

# SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE



## 4<sup>th</sup> Temporary Emergency Felony and Misdemeanor Bail Schedule

Approved by the  
Judges of the Riverside County Superior Court  
**[TBD]**

Effective Date: **[TBD]**, 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.

Version One of the 4<sup>th</sup> Temporary Emergency Bail Schedule was modified from the original Temporary Emergency Felony and Misdemeanor Bail Schedule adopted by on March 27, 2020. Changes are noted in red.

# 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.

## TABLE OF CONTENTS

SECTION A: FELONY BAIL SCHEDULE.....	4
PART 1: RULES .....	4
RULE 1: Setting Bail .....	4
RULE 2: No Bail .....	5
RULE 3: Attempts, Etc.....	5
RULE 4: Multiple Counts, Multiple Cases .....	5
RULE 5: Enhancements / Strikes.....	6
RULE 6: Bail Increase / Source of Bail Funds.....	7
RULE 7: Violation of Probation / Mandatory Supervision.....	7
PART 2: GENERAL BAIL AMOUNTS CHART FOR FELONIES.....	8
PART 3: SPECIAL BAIL AMOUNTS FOR FELONIES.....	8
PART 4: BAIL AMOUNTS FOR ENHANCEMENTS TO FELONIES.....	11
SECTION B: MISDEMEANOR BAIL SCHEDULE.....	12

## 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**

a) For all felony offenses, other than those specified in PART 3 – SPECIAL BAIL AMOUNTS FOR FELONIES, or those specified per section b) below, the bail shall be set in the amount of \$0.

	<b>Maximum Incarceration in State Prison</b>	<b>Bail</b>
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**

<b>PENAL CODE SECTION</b>	<b><u>DESCRIPTION OF VIOLATION</u></b>	<b><u>AMOUNT OF BAIL</u></b>
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	INFLECT CORPORAL INJURY CHILD (CHILD BEATING).....	\$ 50,000 Plus \$15,000 per additional victim
273.5	INFLECT INJURY ON SPOUSE OR COHABITANT...	\$ 50,000
	...with a prior .....	\$ 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.].....	\$ 100,000 \$ 150,000

over 1 kilogram [2.2 lbs.] or 30 liters.....	\$ 200,000
over 4 kilograms [8.8 lbs.] or 100 liters.....	\$ 250,000
over 10 kilograms [22 lbs.] or 200 liters .....	\$ 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

<b>VEHICLE CODE SECTION</b>	<b><u>DESCRIPTION OF VIOLATION</u></b>	<b><u>AMOUNT OF BAIL</u></b>
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

<b>PENAL CODE SECTION</b>	<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

Adopted by the Judges of the Superior Court of California  
County of Riverside on [TBD]  
Effective Date: [TBD]

**Distribution:**

Each Judicial Officer  
Each Deputy Court Executive Officer  
Law Enforcement Agencies  
Riverside County Sheriff  
Riverside County Public Defender

Riverside County Probation Dept.  
Riverside County Pre-Trial Services  
Riverside County Counsel  
Riverside County District Attorney