

2013 SOLANO COUNTY BAIL SCHEDULE

Effective February 1, 2013

GENERAL INSTRUCTIONS

It is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions (Penal Code section 1269b(c)). In adopting a uniform countywide bail schedule of bail for all bailable felony offenses the judges shall consider the seriousness of the offense charged including all aggravating or enhancing factors chargeable in the complaint (Penal Code section 1269b(e)).

The purpose of this bail schedule is to fix an amount upon which a person who is arrested without a warrant may be released from custody prior to appearance in court. At and after a defendant's first appearance, pursuant to Penal Code § 1269b(b), the amount of bail, if any is allowed, shall lie within the sound discretion of the judicial officer before whom the defendant appeared, and may be greater or less than the amount set forth in this schedule, subject to the provisions of Penal Code § 1275. This schedule may also be used by a magistrate in fixing bail pursuant to Penal Code § 815a at the time an arrest warrant is issued, the amount of which lies within the sound discretion of the magistrate.

Prior to an appearance before a judge or magistrate, the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to this uniform bail schedule.

At the defendant's first appearance before a judge or magistrate on the charge contained in the complaint, indictment, or information, the bail shall be set by the judge at the time of the appearance (Penal Code section 1269b(b)).

Penal Code section 1275 provides that:

In setting, reducing, or denying bail, the judge or magistrate shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or hearing of the case. The public safety shall be the primary consideration.

Before any person who is arrested for any of the following crimes may be released on bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense, or may be released on his or her own recognizance, a hearing shall be held in open court before the magistrate, or judge. Felony offenses in which the defendant is not to be released on bail or own recognizance release without judicial review at a hearing with notice to the District Attorney, if bail is to be more or less than the amount in the Bail Schedule are:

- 1) Any serious felony listed in Penal Code section 1192.7;
- 2) Any violent felony as defined in subdivision (c) of Penal Code section 667.5 (but not including Penal Code section 460(a));

- 3) A violation of Penal Code section 136.1 pursuant to subdivision (c);
- 4) Any felony violation of Penal Code section 262 (Spousal Rape), Penal Code section 273.5 (Domestic Violence), Penal Code section 422 (Threats);
- 5) Any violation of Penal Code Section 646.9 (Stalking);
- 6) Any violation of paragraph (a) of subdivision (e) of Penal Code section 243;
- 7) A violation of Penal Code section 273.6, if the detained person made threats or harm, has engaged in violence against, or has gone to the residence workplace of, the protected party;

Felony offenses in which the defendant is not to be released without judicial review are:

- 1) Any felony where the defendant has (2) two or more serious or violent felony prior convictions (Sections 667(e)(2)(A) & 1170.12(c)(2)(A);
- 2) Any felony sex offense where the defendant has similar prior convictions (Penal Code section 667.71).
- 3) Narcotic felony offense (Sections 11353, 11353.5, 11361, 11380, 11380.5; Health and Safety Code), where defendant has two prison prior convictions of same nature (Penal Code section 667.75)

The Bail Schedule contemplates the following practice where more than one offense is charged.

(1) When a defendant is booked on two or more charges arising from the same course of conduct, bail shall be the amount set for the charge having the highest bail.

(2) When a defendant is booked on two more charges arising out of a single act that precludes multiple punishments, bail shall be the sum of the amount set for the charge in each course of conduct having the highest bail.

(3) For sex offenses arising from threat or menace, bail shall be the sum of the full amounts set for each charge irrespective of whether the charges arise from a single course of conduct or single transaction.

Where an enhancement or enhancements have been alleged, the listed bail amounts for each enhancement or enhancements should be added to the bail for the underlying offense or offenses.

A hold on the release of a defendant from custody pursuant to Penal Code § 1275.1 shall only be ordered by a magistrate or judge following the filing of a declaration under penalty of perjury by a

Peace Officer or prosecutor setting forth probable cause to believe that the source of any consideration, pledge, security, deposit or indemnification was feloniously obtained.

The examples outlined below demonstrate how to calculate a bail amount when a person is arrested and booked on more than one charge.

EXAMPLE #1

This example demonstrates how to calculate the bail amount when a defendant is booked on more than one charge arising out of a single act that precludes multiple punishments.

Charge 1 459PC, First Degree: \$45,000

Charge 2 496PC \$15,000

Charge 3 487PC \$15,000

The bail in this example is \$45,000 because the First Degree Burglary charge has the highest bail and all the charges arise from a single act that precludes multiple punishments.

EXAMPLE #2

This example demonstrates how to calculate the bail amount when a defendant is booked on more than one charge arising from different acts that permit multiple punishments.

Charge 1 H&S §11379(a) \$25,000

Charge 2 VC §20001(b)(2) \$25,000

The defendant in this instance faces a maximum term of confinement of five (5) years. Therefore, the bail amount in this example should be \$35,000 because H&S §11379(a), and VC §20001(b)(2) are separate acts that can be punished separately.

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PRESUMPTIVE FELONY BAIL SCHEDULE

I. Bail shall be set according to the following table, based upon the maximum term allowable for the charged offense, together with applicable enhancements.

Maximum Term	Presumptive Bail
3 years	\$15,000.00
4 years	\$25,000.00
5 years	\$35,000.00
6 years	\$45,000.00
7 years	\$55,000.00
8 years	\$65,000.00
9 years	\$75,000.00
10 years	\$90,000.00
11 years	\$105,000.00
12 years	\$120,000.00
13 years	\$135,000.00
14 Years	\$150,000.00
15 Years	\$165,000.00
16 Years	\$180,000.00

Note:

1. All crimes or enhancements carrying a potential life sentence (except homicide offenses) shall have a presumptive bail of \$750,000.00.
2. When multiple charges are alleged, bail is set for the charge with the highest bail plus any enhancements, plus one-third of the other charges, including one-third of the enhancements to the other charges.

II. <u>Homicide Offenses:</u>	<u>Presumptive Bail</u>	<u>Current Bail</u>
A. Capital Murder (murder with Special Circumstances, Penal Code §§ 187/190.2)	No Bail	No Bail
B. Murder (Non-Capital)	No Bail*	No Bail

* No Bail until set by Court at a noticed hearing. Thereupon, presumptive bail shall be \$1,500,000.00

SOLANO COUNTY BAIL SCHEDULE – MISDEMEANORS

Maximum Term	Presumptive Bail
90 Days	\$1600.00
180 Days	\$3000.00
365 Days	\$5000.00

~For any County ordinance misdemeanors not listed herein, the bail shall be \$1,600.00~

~A defendant arrested without a warrant and charged with more than one misdemeanor offense (other than Vehicle Code violations) shall be entitled to bail set at the highest bail for any one offense charged~

AGRICULTURAL CODE

All violations.....\$500.00
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BUSINESS & PROFESSIONS CODE

All violations not listed below \$1,600.00

Section	Offense	Bail
25658(a)	Alcohol Sale to Person Under Age 21	\$1,600.00
25658(b)	Alcohol Purchase by Person Under Age 21	\$750.00
25661	Minor Presenting Fraudulent or False Identification	\$750.00
25662	Minor in Possession of Alcoholic Beverage	\$750.00

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CIVIL CODE, CODE OF CIVIL PROCEDURE, ELECTION CODE

All violations \$1,600.00

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EDUCATION CODE

All violations \$1,600.00

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FINANCIAL CODE

All violations \$1,600.00
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HEALTH AND SAFETY CODE

Section	Offense	Bail
11590	Failure to Register	\$ 3,000.00

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INSURANCE CODE

All violations \$1,600.00

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LABOR CODE

All violations \$1,600.00

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PENAL CODE

Section	Offense	Bail
171(c),(d)	Bring Loaded Firearm into Specific Areas	\$ 5,000.00
192(c)(2)*	Vehicular Manslaughter (without gross negligence)	10,000.00
290	Registration by Sex Offenders	5,000.00
313	Distribution of Harmful Matter to Minor	5,000.00
374.3(Infr.)	Dumping Refuse on Public or Private Roads or Property	1,600.00
417	Brandishing a Weapon	5,000.00
468	Knowingly Buying or Selling Sniperscope	5,000.00
626.9	Bring/Possess firearm on School Grounds	5,000.00
646.9	Stalking	10,000.00
647(c)	Begging	1600.00
647(f)	Under the Influence in Public	1600.00
647.6	Annoy or Molest Children	5,000.00
4532*	Escape of Prisoner	25,000.00
4550	Aid in Escape of Prisoner	25,000.00
4570	Communicate with Prisoner	2500.00
4570.5	Fraudulent Entry into Correctional Institution	5,000.00
12020*	Manufacture, Sale, Possession of Firearms by Certain Persons	5,000.00
12021*	Possession of Firearms by Certain Persons	5,000.00
12025	Carry Concealed Firearms	7,500.00
12076	Fraudulent Submission of Firearm Registration Information	5,000.00
12093	Alter/Remove Identifying Mark on Firearm	5,000.00
12094	Purchase or Sale of Firearm Without Identifying Mark	5,000.00

* Bail shown may be deposited for release only when and if a complaint has been filed as a misdemeanor, for an offense which would otherwise be a felony.

12220*	Possession/Transportation of Machine-gun	10,000.00
12303*	Possession of Destructive Device Over .60 Caliber	10,000.00
12420*	Possession, Sale, Transportation of Tear Gas	3,000.00
12520*	Possession of Silencer	10,000.00
12551	Sale of BB Device to Minor	2,500.00
12552	Furnishing BB Device to Minor Without Parental Consent	2,500.00

* Bail shown may be deposited for release only when and if a complaint has been filed as a misdemeanor, for an offense which would otherwise be a felony.

PUBLIC RESOURCES CODE

All violations \$1,600.00

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PUBLIC UTILITIES CODE

All violations not listed below \$1,600.00

<u>Section</u>	<u>Offense</u>	<u>Bail</u>
2110	Block Vehicular Traffic Crossing for Over 10 minutes	\$ 750.00

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REVENUE & TAXATION CODE

<u>Section</u>	<u>Offense</u>	<u>Bail</u>
7152	Sales Tax Due	\$ 750.00

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STREETS AND HIGHWAYS

All violations not listed below \$ 100

<u>Section</u>	<u>Offense</u>	<u>Bail</u>
731	Vending from Highway	\$ 750.00

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UNEMPLOYMENT INSURANCE CODE

All violations \$3,000

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VEHICLE CODE

Section	Offense	Bail
14601(a)	Driving When Privilege is Suspended or Revoked	\$ 3,000.00
14601.1(a)	Driving When Privilege is Suspended/Revoked for Other Reasons	2,000.00
14601.2(a)	Driving When Privilege Suspended or Revoked for DUI	5,000.00
14601.3(a)	Habitual Traffic Offender	5,000.00
14601.4	Driving When Privilege Suspended/Revoked Causing Injury	5,000.00
20002	Hit & Run Property or Vehicle Damage	2,500.00
21200.5	Riding Bicycle Under Influence of Alcohol or Drugs	2,500.00
23103	Reckless Driving	2,500.00
23109(a)	Speed Contest, 1 st Offense	2,500.00
23160	1 st Offense DUI (23152 VC)	3,000.00
23165	2 nd Offense DUI (23152 VC)	5,000.00
23170	3 rd Offense DUI (23152 VC)	10,000.00

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WELFARE & INSTITUTIONS CODE

All violations.....\$ 3,000.00

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