

CONTRA COSTA COUNTY
MID-YEAR MODIFIED BAIL SCHEDULE

JUNE 20, 2020

Pursuant to Penal Code section 1269b, the Superior Court Judges in each county shall prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony and misdemeanor offenses. Subdivision (e) of Penal Code section 1269b instructs the judges to consider the seriousness of the offenses charged in adopting the schedule bail.

This schedule supersedes all felony and misdemeanor bail schedules previously adopted by the Contra Costa Superior Court and is developed in response to the California Judicial Council's vote to rescind the statewide emergency bail schedule setting bail on most offenses at \$0.00. The statewide emergency bail schedule was enacted in response to the COVID-19 pandemic and the orders issued by the Governor and local health department relating to shelter in place and social distancing. This schedule is adopted in light of the continuing health issues related to COVID-19 and statewide and local restrictions in place regarding social distancing and shall be reconsidered for any change in circumstance or change in statewide or local restrictions.

Penal Code section 815a provides that at the time of issuing a warrant of arrest, a magistrate shall fix bail in accordance with Penal Code section 1275. As per Penal Code section 1275 (a), the court shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and probability of his or her appearing at trial or other hearing. Public safety is the primary consideration in setting bail.

At and after a defendant's first appearance, pursuant to Penal Code section 1269b(b), the amount of bail, if any is allowed, shall lie with 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 section 1275. Once a defendant appears in court, the judge must fix bail for the individual defendant based upon factors specific to that defendant.

See Stack v. Boyle (1951) 342 U.S. 1. A mandatory court appearance shall be set in all felony cases.

Where a judicial officer sets bail, and multiple offenses are charged, bail shall not be stacked if the provisions of Penal Code section 654(a) would prohibit multiple punishment for those offenses.

Penal Code section 1203.2 and 1203.3 (probation violations) are for notification only. Any bail for a probation, mandatory supervision or parole violation must be set in the docket in which defendant is on post conviction supervision. If that docket is a felony, bail should be set a “no bail.” If the docket is a misdemeanor, bail should be set at zero, \$0.

This schedule supersedes all felony and misdemeanor bail schedules previously adopted the Contra Costa County Superior Court.

The bail for all misdemeanor and felony offenses shall presumptively be set at \$0 and cite released, with the exception of the offenses listed below:

- (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent felony, as defined in Penal Code section 667.5(c);
- (2) A felony violation of Penal Code section 69;
- (3) A violation of Penal Code section 166(c)(1);
- (4) A violation of Penal Code section 136.1 when punishment is imposed under section 136.1(c);
- (5) A violation of Penal Code section 262;
- (6) A violation of Penal Code sections 243(e)(1) or 273.5;
- (7) A violation of Penal Code section 273.6 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;
- (8) A violation of Penal Code section 422 where the offense is punished as a felony;
- (9) A violation of Penal Code section 646.9;
- (10) A violation of an offense listed in Penal Code section 290(c);
- (11) A violation of Vehicle Code sections 23152 with one or more priors or 23153;
- (12) A felony violation of Penal Code section 463;
- (13) A violation of Penal Code section 29800;

- (14) A felony violation of Vehicle Code sections 2800.2 or 2800.4;
- (15) A felony violation of Vehicle Code section 10851 where the person has suffered a prior conviction of Vehicle Code section 10851 or Penal Code section 496d; and
- (16) A violation of Penal Code sections 273ab or 273d.

The Court may determine-taking into consideration the conditions within the county, guidance from local health and other government officials, current jail population, and input from justice partners – to further revise the countywide bail schedule to more effectively meet local public health and safety considerations.

Nothing in this modified Bail schedule restricts the ability of the court to deny bail as authorized by article 1, section 12, or 28(f)(3) of the California Constitution, or other applicable laws.

This Mid-Year Modified Bail Schedule will remain in effect until January 1, 2021 or when the State of Emergency related to the COVID-19 pandemic is lifted, whichever occurs first.