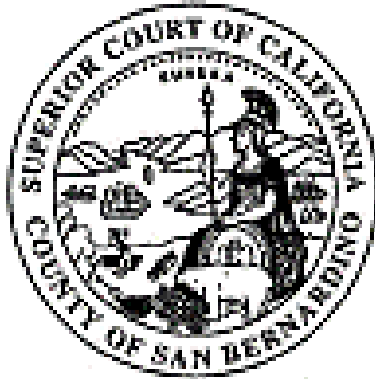


**SUPERIOR COURT OF
CALIFORNIA
COUNTY OF SAN BERNARDINO**



Felony and Misdemeanor Bail Schedule

**Approved by the
Judges of the San Bernardino Superior Court
December, 2022**

**Effective Date: *January 1, 2023*
Amended: *April 24, 2023***

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN ERNARDINO

Felony and Misdemeanor Bail Schedule

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

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;
 2. The amount set pursuant to 1269c P.C. (See Rule 6(A) herein);
 3. The amount set by the on-call daytime/nighttime Judge;
 4. The amount set at a hearing in court; and / or
 5. 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 on one case, \$75,000 on another case, and \$25,000 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

Murder with special circumstances will not be admitted to bail.

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. (Conspiracy)
Section 653(F) P.C. (Solicitation)
Section 664 P.C. (Attempt)

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 10,000.

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 amount.

B. Multiple Cases: Calculate the bail for each case separately. A separate bail is required for each separate case.

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 robbery complaints would be calculated. These are two separate cases and two separate bail bonds are required.
2. One Complaint Filed: Defendant assaults one victim and later that day assaults a second unrelated victim (two separate sets of circumstances). The applicable bail amount for each count is calculated and added together to determine the amount of bail.
3. One Complaint Filed: Defendant robs a store taking money from the register and from a customer. The bail is the amount for the most serious criminal charge plus bail for any enhancements.
4. One Complaint Filed: Defendant commits multiple sex crimes against the same or different victims. The applicable bail amount for each count is calculated and added together to determine the amount of bail.

RULE 5: Enhancements / Strikes

A. Enhancements:

Where a felony offense has been committed and one or more punishment enhancements are charged, 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:

Where it is alleged in the Complaint or Information 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 a non-serious and non-violent crime.
 - (c) If the defendant has previously been convicted of two or more strikes, and the current crime is non-serious and non-violent, and, if any of the exceptions contained in section 667(e)(C)(2)(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 (1269c P.C.)

When 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.)

When 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 or filed with the court if the complaint has already been filed.

RULE 7: Violation of Probation / Mandatory Supervision

Probation:

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 \$5,000.

Mandatory Supervision:

In the absence of a specific court order, the amount of bail on a violation of mandatory supervision shall be no bail.

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, the bail is \$59,000.

PART 2: GENERAL BAIL AMOUNTS CHART FOR FELONIES

	Maximum Incarceration in either County or State Prison	Bail
A.	3 years or less	\$30,000
B.	4 years	\$40,000
	5 years	\$50,000
	6 years	\$60,000
C.	7 years	\$70,000
	8 years	\$80,000
	9 years	\$90,000
D.	10 years	\$100,000
	11 years	\$110,000
	12 years	\$120,000
E.	13 years	\$130,000
	14 years	\$140,000
	15 years	\$150,000
	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

PENAL CODE

SECTION	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
186.22(a)	GANG CRIME	\$ 20,000
217.1(a)	ASSAULT ON PRESIDENT OR OTHER GOVERNMENT OFFICIAL	\$ 100,000
219.1	THROWING MISSILE AT VEHICLE OR COMMON CARRIER	\$ 50,000
243(c)	BATTERY ON A PEACE OFFICER	\$ 100,000
243.7	BATTERY AGAINST JUROR	\$ 100,000
273d	INFLICT CORPORAL INJURY CHILD (CHILD BEATING).....	\$ 50,000 Plus \$15,000 per additional victim
273.5	INFLICT INJURY ON SPOUSE OR COHABITANT...	\$ 50,000
	...with a prior	\$ 75,000

278.5	CHILD CUSTODY KIDNAPPING	\$ 50,000
288a(b)	ORAL COPULATION	\$ 50,000
422	TERRORIST THREATS	\$ 50,000
646.9	WILLFULLY, MALICIOUSLY, REPEATEDLY FOLLOW OR WILLFULLY HARASS ANOTHER PERSON	\$ 50,000
	With a prior.....	\$ 100,000
4500	ASSAULT BY LIFE TERM PRISONER.....	NO BAIL
4530	ESCAPE BY PRISON INMATE	NO BAIL
4532-4550	ESCAPE (Felony).....	\$ 50,000

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
	1 ounce	\$ 50,000
	½ pound [8 oz.].....	\$ 100,000
	1 pound [454 grams][16 oz.].....	\$ 150,000
	over 1 kilogram [2.2 lbs.].....	\$ 200,000
	over 4 kilograms [8.8 lbs.].....	\$ 250,000
	over 10 kilograms [22 lbs.].....	\$ 500,000
	over 20 kilograms [44 lbs.].....	\$ 1,000,000
11378 / 11378.5 / 11379 / 11379.5	POSSESSION FOR SALE, SALES, TRANSPORATION	
	less than one ounce [28.5 grams].....	\$ 30,000
	1 ounce	\$ 50,000
	½ pound [8 oz.].....	\$ 100,000
	1 pound [454 grams][16 oz.].....	\$ 150,000
	over 1 kilogram [2.2 lbs.] or 30 liters.....	\$ 200,000
	over 4 kilograms [8.8 lbs.] or 100 liters.....	\$ 250,000
	over 10 kilograms [22 lbs.] or 200 liters	\$ 500,000
	over 20 kilograms [44 lbs.] or 400 liters	\$ 1,000,000
11359 / 11360	POSSESSION FOR SALE OR SALE OR TRANSPORATION OF MARIJUANA.....	\$ 20,000

over 25 pounds	\$ 25,000
over 100 pounds.....	\$ 50,000
over 1000 pounds	\$ 250,000

11383	POSSESSION OF PRECURSORS WITH INTENT TO MANUFACTURE PCP OR METHAMPHETAMINE	\$ 50,000
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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
2800.3(a)	EVADING WITH BODILY INJURY.....	\$ 250,000
2800.3(b)	EVADING WITH DEATH.....	\$ 1,000,000
20001	HIT-RUN DEATH.....	\$ 75,000
23110(b)	THROWING MISSILE OR SHOOTING AT VEHICLE WITH INTENT TO DO GREAT BODILY INJURY.....	\$ 50,000
23152	DRIVING UNDER THE INFLUENCE and 3+PRIORS.	\$ 250,000
23153	DUI WITH INJURIES.....	\$ 250,000

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 serious felony plus a current serious felony [for each prior].....	\$ 50,000
	(c) habitual criminal (Strike 1) (See Rule 5(B)..	\$ 50,000
PC 667.5	STATE PRISON PRIORS	
	(a) Prior violent felony plus a current violent felony [for each prior].....	\$ 100,000
	(b) Prior sexually violent offense [for each prior].....	\$ 50,000
PC 12022.1	OUT ON BAIL	\$ 250,000
PC 12022.5	COMMISSION OF FELONY AND	
	(a) uses a firearm.....	\$ 75,000
	(b) uses an assault weapon.....	\$ 100,000
PC 12022.53	COMMISSION OF SPECIFIED FELON AND	
	(b) uses a firearm.....	\$ 75,000
	(c) discharges a firearm.....	\$ 100,000
	(d) discharges a firearm and causes great bodily injury.....	\$ 1,000,000
PC 12022.7	INFLICTION OF GBI.....	\$ 100,000
PC 12022.8	GBI WHILE COMMITTING A SEXUAL OFFENSE.....	\$ 100,000
H&S 11370.2	PRIOR FELONY CONVICTIONS OF H&S 11380	\$ 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.....	\$ 30,000 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. See Rule 4 on page 5 of the Felony section. The reasoning of Rule 4 applies also to misdemeanors.

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	NO BAIL REQUIRED
Misdemeanors Violations of Probation.....	\$ 25,000

PENAL CODE

SECTION	<u>DESCRIPTION OF VIOLATION</u>	<u>BAIL AMOUNT</u>
PC 192(c)(2)	Vehicular manslaughter.....	\$ 25,000
PC 243(e)(1)	Battery on a Spouse.....	\$ 25,000
PC 246/246.3 /247	Discharge a Firearm.....	\$ 25,000
PC273.5(a)	Corporal injury to spouse or cohabitant	\$ 25,000
PC 417(a)(2)	Brandishing firearm.....	\$ 10,000
VC 23152	DUI	\$ 10,000
	a) With 1 prior	\$ 20,000
	b) With 2+ priors	\$ 50,000
VC 23153	DUI	\$ 50,000
	a) With 1 prior	\$ 75,000
	b) With 2+ priors	\$ 100,000

Adopted by the Judges of the Superior Court of California
County of San Bernardino on December 08, 2022
Effective Date: January 1, 2023
Misdemeanor Bail Section Amended Effective: April 24, 2023