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Santa Clara County Superior Court Implements New Policies for Bench Warrants and Arrest Warrant Arraignments

SAN JOSÉ, Calif. (December 19, 2023): The Santa Clara County Superior Court, in partnership with the Santa Clara County Sheriff's Office, District Attorney's Office, and Public Defender's Office, has launched two new policies that will help reduce unnecessary jail bookings and improve court efficiency.

In the past, only some people who had a bench warrant issued after missing court could place their cases back on calendar without assistance from an attorney. Under the new policy, any person with an active bench warrant can self-calendar their matter and appear in court on an out-of-custody basis. The bench warrant remains active until the person shows up for the new court appearance. At the new court appearance, the judge may review the person's custodial status.

Similarly, when the District Attorney's Office files a new criminal complaint for a person that is not in-custody, an arrest warrant is sometimes issued by the Court. Historically, if a person lacked money to post bail and schedule an out-of-custody arraignment, they would have to surrender to jail or be arrested and attend their arraignment in custody, sometimes several days later.

Under the new policy, any person that receives notice of an arrest warrant may, through counsel, schedule a date to appear before the Court for an out-of-custody arraignment. The person undergoes an informal out-of-custody booking prior to court. While the judge at arraignment may review the person's custodial status, the new policy allows a person to appear in court without first being taken into custody. All charges are eligible for this protocol.

This new bench warrant protocol took effect in May 2023, and the new arrest warrant protocol took effect in November 2023. The new protocols are available to all cases in Santa Clara County, including those originating out of the Palo Alto and Morgan Hill courthouses. If a person with an active bench warrant wants to place the matter back on calendar, please contact the Superior Court Clerk's Office or an attorney for assistance. Currently, arrest warrant matters can only be scheduled with the assistance of an attorney and will be set for hearing on the second or fourth Monday of each month in the Felony Arraignment Department in the Hall of Justice, located at 190 W. Hedding Street, San Jose, at 1:46 p.m. Those who cannot afford counsel may qualify for representation by the [Public Defender's Office](#).

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