

# SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL



## **FELONY AND MISDEMEANOR BAIL SCHEDULE**

2022

Effective 6/10/2022

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## *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 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:**

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 \$5000.

**b) Mandatory Supervision:**

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

#### **RULE 8: ECONOMIC LOSS**

If the alleged economic loss is greater than the bail schedule, the bail shall be the amount of the loss, rounded to the next higher thousand dollar level (i.e., if the economic loss is \$58,425, the bail is \$59,000).

**PART 2: GENERAL BAIL AMOUNTS CHART FOR FELONIES**

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**

PENAL CODE SECTION	DESCRIPTION OF VIOLATION	AMOUNT OF BAIL
69	RESISTING EXECUTIVE OFFICER	\$ 10,000
219.1	THROWING MISSILE AT VEHICLE OR COMMON CARRIER .....	\$ 50,000
236	FALSE IMPRISONMENT WITH VIOLENCE	\$ 50,000
236.1(a)	HUMAN TRAFFICKING/PROSTITUTION.FORCED LABOR	\$ 250,000
236.1(c)	HUMAN TRAFFICKING/PROSTITUTION/FORCED LABOR – VICTIM UNDER 18	\$ 500,000
243.7	BATTERY AGAINST JUROR .....	\$ 50,000
246	DISCHARGE OF A FIREARM AT INHABITED	\$ 50,000



DWELLING/VEHICLE/AIRCRAFT

261	RAPE	\$	100,000
264.1	RAPE IN CONCERT	\$	100,000
273.1(a)	CHILD ABUSE plus an additional \$15,000 for each additional victim	\$	50,000
273.5	INFLICT INJURY ON SPOUSE OR COHABITANT...	\$	50,000
	...with a prior .....	\$	75,000
273.6(d) or (e)	VIOLETION 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
288(a)	LEWD OR LASCIVIOUS ACT – UNDER 14 YEARS	\$	50,000
288(c)(1)	Lewd or Lascivious Act – 10 Years Older than Child	\$	50,000
311.11(a) – (c)	POSSESS OBSCENE MATTER – CHILD PORNOGRAPHY	\$	50,000
422	TERRORIST THREATS .....	\$	20,000
463	LOOTING DURING EMERGENCY	\$	10,000
646.9	WILLFULLY, MALICIOUSLY, REPEATEDLY FOLLOW OR WILLFULLY HARASS ANOTHER PERSON .....	\$	50,000
626.9	FIREARM AT PUBLIC SCHOOL	\$	25,000
626.9(b)	LOADED FIREARM AT SCHOOL	\$	50,000
626.9(d)	DISCHARGE FIREARM AT SCHOOL	\$	150,000
25400(a)(1)	CARRY CONCEALED FIREARM IN VEHICLE	\$	20,000
29800	POSSESSION OF FIREARM BY A PROHIBITED PERSON .....	\$	10,000
4500	ASSAULT BY LIFE TERM PRISONER.....	\$	1,000,000

VEHICLE CODE SECTION	DESCRIPTION OF VIOLATION	AMOUNT OF BAIL
2800.2(a)	EVADING PEACE OFFICER – RECKLESS DRIVING WITH DESREGARD FOR SAFETY	\$ 50,000
2800.3(a)	EVADING PEACE OFFICER CAUSING INJURY	\$ 75,000
2800.3(b)	EVADING PEACE OFFICER CAUSING DEATH	\$ 1,000,000
20001(a)–(b)(2)	HIT AND RUN WITH INJURY OR DEATH	\$ 75,000
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
12022.53	Commission of Specified Felonies and	
	. . . Using a firearm	75,000
	. . . Discharges a firearm	100,000
	. . . Discharges a firearm and causes great bodily injury	1,000,000
12022.55	Causing GBI by discharging a firearm	250,000
	Causing death	500,000
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	20,000

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	50,000 each

**SECTION B: MISDEMEANOR BAIL SCHEDULE**

If the defendant is charged with more than one offense, the highest bail amount of any single offense charged shall be used.

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 probations, and the nature of the instant offense.

MISDEMEANORS 90 DAY MAXIMUM INCARCERATION	\$ 1500
MISDEMEANORS 180 DAY MAXIMUM	\$ 2500
MISDEMEANORS 270 DAY MAXIMUM	\$ 3500
MISDEMEANORS 364 DAY MAXIMUM	\$ 5000
VIOLATIONS OF PROBATION	\$ 5000

PENAL CODE SECTION	DESCRIPTION OF VIOLATION	BAIL AMOUNT
PC 166(c)(1)	Violation of Court Order	\$ 5,000
PC 192(c)(2)	Vehicular Manslaughter Without Gross Negligence	\$ 7,000
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 314(1)	Indecent Exposure	\$	5,000
PC368(b)(1)	Cause GB Harm/Death – Elder or Dependent Adult Abuse	\$	10,000
PC 417(a)(1)-(2)	Brandishing a Firearm	\$	5,000

PENAL CODE SECTION	DESCRIPTION OF VIOLATION		BAIL AMOUNT
PC 452(a)	Causing Fire that Results in GBI	\$	15,000
PC 452(b)	Causing Fire – Inhabited Structure/Property	\$	15,000
PC 452(c)	Causing Fire – Structure/Forest Land	\$	15,000
PC 646.9	Stalking.....	\$	5,000
PC 25400(a)(1)	Carry Concealed Firearm in Vehicle	\$	10,000
VC 23152	DUI		
	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