magistrate to have been committed. When an action is dismissed by a magistrate, the prosecutor may make a motion in the superior court within 15 days to compel the magistrate to reinstate the complaint or a portion of the complaint and to reinstate the custodial status of the defendant under the same terms and conditions as when the defendant last appeared before the magistrate.

Proposed Author Amendments: The author has suspense file amendments which would, (1) in cases where a defendant was held to answer for at least one felony count at a preliminary hearing, require the district attorney to file a motion seeking leave to charge an offense or offenses that were dismissed at the preliminary examination due to the lack of reasonable or probable cause before the district attorney can file an information reinstating the charge or charges, (2) require a writ of prohibition based on the ground that the defendant was committed based on an information without reasonable or probable cause to be filed in the appellate court within 15 days of a court granting the motion to reinstate an offense or offense, and (3) authorize the granting of a motion to reinstate a charge only if a motion for review is brought no later than 60 days following the defendant's arraignment on the information or indictment of a felony.