

# **SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL**



## **FELONY AND MISDEMEANOR BAIL SCHEDULE** **2020**

(Amended June 30, 2020)

EFFECTIVE JULY 1, 2020

# **SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL**

## **Felony and Misdemeanor Bail Schedule**

This schedule is adopted by the Superior Court for the County of Imperial 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, and for the alleged commission of any bailable offense.

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 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.
- E. **"\$0 bail" means that bail is not required in lieu of a signed written citation or promise to appear. The court can set bail in an amount higher than the bail schedule; however, law enforcement will have to apply for such an order under P.C. 1269c. A judge is available 24/7 to review those requests (See Rule 6(A) herein).**

#### **RULE 2: No Bail**

Murder with special circumstances No Bail.

**RULE 3: Attempts, Conspiracy, Solicitation, Accessories Etc.**

Except as otherwise provided by this schedule, a defendant charged with conspiracy (PC 182), solicitation (PC653(f)), accessory or attempt to commit (PC 664) shall have bail set in an amount equal to the bail for the substantive offense which was the object of the conspiracy, solicitation or attempt.

Note: 182/187 PC: The bail is \$1 million.

**RULE 4: Multiple Counts, Multiple Cases**

A. Multiple Counts:

1. For each separate crime, the single highest bail plus all applicable enhancements shall apply.

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

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 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:

If 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 under this schedule 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.

## B. Strikes:

If 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, if any of the exceptions contained in section 667(e)(C)(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 (P.C. 1269c)

In the event that law enforcement has reasonable cause to believe that the amount of bail set forth in the Bail Schedule is insufficient to assure a defendant's appearance or to assure protection of a victim or family member of a victim, and/or public safety, the arresting officer shall provide the booking officer at the custodial jail a copy of a P.C. 1269c. declaration requesting an order setting higher bail. Once a copy of the P.C. 1269c 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. If a defendant believes bail is excessive, he or she (personally or through an attorney, friend or family member) may also exercise the application procedures set forth in Penal Code Section 1269c. Bail shall not be modified (nor shall a defendant be released on his or her own recognizance), where a defendant is charged with a crime enumerated in Penal Code Section 1270.1, without compliance with the hearing procedures set forth in that section.

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

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 P.C. 1275.1. Once a copy of the P.C. 1275.1 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 P.C. 1275.1 application, the defendant may not be released except upon the order of a Judge after a noticed hearing in Court. If no Magistrate approved P.C. 1275.1 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 P.C. 1275.1 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 Bail Schedule. 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 bail shall be \$0.

#### **c) Mandatory Supervision:**

The amount of bail on a violation of mandatory supervision shall be set in the amount of bail which would otherwise be set pursuant to this Bail Schedule. 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.

## **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**

3 years or less	\$	10,000
4 years	\$	25,000
5 years	\$	30,000
6 years	\$	35,000
7 years	\$	50,000
8 years	\$	55,000
9 years	\$	60,000
10 years	\$	75,000
11 years	\$	80,000
12 years	\$	85,000
13 years	\$	150,000
14 years	\$	200,000
15 years	\$	250,000
16 years or more, but less than life	\$	500,000
Life	\$	1,000,000
Life w/o Parole or Death Penalty		NO BAIL

**PART 3: SPECIAL BAIL AMOUNTS FOR FELONIES**

<b>PENAL CODE SECTION</b>	<b>DESCRIPTION OF VIOLATION</b>	<b>AMOUNT OF BAIL</b>
69	RESISTING EXECUTIVE OFFICER	\$ 10,000
219.1	THROWING MISSILE AT VEHICLE OR COMMON CARRIER .....	\$ 50,000
243.7	BATTERY AGAINST JUROR .....	\$ 50,000
273.5	INFLICT INJURY ON SPOUSE OR COHABITANT...	\$ 50,000
	...with a prior .....	\$ 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 PARTY.....	\$	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.....	\$	1,000,000

**PART 3 SPECIAL BAIL AMOUNTS FOR FELONIES CONT'D**

<b>VEHICLE CODE SECTION</b>	<b>DESCRIPTION OF VIOLATION</b>		<b>AMOUNT OF BAIL</b>
2800.3(b)	EVADING WITH DEATH.....	\$	1,000,000
23152	DRIVING UNDER THE INFLUENCE - FELONY.	\$	50,000
23153	DUI WITH INJURIES.....	\$	50,000

## PART 4: BAIL AMOUNTS FOR ENHANCEMENTS TO FELONIES

### ENHANCEMENTS – FELONIES ONLY

<u>PENAL CODE SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>ADDITIONAL AMOUNT</u>
186.22	Criminal street gang	25,000
	(b)(1)(A) Felony for benefit of	50,000
	(b)(1)(B) "Serious Felony" per PC 1192.7(c)	75,000
	(b)(1)(C) "Violent Felony" per PC 667.5(c)	100,000
	(d) Felony or Misd for benefit of	15,000
667.51	Commits lewd act with a child and with a prior conviction for Committing lewd acts with children	100,000
	Committing lewd acts with children with 2 or more priors	500,000
667.61	Sex offender – life sentences	500,000
667.6	Commits sexual offense and	
	. . . Using force or violence with a prior lewd acts with children	100,000
	. . . Has two or more priors for violent crimes	500,000
667.7	Commits a felony with means likely to cause GBI and	
	. . . Has two prior violent crime convictions	500,000
	. . . Has three prior violent crime convictions	NO BAIL
667.75	Two or more prior prison terms for using minors in drug violations	500,000
667.9	Serious/Violent felony committed against the elderly or a child under 14	35,000
667.10	Repeat offender of sex crimes against the disabled, elderly or under 14	35,000
12022	Committing or attempting felony	
	(a)(1) Armed with a firearm	25,000
	(a)(2) Armed with an assault rifle	25,000
	(b)(1) Use of a deadly or dangerous weapon	50,000
	(b)(3) While personally armed with a firearm	25,000
	(c) Drug Offenses Armed with a Firearm	50,000
	(d) With an accomplice who was personally armed	25,000
12022.1	Felony committed while on bail or on O/R release	50,000
12022.2	Felony committed while armed with firearm and in possession of metal-piercing ammo	100,000

1022.3	Rape or sexual abuse	
	(a) Committed with a firearm or deadly weapon	250,000
	(b) Committed while armed with a weapon	150,000
12022.4	Supplying firearm for commission of felony	15,000
12022.5	Commission of felony and	
	. . . Use of a firearm	25,000
	. . . Discharges a firearm at occupied vehicle	50,000
	. . . Uses firearm while violating drug laws	25,000
12022.55	Causing GBI by discharging a firearm	250,000
	Causing death	500,000
12022.6	Taking property with a value in excess of \$50,000	5,000
12022.7	Infliction of GBI	50,000
12022.75	Forced consumption of a drug	25,000
12022.8	GBI while committing a sexual offense	250,000
12022.85	AIDS plus commission of a sexual offense	50,000
12022.9	Death of a fetus while inflicting injury on victim	75,000
H & S 11370.1	Possession of a controlled substance while in the immediate possession of a loaded firearm	5,000
H & S 11370.2	Prior felony drug convictions	5,000

## **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 of the Felony section. The reasoning of Rule 4 applies also to misdemeanors.

<b>PENAL CODE SECTION</b>	<b>DESCRIPTION OF VIOLATION</b>	<b>BAIL AMOUNT</b>
PC 166(c)(1)	Violation of Court Order	\$ 2,500

PC 243(e)(1)	Spousal Battery.....	\$	2,500
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	\$	0
	a) With 1 prior	\$	5,000
	b) With 2+ priors	\$	7,500
	c) BAC .15 enhancement	\$	2500
	d) BAC .20 enhancement	\$	5000
VC 23153	DUI	\$	7,000
	a) With 1 prior	\$	10,000
	b) With 2+ priors	\$	15,000

**AUTHORITY TO DEPART FROM THE SCHEDULE IN ANY MATTER**

Adjustments to the scheduled bail amounts in any matter 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 offense such that the scheduled bail would be insufficient to assure the defendant's return to court or to protect the public.