

## Emergency Bail Schedule

Effective April 13, 2020

1. Misdemeanors: Except as described below, misdemeanors shall have bail set at \$0. Presumptively cite and release. Law enforcement to cite defendants 16-20 weeks out\*.
  - a. Exception: DV charges under Penal Code section 1270.1 may be cited and released. But law enforcement has discretion to arrest defendant with bail up to \$5,000.
2. Felonies: Except as described below, felonies shall have bail set at \$0. Presumptively cite and release. Officers to cite defendants 16-20 weeks out\*.
  - a. Serious felonies under Penal Code section 1192.7(c) and violent felonies under Penal Code section 667.5(c): No reduction of schedule bail.
  - b. Violations of Penal Code sections 136.1, 262, and 422: No reduction of schedule bail.
  - c. Violations of registerable sex offenses listed under Penal Code section 290(c): No reduction of schedule bail.
  - d. Violations of Penal Code sections 69, 273.5, 463, 646.9, and 29800: Presumptive bail reduced to one-half (1/2) of schedule bail.
  - e. Violations of Vehicle Code sections 23152 and 23153: Presumptive bail reduced to one-half (1/2) of schedule bail.
3. Enhancements: Discretion of court at arraignment
4. Violations of post-conviction supervision
  - a. Misdemeanor probation: Presumptively cite and release. If bench warrant has been issued, presumptively cite and release after arrest.
  - b. Felony probation, parole, post-release community supervision, or mandatory supervision: Presumptive bail same as bail for substantive charge under this Emergency Bail Schedule. For example, if defendant is on probation for crime that is now a cite and release charge under the Emergency Bail Schedule, they should be cited and released on the VOP. If bench warrant has been issued, bail should be reduced using the same process.
5. The court retains authority change bail for defendants on a case-by-case basis.
6. Law enforcement may seek bail enhancements, when appropriate, in the usual way.
7. Duration: This Emergency Bail Schedule is provisional and will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the court.

\*DA to file complaints at least two weeks before appearance date to enable court to administratively continue cases and notify defendants before appearance dates.