

1 **Rule 4. Prosecution by information.**

2 (a) Commencing a prosecution. A prosecution may be commenced by filing an information. The  
3 information shall be filed in a format required by rules of the Judicial Council.

4 (b) **Contents of information.** An information must contain:

5 | (b)(1) If known, the defendant's name, date of birth, and ~~last known~~current address as  
6 | provided by law enforcement and corrections authorities.

7 | (b)(1)(A) If the name of the defendant is not known, the prosecution must identify the  
8 | defendant as John or Jane Doe, and must provide any known identifying information.

9 (b)(1)(B) Other identifying information may be provided in accordance with rules of the  
10 Judicial Council, provided the information does not include non-public records.

11 (b)(2) Numbered counts using the name given to the offense by statute or ordinance, or  
12 stating in concise terms the definition of the offense sufficient to give the defendant notice of  
13 the charge.

14 (b)(2)(A) The prosecution may allege alternate theories of the same offense in a single  
15 count or in multiple counts.

16 (b)(3) Unless otherwise contained in filings accompanying the Information, a booking  
17 | number and a State Identification Number (SID) if the defendant was arrested and detained  
18 on charges related to the information. Any pretrial release conditions must be included, such  
19 as:

20 (b)(3)(A) monetary bail or other pretrial release conditions set by the magistrate when  
21 determining probable cause at arrest;

22 (b)(3)(B) whether the defendant was denied pretrial release;

23 (b)(3)(C) whether the defendant was released to a pretrial supervision agency; and

24 (b)(3)(D) whether the defendant is in custody.

25 (c) **Felonies and class A misdemeanors.** If a felony or class A violation is alleged, and in all  
26 cases requesting a warrant, an information must:

27 (c)(1) contain or be accompanied by a statement of facts sufficient to support probable  
28 cause for the charged offense or offenses. The information need not include facts such as  
29 time, place, means, intent, manner, value, and ownership unless necessary to charge the  
30 offense. Supporting physical materials such as money, securities, written instruments,  
31 pictures, statutes, and judgments may be identified using names or by describing the  
32 documents. Neither presumptions of law nor matters of judicial notice need be stated,

33 (d) **Amending the information.** The court may permit an information to be amended at any time  
34 before trial has commenced so long as the substantial rights of the defendant are not prejudiced.  
35 If an additional or different offense is charged, the defendant has the right to a preliminary  
36 hearing on that offense as provided under these rules and any continuance as necessary to meet  
37 the amendment. The court may permit an information to be amended after the trial has  
38 commenced but before verdict if no additional or different offense is charged and the substantial  
39 rights of the defendant are not prejudiced. After verdict, an information may be amended so as to  
40 state the offense with such particularity as to bar a subsequent prosecution for the same offense  
41 upon the same set of facts.

42 (e) **Bill of particulars.** When facts not set out in an information are required to inform a  
43 defendant of the nature and cause of the offense charged, so as to enable the defendant to prepare  
44 a defense, the defendant may file a written motion for a bill of particulars. The motion must be  
45 filed at arraignment or within 14 days thereafter, or at such later time as the court may permit.  
46 The court may, on its own motion, direct the filing of a bill of particulars. A bill of particulars  
47 may be amended or supplemented at any time subject to such conditions as justice may require.  
48 The request for and contents of a bill of particulars must be limited to a statement of factual  
49 information needed to set forth the essential elements of the particular offense charged.

50 | Effective ~~May-October~~ 1, 2020