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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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### AB 1917 (Schultz) - Criminal procedure: information

**Version:** June 11, 2026

**Urgency:** No

**Hearing Date:** August 13, 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.

### \*\*\*\*\* ANALYSIS ADDENDUM – SUSPENSE FILE \*\*\*\*\*

The following information is revised to reflect amendments  
adopted by the committee on August 13, 2026

**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)

#### Author Amendments:

- State the intent of the Legislature that, notwithstanding the retroactivity rule established by *In re Estrada* (1965) 63 Cal.2d 740, the provisions of this act shall apply only to those cases in which the preliminary hearing occurred on or after the operative date.
- State that in cases where the defendant, on or after January 1, 2027, was held to answer on at least one felony count at the preliminary hearing, the district attorney, before filing an information reinstating an offense or offenses dismissed at the preliminary examination due to the lack of reasonable or probable cause, shall file a motion seeking leave to charge that offense or offenses.
- Provide that a motion made shall only be granted if the reviewing court finds that the offense has been committed and there is sufficient reasonable or probable cause to believe the defendant is guilty.
- State that if the court grants a motion to amend the information, a motion brought alleging a lack of reasonable or probable cause may not be filed to set aside any reinstated offense or offenses.

- Provide that the district attorney shall file a motion pursuant to this subdivision within the 15-day timeline specified in Section 739 of the Penal Code.
- State that a petition for a writ of prohibition, predicated upon the ground that the defendant had been committed on an information without reasonable or probable cause, shall be filed in the appellate court within 15 days after a motion made to reinstate an offense or offenses has been granted by the trial court.
- Provide that the granting of a motion may be reviewed prior to trial only if the motion for review was made by the defendant not later than 60 days following defendant's arraignment on the information or indictment, unless within this time limit the defendant was unaware of the issue or had no opportunity to raise the issue.

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