

2010
FELONY AND MISDEMEANOR BAIL SCHEDULE
COUNTY OF IMPERIAL

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 1269 in setting bail for the release of prisoners arrested on felony charges, without warrant, for the alleged commission of any bailable offense.

THIS SCHEDULE IS EFFECTIVE BEGINNING: January 1, 2010.

RULES OF APPLICATION

Rule 1: If no presumptive bail is specified in this schedule for a particular offense, bail shall be set by reference to the upper state prison term for the offense, as follows:

<u>Upper Term</u>	<u>Presumptive Bail</u>
3 years	\$ 15,000
4 years	20,000
5 years	25,000
6 years	30,000
7 years	35,000
8 years	40,000
9 years	50,000
11 years	60,000
12 years	70,000
16 years	100,000
All life sentences except 187 PC	500,000

Rule 2: If a peace officer has reasonable cause to believe the amount of bail in this schedule is insufficient to assure a defendant's appearance or to assure protection of a victim or family member of a victim. The arresting officer shall provide the booking officer with a copy of a 1269c PC declaration requesting an order setting higher bail. The defendant shall not be released except at the higher requested bail, unless the officer fails to provide the booking officer with a magistrate-approved 1269c form, authorizing the requested higher bail, within 8 hours of the initial booking. Unless a Magistrate approves the higher bail within 8 hours, the defendant may be released at the amount of bail set forth in this Presumptive Bail Schedule. Any Magistrate approved 1269c forms shall 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.

Rule 3: In the event a peace officer has reasonable cause to believe the consideration for bail has been or may be obtained by felonious means, the arresting officer shall provide the booking officer a copy of a declaration requesting an order pursuant to Section 1275.1 PC. Once a copy of a 1275.1 PC form has been submitted, the defendant shall be held for 8 hours, pending approval from a magistrate. If a Magistrate approves the 1275.1 applications the defendant shall not be released except upon the order of a Judge after a noticed hearing. If no magistrate approves the 1275.1 PC petition within 8 hours, the defendant shall be subject to whatever bail is set. Any Magistrate approved 1275.1 PC forms shall be filed with the Complaint.

Rule 4: Except as otherwise provided by this schedule, a defendant charged with conspiracy (PC 182), solicitation (PC 653 (f)) 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. (The presumptive bail for conspiracy to commit a misdemeanor shall be \$10,000.)

Rule 5: Bail for persons arrested as accessories shall be set at half the amount of the sum of the bail for the principal offense, or \$10,000, whichever is greater.

Rule 6: In the event of an arrest for the commission of more than one crime, the highest bail amount for any one offense, plus any enhancements, shall apply.

Rule 7: If it is evident (from facts provided by the arresting officer and/or from available reports or records) one or more enhancements referenced in this schedule are applicable, the bail increase specified for each applicable enhancement shall be added to the bail set for the principal offense.

Rule 8: Violation of Probation.

1. Arrest without a warrant for Felony Violation of Probation will be set at No Bail (subject to Court review).
2. Arrest without a warrant for Misdemeanor Violation of Probation will be set at \$5,000.

<u>PENAL CODE SECTIONS</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>PRESUMPTIVE BAIL</u>
67/67.5	Bribery of executive officer; ministerial officer	25,000
68	Public officer or employee accepting or soliciting bribe	25,000

69	Resisting with force	15,000
92,93	Judicial officer or juror offering or accepting a bribe	100,000
118/120	Perjury; subordination of perjury	25,000
136.1 (C)	Witness intimidation	25,000
149	Assault by officer under color of authority	20,000
187	Murder with special circumstances All other murders	NO BAIL 1,000,000
664/187	Attempted murder	500,000
191.5	Vehicular homicide (DUI with gross negligence)	100,000
192 (b)	Manslaughter – voluntary	100,000
192 (b)	Manslaughter – involuntary	50,000
192 (c) (1)	Manslaughter – driving with gross negligence	100,000
192 (c) (3)	Vehicular homicide (DUI without gross negligence)	50,000
203	Mayhem	100,000
205	Aggravated mayhem	250,000
206	Torture	250,000
207	Kidnapping	100,000
207 (b)	Kidnapping victim under 14	500,000
209	Kidnapping for ransom or robbery . . . With GBI or death	500,000 NO BAIL
209.5	Kidnapping during carjacking	150,000
210.5	False imprisonment-victim as shield	500,000
211	Robbery . . . 212.5 (a) (b) 1 st degree . . . 212.5 (c) 2 nd degree	100,000 50,000

215	Carjacking	100,000
219	Train wrecking or derailling (Life) Where death results No death results	NO BAIL 100,000
219.1	Throwing missile at common carrier With Intent to Wreck or injure Where injury results	25,000 50,000
219.2	Throwing missile at common carrier	25,000
220	Assault with intent to commit rape	50,000
236/237	False imprisonment by force or violence	50,000
241.1	Assault on custodial officer	50,000
243/243.1	Battery on peace officer, firearm or custodial officer With GBI	50,000 100,000
243.4	Sexual Battery	25,000
244	Assault with chemicals	50,000
245 (a) (1)	Assault with deadly weapon or force likely to produce GBI	50,000
245 (a) (2)	Assault with a firearm	50,000
245 (d)	Assault with deadly weapon against peace officer or W/firearm	75,000
246	Discharging firearm at inhabited dwelling or vehicle	250,000
261	Rape	100,000
261.5	Unlawful Sexual Intercourse	10,000
262	Spousal Rape	50,000
264.1	Rape in concert with force or violence	150,000
266h	Pimping or pandering	25,000
266i	Pimping Minors	50,000

266j	Making child available for lewd acts	30,000
269	Aggravated sexual assault on a child	250,000/Per Vic.
273a (a)	Willful harm to child likely to cause GBI or death	100,000
273 (d)	Infliction of corporal injury to child	50,000
273.5	Infliction of injury to spouse, co-habitant or parent of a child	50,000
273.55	Spousal battery with prior	100,000
278	Child concealment	25,000
278.5	Child concealment by parent in violation of custody order	25,000
285	Incest	50,000
286	Sodomy	
286b (1)	. . . Victim under 18	35,000
286b (2)	. . . Victim under 16	50,000
286 (c)	. . . Victim under 14 or by force	100,000
286 (d)	. . . In concert – forcible	150,000
286 (e)	. . . While incarcerated	35,000
286 (f)	. . . Victim Unconscious	50,000
288	Lewd acts	
288 (a)	. . . Victim under 14	100,000
288 (b)	. . . Forcible	150,000
288 (c)	. . . Victim 14 or 15 and defendant more than 10 years older	75,000
288a	Oral copulation	
288a (b) (1)	. . . Other person under 18	40,000
288a (b) (2)	. . . Other person under 16 and defendant over 21	50,000
288a (c)	. . . Victim under 14 by force, violence or fear	75,000
288a (d)	. . . In concert by force or fear	100,000
288a (e)	. . . Committed in state prison or county jail	25,000
288.5	Continuous sexual abuse of a child	150,000
289/289.5	Rape by foreign object	50,000
311.4 (b) or (c)	Employing a minor for pornography	75,000

347	Mingling poison with food or drink . . . Substance likely to cause GBI or death	20,000 50,000
422	Criminal Threats	25,000
451	Arson	
451 (a)	. . . That causes great bodily injury	250,000
451 (b)	. . . Involving inhabited property	250,000
451 (c)	. . . Of a structure or forest land	75,000
451 (d)	. . . Other property	50,000
452	Reckless causing a fire	
452 (a)	. . . That causes great bodily injury	50,000
452 (b)	. . . Involving inhabited property	25,000
452 (c)	. . . Of a structure or forest land	20,000
453	Possession of a firebomb	50,000
459	Burglary	
	. . . 1 st Degree (residential)	50,000
	. . . 1 st Degree (residential) person present	75,000
	. . . 2 nd Degree	25,000
475	Forged bills and notes, possession	10,000
484i	Counterfeiting access cards	10,000
487	Grand theft (all types)	20,000
496	Receiving stolen property Value over \$400	10,000 20,000
504	Embezzlement of public funds	25,000
518	Extortion	25,000
646.9 (a)	Stalking	25,000
646.9 (b)	. . . In violation of restraining order	50,000
646.9 (c)	. . . With prior conviction	100,000
666	Petty theft with prior	15,000
4500	Assault by life term prisoner	NO BAIL
4501	Assault with deadly weapon by prison inmate	50,000
4501.1	Aggravated battery by prisoner (Gassing)	20,000

4501.5	Battery by prisoner on non-confined person	20,000
4502	Possession/manufacture of weapon by prison inmate	20,000
4503	Holding of hostages by prison inmate	100,000
4530	Escape by state prison inmate	NO BAIL
4532	Escape from local custody If Convicted	NO BAIL
4532 (a) (1)	. . . Custody offense is a misdemeanor	25,000
4532 (a) (2)	. . . By force or violence	75,000
4532 (b) (1)	. . . Custody offense is a felony	50,000
4532 (b) (2)	. . . By force or violence (where custody offense is a felony)	100,000
4573	Smuggling controlled substances where prisoners are kept	25,000
4573.6	Possessing controlled substances where prisoners are kept	20,000
4573.9	Selling controlled substances in prison or jail	30,000
4574	Smuggling weapon into prison or jail	50,000
12020	Manufacture or possession of deadly weapon	10,000
12021	Ex-felon in possession of a firearm	20,000
12303	Possession of destructive device	50,000
12303.1	Possession or carrying a destructive device on a transportation vehicle	100,000
12303.2	Possession of destructive device in public place	150,000
12303.3	Explosion of destructive device	500,000
12303.6	Sale or transportation of prohibited destructive devices	35,000
12308	Explosion of destructive device with intent to commit murder	500,000

12309	Explosion of destructive device which causes	
	. . . Death	NO BAIL
	. . . Mayhem or great bodily injury	

HEALTH AND SAFETY CODE VIOLATION – FELONY

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
11350	Possession of specific controlled substances	15,000
11351	Possession for sale of specific controlled substances	
	. . . Less than one ounce (14. 23 gms)	20,000
	. . . One ounce or more	30,000
	. . . ½ pound (8 oz.)	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	500,000
	. . . Over 10 pounds	1,000,000
	. . . Over 25 pounds	2,000,000
11351.5	Possession for sale of cocaine base	
	. . . Less than 1 ounce	20,000
	. . . 1 ounce or more	30,000
	. . . ½ pound (8 oz.) or more	100,000
	. . . 1 pound (454 gms.) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	500,000
	. . . Over 10 pounds	1,000,000
	. . . Over 25 pounds	2,000,000
11352	Illegal transportation or sale, of specific or classified controlled substances	
	. . . Less than 1 ounce	25,000
	. . . 1 ounce or more	50,000
	. . . ½ pound (8 oz.) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	500,000
	. . . Over 10 pounds	1,000,000
	. . . Over 25 pounds	2,000,000
11353	Inducing a minor to violate narcotic law	50,000
	. . . ½ pound (8 oz.) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	500,000
	. . . Over 10 pounds	1,000,000
	. . . Over 25 pounds	2,000,000

11354	Inducing a minor to sell narcotics	25,000
	. . . ½ pound (8 oz.) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	500,000
	. . . Over 10 pounds	1,000,000
	. . . Over 25 pounds	2,000,000
11358	Cultivation of marijuana	
	. . . Less than 50 plants	15,000
	. . . 50-200 plants	40,000
	. . . More than 200 plants	75,000
11359	Possession of marijuana for sale	15,000
11360	Transportation or sale of marijuana	20,000
	. . . Over 25 pounds	30,000
11361	Use of minor in transportation or sale of marijuana	50,000
11370.6	Possession greater than \$100,000 worth of controlled substance	100,000
11371.1	Soliciting minor (prescription fraud)	10,000
11377	Possession of Methamphetamine	15,000
11378	Possession for sale of dangerous drugs	
	. . . Less than 1 ounce (28.5 grams)	20,000
	. . . 1 ounce or more	40,000
	. . . ½ pound (8 oz.) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	250,000
	. . . Over 10 pounds	500,000
	. . . Over 25 pounds	1,000,000
11379	Sale or transportation of dangerous drugs	
	. . . Less than 1 ounce (28.5 grams)	20,000
	. . . 1 ounce or more	40,000
	. . . ½ pound (8 oz.) or more	100,000
	. . . 1 pound (454 grams) or more	150,000
	. . . 1 kilogram (2.2 lbs.) or more	200,000
	. . . Over 3 pounds	250,000
	. . . Over 10 pounds	500,000
	. . . Over 25 pounds	1,000,000

11379.5	Sale or transportation of P. C. P.	
	. . . Less than 1 ounce of liquid	15,000
	. . . Less than 8 ounces of liquid	25,000
	. . . 8 ounces of liquid or more	50,000
	. . . 1 qt. (32 oz.) liquid or more	75,000
	. . . 1 gal. of liquid or more	100,000
	. . . Over 9 gallons	500,000
	. . . Over 33 1/3 gallons	1,000,000
	. . . Over 62.5 gallons	2,000,000
11379.6 (a)	Manufacture of controlled substances	250,000
	. . . Over 3 lbs. or 9 gallons	500,000
	. . . Over 10 lbs. or 33 1/3 gallons	750,000
	. . . Over 25 lbs. or 62.5 gallons	1,000,000
	If child present	add 100,000
	If results in GBI	add 200,000
11379.6 (b)	Offer to manufacture controlled substance	100,000
11380	Use of minor in Health & Safety Code violation not involving PCP	50,000
11383	Possession of precursors with intent to manufacture PCP or methamphetamine	50,000

BUSINESS AND PROFESSIONS CODE VIOLATIONS - FELONY

<u>CODE SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
4390	Forging of prescription	10,000

VEHICLE CODE VIOLATIONS - FELONY

<u>CODE SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
4463	False evidence of registration	5,000
2800.2	Evading a peace officer; reckless driving	25,000
10801	Chop shop operation	50,000
10851	Auto theft	25,000
	In connection with Chop Shop operation	50,000

20001	Hit-run, resulting in injury	50,000
	Resulting in death	150,000
23110 (b)	Throwing a missile or shooting at vehicle with intent to do GBI	25,000
23152	Driving under the influence of alcohol/ drugs with 3+ priors	50,000
23153 (a)	DUI with injuries (drugs or alcohol)	50,000
23153 (b)	DUI with injuries (BA over .08)	50,000

WELFARE AND INSTITUTIONS CODE VIOLATIONS - FELONY

<u>CODE SECTIONS</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
11054	Perjury – Affirmation of Eligibility	10,000
10980 (c)	Welfare fraud	10,000

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 (a) (1)	Prior serious conviction	25,000
667 (e) (1)/ 1170.12 (c) (1)	One prior serious or violent prior conviction (second strike)	50,000
667 (e) (2)/ 1170.12 (C) (2)	Two or more serious or violent prior convictions (third strike)	250,000
667.5	Habitual criminal who has gone to state prison	
	. . . On a prior violent felony (for each felony)	25,000
	. . . On any other felony (for each prior)	10,000

667.51	Commits lewd act with a child and was previously convicted of	
	. . . Committing lewd acts with children	100,000
	. . . Committing lewd acts with children; 2+ 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 felony committed against the elderly or 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	25,000
1022.3	Rape or sexual abuse	
	(a) Committed with a firearm or deadly weapon	50,000
	(b) Committed while armed with a weapon	25,000
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	EQUAL TO VALUE OF PROPERTY
12022.7	Infliction of GBI	50,000
12022.75	Forced consumption of a drug	25,000
12022.8	GBI while committing a sexual offense	50,000
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	25,000
H & S 11370.2	Prior felony drug convictions	25,000

MISDEMEANOR BAIL SCHEDULE

Misdemeanors with maximum term of:

90 Days	750
6 Months	1,500
1 Year	2,500

When a person is arrested without a warrant for a misdemeanor offense, the arresting/booking agency shall comply with the release and notice to appear procedures in Penal Code Section 853.6. If there is a reason for non-release, as described in Section 853.6(i), the agency shall set bail according to this schedule.