

GENERAL OFFICE MEMORANDUM 20-057

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: JUDICIAL COUNCIL ISSUES TEMPORARY EMERGENCY
CALIFORNIA RULES OF COURT

DATE: APRIL 7, 2020

On April 6, 2020, the Judicial Council approved 11 Emergency California Rules of Court, effective *immediately*. The actions relevant to our operations include:

- Allow courts to require judicial proceedings and court operations be conducted remotely, with the defendant's consent in criminal proceedings (Emergency Rule 3)¹;
- Adopt a statewide emergency bail schedule that sets bail at \$0 for most misdemeanor and lower-level felony offenses (Emergency Rule 4)²;
- Allow defendants, with their consent, to appear via counsel or remote technologies for pretrial criminal hearings (Emergency Rule 5);
- Prioritize hearings and orders in juvenile justice proceedings and set a structure for remote hearings and continuances (Emergency Rules 6 and 7);
- Extend the timeframes for and expand access to specified temporary restraining orders (Emergency Rule 8);

These rules are temporary and will remain in effect until 90 days *after* the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted. The complete text of the rules can be found [here](#).

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¹ Penal Code § 977(b)(2) allows defendants to waive their appearance in felony cases. Emergency Rules 3 and 5 amend the manner by which a defendant can waive their appearance or agree to appear remotely. Waivers can now be obtained via *oral representation* by counsel for the defendant, electronic communication from the defendant confirmed by counsel, or by any other means that ensure the validity of the defendant's waiver. "[M]urder with special circumstances and cases in which the defendant is currently incarcerated in state prison, as governed by Penal Code section 977.2" are exempted.

² This bail schedule was previously adopted by the Los Angeles County Superior Court after the Chief Justice issued an advisory on March 20, 2020 making recommendations to superior courts.