

SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE



4th Temporary Emergency Felony and Misdemeanor Bail Schedule

Approved by the
Judges of the Riverside County Superior Court
June 19, 2020

*Effective Date: June 20, 2020, and will
remain effective until further notice.*

As recommended by the Judicial Council of California, "*Courts are encouraged to retain or adopt schedules with \$0 bail or significantly reduced bail levels for most misdemeanors and low-level felonies, where appropriate.*" This bail schedule was adopted in order to continue the practice of maintaining public health measures, aimed at reducing the spread of the Coronavirus within the jail population and those that serve the jail population.

SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE

Felony and Misdemeanor Bail Schedule

This Bail Schedule is adopted by the Superior Court of California, County of Riverside pursuant to Section 1269b(c) of the Penal Code and is to be utilized pursuant to Section 1268 et seq. of the Penal Code in setting bail for the release of persons arrested on charges, without warrant, for the alleged commission of any bailable offense, and for Writs of Habeas Corpus.

This Bail Schedule consists of two sections: (A) Bail for Felonies, and (B) Bail for Misdemeanors.

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SECTION A: FELONY BAIL SCHEDULE

PART 1: RULES

RULE 1: Setting Bail

- A. Bail for felony crimes will be set as follows:
1. The amount set in the approved arrest warrant. In the event that the arrest warrant is for an offense that, pursuant to the Emergency Bail Schedule, would have an amount of \$0, **the amount in the warrant will control**;
 2. The amount set in the approved arrest warrant;
 3. The amount set pursuant to 1269c P.C. (See Rule 6(A) herein);
 4. The amount set at a hearing in court; and / or
 5. The amount set through use of this Bail Schedule.
- B. The Felony Bail Schedule consists of four parts:
1. The “Rules”;
 2. The “General Bail Amounts Chart”;
 3. The “Special Bail Amounts”; and
 4. The “Bail Amounts for Enhancements.”
- C. Review all Rules. Review the “General Bail Amounts Chart” section. Review the “Special Bail Amounts” section. If the bail amount is different, the higher amount applies.
- D. To calculate bail on any one case, take the count which imposes the longest term of incarceration, find the bail amount from the “General Bail Amounts Chart” section. Check the “Special Bail Amounts” section. If there is a conflict, use the larger sum. Next, add bail for all enhancements. The calculation is per case.
- For example, if a person has three cases and the bail is \$5,000 on one case, \$75,000 on another case, and \$25,000 on a third case, then the person must post three separate bonds, one for each case, in order to be released.
- E. “\$0 bail” means that bail is not required in lieu of a signed written citation or promise to appear. Failure to sign a cite or promise to appear will result in bail being set pursuant to the court’s non-emergency bail schedule.
- F. The court can set bail in an amount higher than the emergency bail schedule. However, law enforcement will have to apply for a such an order under 1269c P.C. A judge is available 24/7 to review those requests (See Rule 6(A) herein).

RULE 2: No Bail

Murder with special circumstances will not be admitted to bail if proof of guilt is evident or the presumption great.

RULE 3: Attempts, Etc.

The following felony offenses will have a bail amount equal to the substantive offense, which was the object of the conspiracy, solicitation or attempt.

Section 182 P.C. (Conspiracy)
Section 653(F) P.C. (Solicitation)
Section 664 P.C. (Attempt)

Note: 182/187 PC: The bail is \$1 million, even if special circumstances are alleged.

Note: 32 PC: The bail is half the amount for the substantive crime, but no less than \$10,000.

RULE 4: Multiple Counts, Multiple Cases

A. Multiple Counts:

1. For each separate crime arising out of the same set of circumstances, the single highest bail plus all applicable enhancements shall apply.
2. If the charges could be filed as separate cases, separate bail amounts apply and those amounts are to be added together to calculate the appropriate bail for the case filed.

B. Multiple Cases: Calculate the bail for each case separately. A separate bail is required for each separate case.

C. Examples:

1. Two Separate Complaints Filed: Defendant commits two robberies on two separate dates (two separate sets of circumstances) – the applicable bail amount for each of the robbery complaints would be calculated. These are two separate cases and two separate bail bonds are required.
2. One Complaint Filed: Defendant assaults one victim and later that day assaults a second unrelated victim (two separate sets of circumstances). The applicable bail amount for each incident is calculated. Then the two amounts are added together to determine the amount of bail.
3. One Complaint Filed: Defendant robs a pizza store and takes money from the

register and from a customer's wallet. The bail is the amount for the most serious criminal charge plus bail for any enhancements.

RULE 5: Enhancements / Strikes

A. Enhancements:

Where a felony offense has been committed and it is alleged in the Complaint or Information, or it is evident from other information made available to the Court, that one or more punishment enhancements are applicable, the bail amount specifically described for each applicable enhancement shall be added cumulatively to the bail set forth for the specified offense. In the event that bail for the specified offense is \$0, the amount of bail for any enhancement is still to be added to calculate the total amount of bail.

(Example: If bail for a felony violation of Penal Code section 245(a)(1) is now set at \$0, and if there is an enhancement alleged pursuant to Penal Code section 12022.7, then the total bail will be \$40,000: \$0 for the substantive offense + \$40,000 for the enhancement = \$40,000.).

See Part 4, Bail Amounts for Enhancements to Felonies.

For unlisted enhancements, see Part 2, The General Bail Amounts Chart.

B. Strikes:

Where it is alleged in the Complaint or Information, or it is evident from other information made available to the Court, that there is a strike prior within the meaning of Penal Code Sections 667 and 1170.12 the additional bail shall be calculated as follows:

- (1)(a) If the defendant has previously been convicted of one strike, the bail is enhanced by \$50,000.
 - (b) If the defendant has previously been convicted of two or more strikes, the bail is enhanced by \$50,000 per strike, if the current crime is a non-serious and non-violent crime.
 - (c) If the defendant has previously been convicted of two or more strikes, and the current crime is non-serious and non-violent, and, if any of the exceptions contained in section 667(e)(C)(2)(i-iv) apply, then the total bail is \$1,000,000.
- (2) If the defendant has previously been convicted of two or more serious or violent felonies and the current crime is a serious or violent felony, then the total bail is \$1,000,000.

RULE 6: Bail Increase / Source of Bail Funds

A. Bail Increase (1269c P.C.)

In the event that law enforcement has reasonable cause to believe that the amount of bail set forth in the Bail Schedule is insufficient, the arresting officer shall provide the booking officer at the custodial jail a copy of a 1269c P.C. declaration requesting an order setting higher bail. Once a copy of the 1269c P.C. form has been given to the booking officer, no one shall release the defendant except at the higher requested bail. The arresting officer then has eight (8) hours to obtain Magistrate approval. If no Magistrate approved 1269c form is provided to the booking officer within eight (8) hours of the initial booking, then the defendant may be released at the amount of bail as indicated by the Bail Schedule. Any Magistrate approved 1269c form must be filed with the Complaint.

B. Source of Bail Funds (1275.1 P.C.)

In the event that law enforcement has reasonable cause to believe that bail has been or may be obtained by felonious means, the arresting officer shall provide the booking officer at the custodial jail a copy of a declaration requesting an order pursuant to Section 1275.1 P.C. Once a copy of the 1275.1 P.C. form has been given to the booking officer, no one may release the defendant. The arresting officer has twenty-four (24) hours to obtain Magistrate approval. If a Magistrate approves the 1275.1 P.C. application, the defendant may not be released except upon the order of a Judge after a noticed hearing in Court. If no Magistrate approved 1275.1 P.C. form is provided to the booking officer within twenty-four (24) hours of the initial booking, then the defendant may be released upon whatever bail is set. Any Magistrate approved 1275.1 P.C. form must be filed with the Complaint or filed with the court if the complaint has already been filed.

RULE 7: Violation of Probation / Mandatory Supervision

Probation:

In the absence of a specific court order, the amount of bail on a violation of felony probation shall be \$50,000. In the absence of a specific court order, the amount of bail on a violation of misdemeanor probation shall be \$0

Mandatory Supervision:

In the absence of a specific court order, the amount of bail on a violation of mandatory supervision shall be \$100,000.

PART 2: GENERAL BAIL AMOUNTS CHART FOR FELONIES

| | Maximum Incarceration in State Prison | Bail |
|----|--|-------------|
| A. | 3 years or less | \$ 0 |
| B. | 4 years | \$ 0 |
| | 5 years | \$30,000 |
| | 6 years | \$35,000 |
| C. | 7 years | \$50,000 |
| | 8 years | \$55,000 |
| | 9 years | \$60,000 |
| D. | 10 years | \$75,000 |
| | 11 years | \$80,000 |
| | 12 years | \$85,000 |
| E. | 13 years | \$150,000 |
| | 14 years | \$200,000 |
| | 15 years | \$250,000 |
| | 16 years or more, but less than life | \$500,000 |
| F. | Life | \$1,000,000 |
| G. | LWOP or DP | No Bail |

PART 3: SPECIAL BAIL AMOUNTS FOR FELONIES

| PENAL CODE SECTION | <u>DESCRIPTION OF VIOLATION</u> | <u>AMOUNT OF BAIL</u> |
|---------------------------|--|---|
| 186.22(a) | GANG MEMBERSHIP | \$ 20,000 |
| 217.1(a) | ASSAULT ON PRESIDENT OR OTHER GOVERNMENT OFFICIAL | \$ 100,000 |
| 219.1 | THROWING MISSILE AT VEHICLE OR COMMON CARRIER | \$ 50,000 |
| 243(c) | BATTERY ON A PEACE OFFICER | \$ 20,000 |
| 243.7 | BATTERY AGAINST JUROR | \$ 50,000 |
| 273d | INFLICT CORPORAL INJURY CHILD (CHILD BEATING)..... | \$ 50,000 Plus \$15,000 per additional victim |
| 273.5 | INFLICT INJURY ON SPOUSE OR COHABITANT... ...with a prior | \$ 50,000 \$ 75,000 |
| 278.5 | CHILD CUSTODY KIDNAPPING | \$ 20,000 |

| | | |
|-----------|---|-----------|
| 288a(b) | ORAL COPULATION | \$ 20,000 |
| 422 | TERRORIST THREATS | \$ 20,000 |
| 646.9 | WILLFULLY, MALICIOUSLY, REPEATEDLY FOLLOW OR WILLFULLY HARASS ANOTHER PERSON | \$ 50,000 |
| 25850 | CRIME OF CARRYING A LOADED FIREARM IN PUBLIC | \$ 10,000 |
| 29800 | POSSESSION OF FIREARM BY A PROHIBITED PERSON | \$ 10,000 |
| 4500 | ASSAULT BY LIFE TERM PRISONER..... | NO BAIL |
| 4530 | ESCAPE BY PRISON INMATE | NO BAIL |
| 4532-4550 | ESCAPE (Felony)..... | \$ 20,000 |

HEALTH AND SAFETY CODE

| <u>SECTION</u> | <u>DESCRIPTION OF VIOLATION</u> | <u>AMOUNT OF BAIL</u> |
|--|---|--|
| 11351 / 11351.5 / 11352 | POSSESSION FOR SALE, SALES, TRANSPORTATION less than one ounce [28.5 grams]..... 1 ounce | \$ 0 \$ 0 |
| | ½ pound [8 oz.]..... 1 pound [454 grams][16 oz.]..... over 1 kilogram [2.2 lbs.]..... over 4 kilograms [8.8 lbs.]..... over 10 kilograms [22 lbs.]..... over 20 kilograms [44 lbs.]..... | \$ 100,000 \$ 150,000 \$ 200,000 \$ 250,000 \$ 500,000 \$ 1,000,000 |
| 11370.1 | POSSESSION OF SPECIFIED NARCOTICS WHILE ARMED WITH A FIREARM | \$ 75,000 |
| 11378 / 11378.5 / 11379 / 11379.5 | POSSESSION FOR SALE, SALES, TRANSPORTATION less than one ounce [28.5 grams]..... 1 ounce | \$ 0 \$ 0 |
| | ½ pound [8 oz.]..... 1 pound [454 grams][16 oz.]..... over 1 kilogram [2.2 lbs.] or 30 liters..... over 4 kilograms [8.8 lbs.] or 100 liters..... over 10 kilograms [22 lbs.] or 200 liters | \$ 100,000 \$ 150,000 \$ 200,000 \$ 250,000 \$ 500,000 |

| | | |
|------------------|--|--------------|
| | over 20 kilograms [44 lbs.] or 400 liters | \$ 1,000,000 |
| 11359 / 11360 | POSSESSION FOR SALE OR SALE OR TRANSPORTATION OF MARIJUANA..... | \$ 0 |
| | over 25 pounds | \$ 25,000 |
| | over 100 pounds..... | \$ 50,000 |
| | over 1000 pounds | \$ 250,000 |
| 11383 | POSSESSION OF PRECURSORS WITH INTENT TO MANUFACTURE PCP OR METHAMPHETAMINE | \$ 0 |

| VEHICLE CODE SECTION | <u>DESCRIPTION OF VIOLATION</u> | <u>AMOUNT OF BAIL</u> |
|-------------------------------------|---|------------------------------|
| 2800.2 | EVADING A PEACE OFFICER: RECKLESS DRIVING..... | \$ 100,000 |
| 2800.3(a) | EVADING WITH BODILY INJURY..... | \$ 250,000 |
| 2800.3(b) | EVADING WITH DEATH..... | \$ 1,000,000 |
| 20001 | HIT-RUN DEATH..... | \$ 75,000 |
| 23110(b) | THROWING MISSILE OR SHOOTING AT VEHICLE WITH INTENT TO DO GREAT BODILY INJURY..... | \$ 50,000 |
| 23152 | DRIVING UNDER THE INFLUENCE and 3+PRIORS. | \$ 50,000 |
| 23153 | DUI WITH INJURIES..... | \$ 50,000 |

PART 4: BAIL AMOUNTS FOR ENHANCEMENTS TO FELONIES

THESE ARE CUMULATIVE

| <u>SECTION</u> | <u>DESCRIPTION OF VIOLATION</u> | <u>ADDITIONAL AMOUNT</u> |
|----------------|--|--------------------------|
| PC 667 | PRIOR CONVICTIONS | |
| | (a) Prior serious felony plus a current serious felony [for each prior]..... | \$ 50,000 |
| | (c) habitual criminal (Strike 1) (See Rule 5(B).. | \$ 50,000 |
| PC 667.5 | STATE PRISON PRIORS | |
| | (a) Prior violent felony plus a current violent felony [for each prior]..... | \$ 20,000 |
| | (b) on any felony [for each prior]..... | \$ 0 |
| PC 12022.1 | OUT ON BAIL | \$ 20,000 |
| PC 12022.5 | COMMISSION OF FELONY AND | |
| | (a) uses a firearm..... | \$ 75,000 |
| | (b) uses an assault weapon..... | \$ 100,000 |
| PC 12022.53 | COMMISSION OF SPECIFIED FELON AND | |
| | (b) uses a firearm..... | \$ 75,000 |
| | (c) discharges a firearm..... | \$ 100,000 |
| | (d) discharges a firearm and causes great bodily injury..... | \$ 1,000,000 |
| PC 12022.7 | INFLICTION OF GBI..... | \$ 40,000 |
| PC 12022.8 | GBI WHILE COMMITTING A SEXUAL OFFENSE..... | \$ 50,000 |
| H&S 11370.2 | PRIOR FELONY DRUG CONVICTIONS..... | \$ 0 each |
| H&S 11379.7(a) | CHILDREN PRESENT AT METH LAB..... | \$ 20,000 each |
| H&S 11379.7(b) | CHILDREN PRESENT AT METH LAB WHO SUFFER GBI..... | \$ 30,000 each |

SECTION B: MISDEMEANOR BAIL SCHEDULE

For all misdemeanor offenses, other than those specified below, the bail shall be set in the amount of \$0.

If the defendant is charged with more than one offense, the highest bail amount on any single offense charged shall be used. This is per case. Bail on separate cases is cumulative. See Rule 4 on page 5 of the Felony section. The reasoning of Rule 4 applies also to misdemeanors.

Adjustments to the scheduled bail amounts are within the discretion of each judge, taking into account the defendant's prior record, including, but not limited to, additional pending warrants, failures to appear in court, violation of probation, and the nature of the instant offense.

| | | |
|--|----|---|
| Misdemeanors – 90-day maximum incarceration..... | \$ | 0 |
| Misdemeanors – 180-day maximum incarceration..... | \$ | 0 |
| Misdemeanors – 270 day maximum incarceration | \$ | 0 |
| Misdemeanors – 364-day maximum incarceration..... | \$ | 0 |
| Misdemeanors Violations of Probation..... | \$ | 0 |
| Ordinance Violations Not Listed..... | \$ | 0 |

| PENAL CODE SECTION | <u>DESCRIPTION OF VIOLATION</u> | <u>BAIL AMOUNT</u> |
|---------------------------|---|--------------------|
| PC 192(c)(2) | Vehicular manslaughter..... | \$ 7,500 |
| PC 243(e)(1) | Spousal Battery..... | \$ 5,000 |
| PC 243.4 | Sexual Battery | \$ 5,000 |
| PC 273.5 | Domestic Violence causing corporal injury..... | \$ 5,000 |
| PC 273.6 | Violation of a Court Order if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party..... | \$ 5,000 |
| PC 646.9 | Stalking..... | \$ 5,000 |
| PC 647.6(a)(2) | Annoying or Molesting Child Under 18..... | \$ 5,000 |
| PC 417(a)(2) | Brandishing firearm..... | \$ 5,000 |

| | | | |
|----------|--|----|--------|
| PC 25850 | Crime of Carrying a Loaded Firearm in Public | \$ | 5,000 |
| VC 23152 | DUI | \$ | 0 |
| | a) With 1 prior | \$ | 5,000 |
| | b) With 2+ priors | \$ | 7,500 |
| VC 23153 | DUI | \$ | 7,000 |
| | a) With 1 prior | \$ | 10,000 |
| | b) With 2+ priors | \$ | 15,000 |

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Distribution:

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