

SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE



4th Temporary Emergency Felony and Misdemeanor Bail Schedule

Implemented 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 Two of the 4th Temporary Emergency Bail Schedule was modified from the 3rd Temporary Emergency Felony and Misdemeanor Bail Schedule approved as corrected on April 21, 2020. Changes are noted in red.

SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE

Felony and Misdemeanor Bail Schedule

This Bail Schedule is implemented by the Superior Court of California, County of Riverside pursuant to California Rules of Court, ~~Emergency Rule 4, adopted by the Judicial Council on April 6, 2020,~~ and 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 pursuant to 1269c P.C. (See Rule 6(A) herein);
 3. The amount set at a hearing in court; and / or
 4. 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.

Where the felony offense is an attempt or conspiracy to commit a felony that is itself a violent felony, as defined in PC 667.5(c), a serious felony as defined in PC 1192.7(c), or an offense listed in Penal Code section 290(c), then bail shall be set in an amount equal to the substantive offense which was the object of the attempt or conspiracy.

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

Note: 32 PC: The bail \$0.

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 the following felony offenses have been committed:

- (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent felony, as defined in Penal Code section 667.5(c);
- (2) A felony violation of Penal Code section 69;
- (3) A violation of Penal Code section 136.1 when punishment is imposed under section 136.1(c);
- (4) A violation of Penal Code section 262;
- (5) A felony violation of Penal Code sections 273.5;
- (6) A felony violation of Penal Code section 273.6 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;
- (7) A violation of Penal Code section 422 where the offense is punished as a felony;
- (8) A felony violation of Penal Code section 646.9;
- (9) A violation of an offense listed in Penal Code section 290(c);
- (10) A felony violation of Vehicle Code sections 23152 or 23153;
- (11) A felony violation of Penal Code section 463; and
- (12) A violation of Penal Code section 29800.

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. See Part 4, Bail Amounts for Enhancements to Felonies. For unlisted enhancements, see Part 2, The General Bail Amounts Chart.

For all felonies in which the bail is set at \$0 pursuant to this emergency bail schedule, there shall be no bail added for any enhancements.

B. Strikes:

Where the following felony offenses have been committed:

- (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent felony, as defined in Penal Code section 667.5(c);
- (2) A felony violation of Penal Code section 69;
- (3) A violation of Penal Code section 136.1 when punishment is imposed under section 136.1(c);
- (4) A violation of Penal Code section 262;
- (5) A felony violation of Penal Code sections 273.5;
- (6) A felony violation of Penal Code section 273.6 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;
- (7) A violation of Penal Code section 422 where the offense is punished as a felony;
- (8) A felony violation of Penal Code section 646.9;
- (9) A violation of an offense listed in Penal Code section 290(c);
- (10) A felony violation of Vehicle Code sections 23152 or 23153;
- (11) A felony violation of Penal Code section 463; and
- (12) A violation of Penal Code section 29800.

and 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:

a) Felony:

The amount of bail on a violation of felony probation shall be set in the amount of bail which would otherwise be set pursuant to this Emergency Bail Schedule (which, for most felonies, will be \$0.) For offenses which are a serious felony, as defined in Penal Code section 1192.7(c), or a violent felony, as defined in Penal Code section 667.5(c), and for offenses that are listed in "Part 3: Special Bail Amounts for Felonies", the amount of bail shall be set in the amount of bail listed therein, including any enhancements.

b) Misdemeanor:

On a violation of misdemeanor probation shall be \$0.

c) Mandatory Supervision:

The amount of bail on a violation of violation of mandatory supervision shall be set in the amount of bail which would otherwise be set pursuant to this Emergency Bail Schedule (which, for most felonies, will be \$0.) For offenses which are serious a felony, as defined in Penal Code section 1192.7(c), or a violent felony, as defined in Penal Code section 667.5(c), and for offenses that are listed in "Part 3: Special Bail Amounts for Felonies", the amount of bail shall be set in the amount of bail listed therein, including any enhancements.

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) If the offense is a serious felony, as defined in Penal Code section 1192.7(c), a violent felony, as defined in Penal Code section 667.5(c), or is an offense listed in Penal Code section 290(c), and there is no Special Bail Amount set for that offense in PART 3 – SPECIAL BAIL AMOUNTS FOR FELONIES, then use the following schedule:

	Maximum Incarceration in State Prison		Bail
A.	3 years or less	\$	10,000
B.	4 years	\$	25,000
	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	DESCRIPTION OF VIOLATION	AMOUNT OF BAIL	
69	RESISTING EXECUTIVE OFFICER	\$	10,000
186.22(a)	GANG MEMBERSHIP	\$	20,000
219.1	THROWING MISSILE AT VEHICLE OR COMMON CARRIER	\$	50,000
243.7	BATTERY AGAINST JUROR	\$	50,000
273.5	INFLECT INJURY ON SPOUSE OR COHABITANT... ...with a prior	\$	50,000 75,000
273.6(d) or (e)	VIOLATION OF COURT ORDER WHERE DEFENDANT HAS MADE THREATS TO KILL OR HARM, HAS ENGAGED IN VIOLENCE AGAINST, OR HAS GONE TO THE RESIDENCE OR WORKPLACE OF, THE PROTECTED PART.....	\$	10,000
422	TERRORIST THREATS	\$	20,000
463	LOOTING DURING EMERGENCY	\$	10,000
646.9	WILLFULLY, MALICIOUSLY, REPEATEDLY FOLLOW OR WILLFULLY HARASS ANOTHER PERSON	\$	50,000
29800	POSSESSION OF FIREARM BY A PROHIBITED PERSON	\$	10,000
4500	ASSAULT BY LIFE TERM PRISONER.....	\$	NO BAIL

VEHICLE CODE SECTION	DESCRIPTION OF VIOLATION	AMOUNT OF BAIL	
2800.3(b)	EVADING WITH DEATH.....	\$	1,000,000
23152	DRIVING UNDER THE INFLUENCE and 3+PRIORS.	\$	50,000
23153	DUI WITH INJURIES.....	\$	50,000

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PART 4: BAIL AMOUNTS FOR ENHANCEMENTS TO FELONIES

THESE ARE CUMULATIVE

SECTION	DESCRIPTION OF VIOLATION	ADDITIONAL AMOUNT
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].....	\$ 20,000
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	INFLECTION OF GBI.....	\$ 40,000
PC 12022.8	GBI WHILE COMMITTING A SEXUAL OFFENSE.....	\$ 50,000
H&S 11370.2	PRIOR FELONY DRUG CONVICTIONS.....	\$ 20,000 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.

PENAL CODE SECTION	DESCRIPTION OF VIOLATION	BAIL AMOUNT	
PC 166(c)(1)	Violation of Court Order	\$	5,000
PC 243(e)(1)	Spousal 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 290(c)	Any misdemeanor offenses listed in PC 290(c)	\$	5,000
PC 646.9	Stalking.....	\$	5,000
VC 23152	DUI		
	a)	\$	0
	b) With 1 prior	\$	5,000
	c) With 2+ priors	\$	7,500
VC 23153	DUI	\$	7,000
	a) With 1 prior	\$	10,000
	b) With 2+ priors	\$	15,000

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

Distribution:

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