

# SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE



## **Felony and Misdemeanor Bail Schedule**

Approved by the  
Judges of the Riverside County Superior Court  
December 27, 2012

Effective Date: *January 2, 2013*

# SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE

## **Felony and Misdemeanor Bail Schedule**

This Bail Schedule is adopted by the Superior Court of California, County of Riverside 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, 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.

## TABLE OF CONTENTS

SECTION A: FELONY BAIL SCHEDULE.....	4
PART 1: RULES.....	4
RULE 1: Setting Bail.....	4
RULE 2: No Bail.....	4
RULE 3: Attempts, Etc.....	5
RULE 4: Multiple Counts, Multiple Cases.....	5
RULE 5: Enhancements / Strikes.....	6
RULE 6: Bail Increase / Source of Bail Funds .....	6
RULE 7: Violation of Probation.....	7
RULE 8: Economic Loss.....	7
PART 2: GENERAL BAIL AMOUNTS CHART FOR FELONIES.....	8
PART 3: SPECIAL BAIL AMOUNTS FOR FELONIES.....	8
PART 4: BAIL AMOUNTS FOR ENHANCEMENTS TO FELONIES.....	11
SECTION B: MISDEMEANOR BAIL SCHEDULE.....	12

## **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;
  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 \$5,000.00 on one case, \$75,000.00 on another case, and \$25,000.00 on a third case, then the person must post three separate bonds, one for each case, in order to be released.

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

The following offenses will not be admitted to bail:

- A. Murder with special circumstances.
- B. The offense charged is a felony and the facts are evident or the presumption great and there is clear and convincing evidence that the defendant has threatened another with great bodily harm and there is a substantial likelihood that defendant will carry out the threat if released.

### **RULE 3: Attempts, Etc.**

The following felony offenses will have a bail amount equal to the substantive offense, which was the object of the conspiracy, solicitation or attempt.

Section 182 P.C.  
Section 653 P.C.  
Section 664 P.C.

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

Note: 32 PC: The bail is half the amount for the substantive crime, but no less than \$5,000.

### **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 and then add the bail amounts together to get the total bail.

#### 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 robberies would be calculated and then added together to determine the correct bail. Also, add bail for enhancements.
2. One Complaint Filed: Defendant assaults a victim and later that day assaults the victim's brother (two separate sets of circumstances) – the applicable bail amount for each of the assaults would be calculated and then added together to determine the correct bail for the "case." Also, add bail for enhancements.
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 most serious criminal charge. Also, add bail for enhancements.

## **RULE 5: Enhancements / Strikes**

### A. Enhancements:

Where a felony offense has been committed 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 described in this Schedule are applicable, such bail increase 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:

Where it is alleged in the Complaint or Information, or it is evident from other information made available to the Court, that within the meaning of Penal Code Sections 667 and 1170.12:

- (1)(a) If the defendant has previously been convicted of one serious or violent felony, the bail is enhanced by \$50,000.00.
- (b) If the defendant has previously been convicted of two or more serious or violent felonies, the bail is enhanced by \$50,000.00 per strike, if the current crime is a non-serious or non-violent crime.
- (2)(a) 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 \$1,000,000.00.
- (b) If the defendant has previously been convicted of two or more serious or violent felonies and the current crime is not a serious or violent felony, and, one of the exception is sec. 667(e)(C)(2)(i-ix) applies, then the total bail is \$1,000,000.00.
- (3) If the defendant has two or more prior strikes, but the current crime is non-serious and non-violent, the bail is enhanced by \$50,000.00 per strike. However, if any of the exceptions contained in section 667(e)(C)(2)(i-iv) apply, then the bail is \$1,000,000.00.

## **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.

**RULE 7: Violation of Probation**

In the absence of a specific court order, the amount of bail on a violation of felony probation shall be \$25,000.00. In the absence of a specific court order, the amount of bail on a violation of misdemeanor probation shall be \$5,000.00.

**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 \$58,423.00, the bail is \$59,000.00.

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

	<b>Maximum Incarceration in State Prison</b>	<b>Bail</b>
A.	3 years or less	\$5,000
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**

<b>PENAL CODE SECTION</b>	<b><u>DESCRIPTION OF VIOLATION</u></b>	<b><u>AMOUNT OF BAIL</u></b>
217.1(a)	ASSAULT ON PRESIDENT OR OTHER GOVERNMENT OFFICIAL .....	\$ 100,000.00
219.1	THROWING MISSILE AT VEHICLE OR COMMON CARRIER .....	\$ 50,000.00
243.7	BATTERY AGAINST JUROR .....	\$ 50,000.00
273d	INFLICT CORPORAL INJURY CHILD (CHILD BEATING).....	\$ 35,000.00 Plus \$15,000.00 per additional victim
273.5	INFLICT INJURY ON SPOUSE OR COHABITANT... ...with a prior .....	\$ 50,000.00 \$ 75,000.00
4500	ASSAULT BY LIFE TERM PRISONER.....	NO BAIL
4530	ESCAPE BY PRISON INMATE .....	NO BAIL



**HEALTH AND SAFETY CODE**

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
11351 / 11351.5 / 11352	POSSESSION FOR SALE, SALES, TRANSPORTATION	
	less than one ounce [28.5 grams].....	\$ 30,000.00
	1 ounce .....	\$ 50,000.00
	½ pound [8 oz.].....	\$ 100,000.00
	1 pound [454 grams][16 oz.].....	\$ 150,000.00
	over 1 kilogram [2.2 lbs.].....	\$ 200,000.00
	over 4 kilograms [8.8 lbs.].....	\$ 250,000.00
	over 10 kilograms [22 lbs.].....	\$ 500,000.00
	over 20 kilograms [44 lbs.].....	\$ 1,000,000.00
11378 / 11378.5 / 11379 / 11379.5	POSSESSION FOR SALE, SALES, TRANSPORATION	
	less than one ounce [28.5 grams].....	\$ 30,000.00
	1 ounce .....	\$ 50,000.00
	½ pound [8 oz.].....	\$ 100,000.00
	1 pound [454 grams][16 oz.].....	\$ 150,000.00
	over 1 kilogram [2.2 lbs.] or 30 liters.....	\$ 200,000.00
	over 4 kilograms [8.8 lbs.] or 100 liters.....	\$ 250,000.00
	over 10 kilograms [22 lbs.] or 200 liters .....	\$ 500,000.00
	over 20 kilograms [44 lbs.] or 400 liters .....	\$ 1,000,000.00
11358	CULTIVATION OF MAIRJUANA	
	less than 50 plants .....	\$ 20,000.00
	50 – 199 plants .....	\$ 25,000.00
	200 – 500 plants .....	\$ 50,000.00
	more than 500 plants .....	\$ 100,000.00
11359 / 11360	POSSESSION FOR SALE OR SALE OR TRANSPORATION OF MARIJUANA.....	\$ 20,000.00
	over 25 pounds .....	\$ 25,000.00
	over 100 pounds.....	\$ 50,000.00
	over 1000 pounds .....	\$ 250,000.00
11383	POSSESSION OF PRECURSORS WITH INTENT TO MANUFACTURE PCP OR METHAMPHETAMINE .....	\$ 50,000.00

**VEHICLE CODE**

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
2800.2	EVADING A PEACE OFFICER: RECKLESS DRIVING.....	\$ 100,000.00
2800.3(a)	EVADING WITH BODILY INJURY.....	\$ 250,000.00
2800.3(b)	EVADING WITH DEATH.....	\$ 1,000,000.00
20001	HIT-RUN DEATH.....	\$ 75,000.00
23110(b)	THROWING MISSILE OR SHOOTING AT VEHICLE WITH INTENT TO DO GREAT BODILY INJURY.....	\$ 50,000.00
23152	DRIVING UNDER THE INFLUENCE and 3+PRIORS.	\$ 50,000.00
23153	DUI WITH INJURIES.....	\$ 50,000.00

## **PART 4: BAIL AMOUNTS FOR ENHANCEMENTS TO FELONIES**

THESE ARE CUMULATIVE

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>ADDITIONAL AMOUNT</u>
PC 667	PRIOR CONVICTIONS	
	(a) Prior violent or serious felony plus a current violent or serious felony [for each prior].....	\$ 50,000.00
	(c) habitual criminal (Strike 1) (See Rule 5(B)..	\$ 50,000.00
PC 667.5	STATE PRISON PRIORS	
	(a) Prior violent felony plus a current violent felony [for each prior].....	\$ 20,000.00
	(b) on any felony [for each prior].....	\$ 20,000.00
PC 12022.5	COMMISSION OF FELONY AND	
	(a) uses a firearm.....	\$ 75,000.00
	(b) uses an assault weapon.....	\$ 100,000.00
PC 12022.53	COMMISSION OF SPECIFIED FELON AND	
	(b) uses a firearm.....	\$ 75,000.00
	(c) discharges a firearm.....	\$ 100,000.00
	(d) discharges a firearm and causes great bodily injury.....	\$ 1,000,000.00
PC 12022.7	INFLICTION OF GBI.....	\$ 40,000.00
PC 12022.8	GBI WHILE COMMITTING A SEXUAL OFFENSE.....	\$ 50,000.00
H&S 11370.2	PRIOR FELONY DRUG CONVICTIONS.....	\$ 20,000.00 each
H&S 11379.7(a)	CHILDREN PRESENT AT METH LAB.....	\$ 20,000.00 each
H&S 11379.7(b)	CHILDREN PRESENT AT METH LAB WHO SUFFER GBI.....	\$ 30,000.00 each

**SECTION B: MISDEMEANOR BAIL SCHEDULE**

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. Note: Felonies are handled differently. See Rule 4.

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.

Misdemeanors – 90 day maximum incarceration.....	\$ 1,500.00
Misdemeanors – 180 day maximum incarceration.....	\$ 2,500.00
Misdemeanors – 365 day maximum incarceration.....	\$ 3,500.00
Misdemeanors Violations of Probation.....	\$ 5,000.00
Ordinance Violations Not Listed.....	\$ 500.00
Misdemeanors – Specifically Listed .....	See Next Page

**PENAL CODE**

<b>SECTION</b>	<b><u>DESCRIPTION OF VIOLATION</u></b>	<b><u>BAIL AMOUNT</u></b>
PC 192(c)	Vehicular manslaughter.....	\$ 7,500.00
PC 273.5	Spousal battery.....	\$ 5,000.00
PC 417(a)(2)	Brandishing firearm.....	\$ 5,000.00
PC 597	Cruelty to animals.....	\$ 5,000.00
PC 626.10	Knives/weapons on school campus	\$ 5,000.00

Adopted by the Judges of the Superior Court of California  
 County of Riverside on December XX, 2012  
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**Distribution:**

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