

**2019 SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SISKIYOU  
LOCAL BAIL SCHEDULE**

**MISDEMEANOR PENAL CODE SECTIONS**

The Siskiyou County Superior Court hereby adopts the uniform bail and penalty schedule promulgated by the Judicial Council of California pursuant to California Rule of Court 4.102 for all misdemeanors and infractions except as modified below.

All sections of the penal code shall have a bail of \$1,000.00 (ONE THOUSAND DOLLARS) with the following exceptions:

136.1(1)	Dissuading a Witness or Victim from Testifying	\$ 5,000.00
242	Battery	\$ 3,000.00
243(b)	Battery on a Peace Officer, Firefighter, Etc. Engaged in the Performance of his/her Duties	\$ 5,000.00
243(e)	Battery on a Spouse or Co-Habitant	\$ 5,000.00
243.25	Battery Against Elder or Dependent Adult	\$ 5,000.00
273a(b)	Abusing or Endangering Health of Children	\$ 5,000.00
273.5	Willful Infliction of Corporal Injury	\$ 5,000.00
417(a)(1)	Brandishing Deadly Weapon (other than firearm)	\$ 3,000.00
417(a)(2)	Brandishing a Firearm	\$ 5,000.00
417(b)	Brandishing a firearm (Day Care facility)	\$ 5,000.00
417(b)(c)	Brandishing a Firearm in the Presence of a Peace Officer	\$ 5,000.00
647.6	Annoying or Molesting Children	\$ 5,000.00
647(f)	Drunk in Public	\$ 500.00

**BUSINESS AND PROFESSIONS CODE SECTIONS**

4149	Possession of Hypodermic Syringe	\$ 1,500.00
25662	Minor in Possession of Alcohol	\$ 500.00

## **HEALTH AND SAFETY CODE SECTIONS**

All sections of the Health and Safety Code shall have a bail set of \$1,000.00 (ONE THOUSAND DOLLARS) with the following exceptions:

11364	Possession of Paraphernalia	\$ 1,500.00
11550(a)	Under the Influence of a Controlled Substance	\$ 3,000.00
11377(a)	Possession of a Controlled Substance	\$ 3,000.00

## **VEHICLE CODE SECTIONS**

14601(a) & 14601.1	Driving w/a Suspended License (non-alcohol related) For one or more prior conviction w/in five years	\$ 1,500.00 \$ 2,000.00
14601.2 & 14601.5	Driving w/a suspended License (alcohol related)	\$ 2,000.00
23152(a)-(d)	Driving Under the Influence of Alcohol/Drugs etc. For one or more priors conviction w/in seven (7) years	\$ 5,000.00 \$ 7,500.00
2800	Obedience to Traffic Officer	\$ 1,500.00
23103/23103.5	Reckless Driving (involving Alcohol)	\$ 1,500.00
23103	Reckless Driving	\$ 1,000.00
23109(a)&(b)	Speed Contest	\$ 1,500.00
23109(c)	Exhibition of Speed	\$ 500.00

Unless otherwise specified in this bail schedule, any penal provision (of any code) which can be charged as either a felony or misdemeanor, and which is charge as a misdemeanor, shall have a bail set of three thousand dollars (\$3,000.00).

A court is permitted to deviate from the uniform bail schedule if, in its discretion, sufficient basis exists for that deviation, but must state the reasons for the deviation on the records and in the minutes of the court.

### **BAIL LIMITS:**

A bail limit for cases with multiple misdemeanor charges will be the highest bail amount for any one misdemeanor offense.

## **FELONY PENAL CODE SECTIONS**

APPENDIX A. "Rules of Application" shall apply to all Felonies, unless a different rule or a different bail amount is expressly stated.

31	Principals	RULE 3
32	Accessories	RULE 3
76	Threatening Life/Bodily Injury to Government Official or Judge	\$100,000
92	Bribing Judicial Officer or Juror	\$100,000
93	Judicial Officer or Juror Accepting Bribe	\$100,000
95.1	Threat to Juror	\$ 50,000
136.1(c)	Prevent Testimony w/Threat of Violence or Force	\$ 50,000
137(a)/(b)	Inducing False Testimony by Bribing or Use of Force or Threat	\$ 50,000
147	Assault or Battery by Police	\$ 25,000
165	Giving or Offering Bribe to Official	\$ 25,000
182	Conspiracy	RULE 3
186.22	Street Gang Activity	\$ 25,000
187 Murder:	Capital Murder	Rule 4
	Non-Capital First Degree Murder	\$1 Million
	Other Non-Capital Murder	\$500,000
191.5	Gross Vehicular Manslaughter While Intoxicated	\$100,000
192(a)	Manslaughter (voluntary)	\$100,000
192(b)	Manslaughter (involuntary)	\$ 25,000
192(c)(1)/192.5(a)	Vehicular/Vessel Manslaughter w/Gross Negligence	\$ 35,000
192(c)(3)	DUI Vehicular Manslaughter w/Gross Negligence	\$ 35,000
203	Mayhem	\$ 50,000

205	Aggravated Mayhem	\$100,000
207	Kidnapping	\$100,000
207(b)	Kidnapping Victim under 14	\$500,000
208	Kidnapping for Rape	\$500,000
209	Kidnap for Extortion/Robbery, ETC	\$500,000
211/212.5(a)/(b)	Robbery – First Degree	\$100,000
211/212.5(c)	Robbery – Second Degree	\$ 50,000
215	Carjacking	\$100,000
217.1(b)	Attempt on the President or Vice-President	\$500,000
218	Derailing/Wrecking Train	\$500,000
219	Wreck Train/Fire Bridge Causing Death	RULE 4
220	Assault with Certain Specific Intent	RULE 3
241.1	Assault on Custodial Officer	\$ 25,000
243	Battery upon Peace Officer or Fireman w/Serious Bodily Injury	\$ 25,000 \$ 50,000
243.1	Battery Against Custodial Officer	\$ 25,000
244	Assault w/Caustic Chemicals	\$ 25,000
245(a)(1)	Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury	\$ 25,000
245(a)(2)	Assault w/a Firearm	\$100,000
245(a)(3)	Assault w/Machine Gun or Assault Weapon	\$100,000
245(b)	Assault w/Semi-Automatic Firearm	\$100,000
245(d)(1)	Assault w/Firearm on a Peace Officer/Fire Fighter	\$100,000
245(d)(2)	Assault w/Semi-Automatic Firearm on a Peace Officer Fire fighter	\$100,000
245(d)(3)	Assault w/a Machine Gun or Assault Weapon on a Peace Officer/Fire Fighter	\$250,000

246	Discharge Firearm at Inhabited Dwelling, Vehicle or Aircraft	\$250,000
261	Rape	\$100,000
261.5(c)	Unlawful Sexual Intercourse	\$ 10,000
261.5(d)	Unlawful Sexual Intercourse (defendant over 21 child under 16)	\$ 20,000
262	Spousal Rape	\$ 50,000
264.1	Rape in Concert w/force and violence	\$250,000
266h	Pimping If under 16	\$ 25,000 \$ 50,000
266i	Pandering If under 16	\$ 25,000 \$ 50,000
273a(a)	Willful Cruelty to child	\$ 25,000
273ab	Assault resulting in Death of Child under 8	\$500,000
273d(a)	Inflicting Corporal Injury upon a Child	\$ 50,000
273.5	Inflicting Corporal Injury upon a Spouse or Cohabitant	\$ 50,000
278	Child Stealing	\$ 50,000
285	Incest	\$ 50,000
286(b)(1)	Sodomy-victim under 18	\$ 50,000
286(b)(2)	Sodomy-victim under 16 and defendant over 21	\$ 75,000
286(c)(1)	Sodomy-victim under 14 and defendant more than 10 years older than victim	\$100,000
286(c)(2)	Sodomy-defendant compelled another by force, duress force, duress or great bodily injury	\$100,000
286(d)	Sodomy (in concert w/force and violence)	\$200,000
286(e)	Sodomy (S.P. or C.J.)	\$ 50,000
286(f)	Sodomy (victim unconscious of nature of act)	\$ 75,000
286(g)	Sodomy-Victim Disabled	\$ 75,000

286(h)	Sodomy-Victim Disabled both defendant & victim Confined	\$ 50,000
286(k)	Sodomy-Authority of Public Official	\$150,000
288(a)	Lewd Act w/Child under 14	\$ 75,000
288(b)(1)	Lewd Act w/child under 14 w/force	\$100,000
288(b)(2)	Lewd Act w/dependent adult by Caretaker w/force	\$100,000
288(c)(1)	Lewd Act w/child under 16 and defendant is 10 years older	\$ 50,000
288(c)(2)	Lewd Act w/dependent adult by Caretaker	\$ 50,000
288a(b)(1)	Oral Copulation - If victim under 18	\$ 50,000
288a(b)(2)	If victim under 16 and defendant over 21	\$ 50,000
288a(c)(1)	If victim under 14 and defendant more than 10 years older than victim	\$ 75,000
288a(c)(2)/(3)	Oral Copulation – Force etc.	\$100,000
288a(d)	If in concert w/force and violence	\$200,000
288a(e)	If committed in S.P. or C.J.	\$ 50,000
288a(f)	If victim unconscious of nature of act	\$ 75,000
288a(g)	Oral Copulation – Victim Disabled	\$ 75,000
288a(h)	Oral Copulation – Victim Disabled both defendant & victim confined	\$ 50,000
288a(i)	Oral Copulation – Victim Unconscious	\$ 75,000
288a(k)	Oral Copulation – Authority of Public Official	\$150,000
288.5	Continuous Sexual Abuse of Child	\$100,000
288.7	Sex Offenses with Child 10 or Younger	\$1 million
289(a)	Sexual Penetration – Force, etc.	\$100,000
289(b)/(c)	Sexual Penetration – Victim Disabled	\$ 50,000
289(d)	Sexual Penetration – Victim Unconscious	\$ 50,000
289(g)	Sexual Penetration – Authority of Public Official	\$150,000

289(h)	Sexual Penetration – Victim under 18	\$ 25,000
289(i)	Sexual Penetration – Victim under 16, Defendant over 21	\$ 25,000
289(j)	Sexual Penetration – Victim under 14, Defendant 10 years older	\$ 75,000
368	Elder/Dependent Adult Abuse	\$ 25,000
422	Criminal Threats	\$ 25,000
422.7	Hate Crime	\$ 50,000
424	Embezzlement of Public Funds	\$ 50,000
451(a)	Arson Causing Great Bodily Injury	\$250,000
451(b)	Arson, Inhabited Structure	\$250,000
451(c)	Arson, Structure or Forest Land	\$100,000
451(d)	Arson, other property	\$ 50,000
453(a)	Explosives, Flammable Matter, Possession	\$ 50,000
453(b)	Firebomb, Possession, Manufacture, Disposal	\$ 50,000
454	Arson during State of Emergency	\$150,000
459	Burglary Residential	\$ 50,000
	All Others	\$ 15,000
463	Burglary during State of Emergency	\$100,000
464	Burglary w/Explosives	\$ 50,000
487	Grand Theft (or amount of theft, whichever is higher)	\$ 15,000
496	Receiving Stolen Property if Value more than \$950 (or amount received, whichever is higher)	\$ 15,000
497	Stolen Property, Bringing into state (or amount stolen, whichever is higher)	\$ 15,000
502	Computer Fraud or (amount stolen, whichever is higher)	\$ 15,000

504	Embezzlement, Misappropriation by Public Officers (or amount stolen, whichever is higher)	\$ 50,000
504a	Embezzlement, Disposal of Personal Property Under Lease or Lien (or amount stolen, whichever is higher)	\$ 15,000
504b	Embezzlement of Proceeds of Sale of Secured Property (or amount stolen, whichever is higher)	\$ 15,000
505	Embezzlement by Bailee (or amount stolen, which ever is higher)	\$ 15,000
506	Embezzlement, Misappropriation by Trustee, Contractor (or amount stolen, whichever is higher)	\$ 15,000
514	Embezzlement or Defalcation of Public Funds (or amount stolen, whichever is higher)	\$ 15,000
518, 519	Extortion, Not Amounting to Robbery	\$ 35,000
522	Extortion, Obtaining Signature by Threats	\$ 50,000
523	Extortion, Threatening Letters	\$ 35,000
529	False Personation of Another	\$ 15,000
532	False Pretenses	\$ 15,000
548	Defrauding Insurer (or amount taken, whichever is greater)	\$ 25,000
594.3	Church Vandalism	\$ 25,000
646.9(b)/(c)	Stalking	\$ 50,000
653f	Solicitation to Commit Felony	RULE 3
664	Attempts	RULE 3
1551.1	Fugitive (arrest w/out warrant)	\$ 50,000
1552.1	Fugitive (see code)	NO BAIL
4500	Felony Assault by Life Term Prisoner	RULE 4
4501	Assault w/Deadly Weapon by Prison Inmate	\$ 25,000
4503	Holding of Hostages by Prison Inmate	\$100,000
4530	Escape, Attempted Escape from Prison	NO BAIL



4532(a)(1)	Escape/Attempted Escape by Misdemeanant, Inebriate, or Work Furlough - Non-Force Sentenced Prisoner Un-sentenced Prisoner**	NO BAIL \$100,000
4532(a)(2)	Escape/Attempted Escape by Misdemeanant, Inebriate, or Work Furlough – Force Sentenced Prisoner Un-sentenced Prisoner**	NO BAIL \$250,000
4532(b)(1)	Escape/Attempted Escape by Felon from Jail, Industrial Camp, etc.-Non Force Sentenced Prisoner Un-sentenced Prisoner**	NO BAIL \$100,000
4532(b)(2)	Escape/Attempted Escape by Felon from Jail, Industrial Camp, etc.-Force Sentenced Prisoner Un-sentenced Prisoner**	NO BAIL \$250,000

\*\*Additional bail to be added to the bail for the original charge for which the defendant was incarcerated.

4574	Smuggling Weapon into Jail or Prison	\$ 50,000
16590	Possession of sawed-off shotgun and Other Deadly Weapons	\$ 20,000
29800-29875	Felon in Possession of Firearm	\$ 20,000
29900-29905	Designated Felons in Possession of Firearm	\$ 30,000
25800	Armed Criminal Action	\$ 25,000
25400	Concealed Firearm on Person or Vehicle – Felony	\$ 20,000
25850-26025	Loaded Firearm in Public - Felony	\$ 20,000
26100	Personally Shooting from Motor Vehicle	\$250,000
18710	Possession of a Prohibited Destructive Device	\$ 25,000
18725	Carrying or Placing Explosive on Common Carrier	\$500,000
18715	Possession of Destructive Devices or Explosives in Public Places	\$500,000
18740	Possession of Exploding or Destructive Device or Explosive w/intent to Injure	\$500,000
18730	Sale or Transportation of Prohibited Destructive Devise	\$ 25,000

18745	Explosion of Destructive Device w/Intent to Murder	RULE 4
18750	Explosion of Destructive Device Causing Great Bodily Injury	\$500,000
18720	Possession of Materials w/Intent to Make Destructive Device or Explosive	\$100,000
30305(a)	Prohibited Person in Possession of Ammunition	\$ 20,000

**HEALTH & SAFETY CODE FELONY SECTIONS**

11351	Possession or Purchase for Sale of Certain Specific or Classified Controlled Substances:	
	Up to 2oz. of substance involved	\$25,000
	Over 2 oz. of substance involved	\$50,000
	Over 6 oz. of substance involved	\$75,000
	Over 1 lb. of substance involved	\$100,000
	Over 3 lbs. of substance involved	\$500,000
	Over 10 lbs. of substance involved	\$1 million
	Over 25 lbs. of substance involved	\$2 million
	Over 100 lbs. of substance involved	\$5 million
11351.5	Possession or Purchase for sale of Cocaine Base:	
	Up to 2oz. of substance involved	\$25,000
	Over 2 oz. of substance involved	\$50,000
	Over 6 oz. of substance involved	\$75,000
	Over 1 lb. of substance involved	\$100,000
	Over 3 lbs. of substance involved	\$500,000
	Over 10 lbs. of substance involved	\$1 million
	Over 25 lbs. of substance involved	\$2 million
	Over 100 lbs. of substance involved	\$5 million
11352	Illegal Transportation, Sale, Furnishing of Certain Specific or Classified Controlled Substances:	
	Up to 2oz. of substance involved	\$25,000
	Over 2 oz. of substance involved	\$50,000
	Over 6 oz. of substance involved	\$75,000
	Over 1 lb. of substance involved	\$100,000
	Over 3 lbs. of substance involved	\$500,000
	Over 10 lbs. of substance involved	\$1 million
	Over 25 lbs. of substance involved	\$2 million
	Over 100 lbs. of substance involved	\$5 million
11353	Person 18 years or over Using Minor in Sale, Transportation or Giving to a Minor Certain Specific or Classified Controlled Substances:	
	Up to 6oz. of substance involved	\$50,000
	Over 6 oz. of substance involved	\$75,000

	Over 1 lb. of substance involved	\$100,000
	Over 3 lbs. of substance involved	\$500,000
	Over 10 lbs. of substance involved	\$1 million
	Over 25 lbs. of substance involved	\$2 million
	Over 100 lbs. of substance involved	\$5 million
11353.5	Adult Preparing to Sell to Minor Drugs or Narcotics:	
	Up to 6oz. of substance involved	\$50,000
	Over 6 oz. of substance involved	\$75,000
	Over 1 lb. of substance involved	\$100,000
	Over 3 lbs. of substance involved	\$500,000
	Over 10 lbs. of substance involved	\$1 million
	Over 25 lbs. of substance involved	\$2 million
	Over 100 lbs. of substance involved	\$5 million
11354	Person Under 18 years Using Minor in Sale, Transportation or Giving to a Minor Certain Specific or Classified Substances:	
	Up to 2 oz. of substance involved	\$25,000
	Over 2 oz. of substance involved	\$50,000
	Over 6 oz. of substance involved	\$75,000
	Over 1 lb. of substance involved	\$100,000
	Over 3 lbs. of substance involved	\$500,000
	Over 10 lbs. of substance involved	\$1 million
	Over 25 lbs. of substance involved	\$2 million
	Over 100 lbs. of substance involved	\$5 million
11358	Marijuana: Cultivate, process	
	Up to 10 lbs.	\$ 10,000
	Over 10 lbs.	\$ 25,000
	Over 25 lbs.	\$ 50,000
11359	Marijuana, Possession for Sale:	
	Up to 1 lb.	\$ 10,000
	1 to 5 lbs.	\$ 25,000
	5 to 10 lbs.	\$ 50,000
	Over 10 lbs.	\$ 75,000
11360	Marijuana: Transportation, Sale, furnishing	
	Up to 1 lb.	\$ 10,000
	1 to 5 lbs.	\$ 25,000
	5 to 10 lbs.	\$ 50,000
	Over 10 lbs.	\$ 75,000
11361	Marijuana: Person 18 years or Over Using Minor in Sale, Transportation, giving to Minor:	
	Up to 5 lbs.	\$ 25,000
	Over 5 lbs.	\$ 50,000
	Over 10 lbs.	\$ 75,000

11363	Peyote: cultivating, Processing	\$ 25,000
11366	Maintaining Place for selling, Giving, Using of Certain Specific or Classified controlled Substance	\$ 25,000
11366.5(b)	Allowing Location to be Fortified for Sale	\$ 25,000
11366.6	Using Fortified Location for Sale	\$ 25,000
11368	Narcotic drug: forging, altering prescription	\$ 10,000
11370.1	Possession of drugs while armed w/firearm	\$ 25,000
11378	Possession of Controlled Substances for Sale	
	- If 1,000 pills or less	\$ 10,000
	- Over 1,000 pills	\$ 25,000
	- Up to 1 oz. of substance involved	\$ 10,000
	- Over 1 oz. of substance involved	\$ 25,000
	- Over 1 lb. of substance involved	\$ 50,000
	- Over 3 lbs. of substance involved	\$100,000
	- Over 10 lbs. of substance involved	\$250,000
	- Over 25 lbs. of substance involved	\$500,000
11378.5	Possession or purchase for Sale of PCP	
	- Up to 1oz. liquid or 1 gram powder	\$ 25,000
	- Over 1 oz. Liquid or 1 gram powder	\$ 50,000
	- Over 6 oz. Liquid or 6 grams powder	\$ 75,000
	- Over 1 quart liquid or 2 oz. powder	\$100,000
	- Over 1 gallon liquid or 8 oz. powder	\$250,000
	- Over 5 gallons liquid or 2 ½ lbs. powder	\$500,000
	- Over 20 gallons liquid or 10 lbs. Powder	\$1 million
	- Over 25 gallons liquid or 12 ½ lbs. powder	\$2 million
	- Over 200 gallons liquid or 100 lbs powder	\$5 million
11379	Sale of Controlled Substances	
	- If 2 oz. or less of substance	\$ 25,000
	- Over 2 oz. of substance involved	\$ 50,000
	- Over 1 lb. of substance involved	\$100,000
	- Over 10 lbs. of substance involved	\$250,000
	- Over 125 lbs. of substance involved	\$500,000
11379.5	Sale of PCP	
	- If 1 oz. or less liquid or 1 gram powder	\$ 25,000
	- Over 1 oz. Liquid or 1 gram powder	\$ 50,000
	- Over 6 oz. Liquid or 6 grams powder	\$ 75,000
	- Over 1 quart liquid or 2 oz. powder	\$100,000
	- Over 1 gallon liquid or 8 oz. powder	\$250,000
	- Over 5 gallons liquid or 2 ½ lbs powder	\$500,000
	- Over 20 gallons liquid or 10 lbs. powder	\$1 million
	- Over 25 gallons liquid or 12 ½ lbs powder	\$2 million

	- Over 200 gallons liquid or 100 lbs powder	\$5 million
11379.6(a)	Manufacture of Controlled Substance	\$500,000
11379.6(b)	Offer to Manufacture	\$ 25,000
11379.8	Additional quantity: 11379.6 Controlled Substances	
	- Over 1 lb. or 3 gallons	\$750,000
	- Over 3 lbs. or 10 gallons	\$1 million
	- Over 10 lbs. or 25 gallons	\$2 million
11380	Soliciting Minor RE: Controlled Substances	
	- Under 2,000 pills	\$ 10,000
	- 2,001 - 5,000 pills	\$ 25,000
	- 5,001 or more pills	\$ 50,000
11383(a)	Possession of Precursors w/Intent to Manufacture Methamphetamine	\$ 25,000
11383(b)	Possession of Precursors w/Intent to Manufacture PCP	\$ 50,000

**VEHICLE CODE FELONY SECTIONS**

23153	Felony DUI w/injury	\$ 50,000
23180	Felony DUI w/death	\$100,000
23550/23550.5	DUI w/three priors/prior felony DUI	\$ 50,000

**APPENDIX A  
RULES OF APPLICATION**

**RULE #1:**

Pursuant to Penal Code Section 1269b, the Felony Bail Schedule shall be applicable throughout Siskiyou County, and is applicable to all arrests without a warrant for felony offenses. The amount of bail shall be the presumptive amount set forth in this Felony Bail Schedule, unless a different amount or procedure is set forth in this Appendix A, in which event, the rules of application in this Appendix A shall control.

**RULE #2:**

For all offenses and enhancements for which no presumptive bail is specified in this schedule, the presumptive bail shall be set according to top term confinement potential for the offense plus enhancement:

Top term 3 years	\$ 20,000
Top term 4 years	\$ 25,000
Top term 5 years	\$ 30,000
Top term 6 years	\$ 35,000
Top term 7 years	\$ 40,000
Top term 8 years	\$ 45,000
Top term 9 years	\$ 50,000
Top term 10 years	\$ 55,000
Top term 11 years	\$ 65,000
Top term 12 years	\$ 70,000
Top term 13 years	\$ 75,000
Top term 14 years	\$ 80,000
Top term 15 years	\$ 90,000
Top term 16 years	\$100,000
Life sentences, except PC187	\$500,000

**RULE #3:**

The following felony offenses will have a bail amount equal to the substantive offense which was the object of the conspiracy, assault, solicitation, or attempt, or when the arrest is for being a principal or accessory:

Section 31 PC  
Section 32 PC  
Section 182 PC  
Section 220 PC  
Section 653f PC  
Section 664

**RULE #4:**

Persons not entitled to be released on bail are those charged with:

- (a) Capital crimes (i.e. murder with special circumstance) when the facts are evident or the presumption great. (Penal Code section 1270.5 & California Constitution, Article 1, Section 12(a));

- (b) Felony offenses involving acts of violence on another person, or felony sexual assault offences, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others. (California Constitution, Article 1, Section 12(b)); or
- (c) Felony offenses when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released. (California Constitution, Article 1, Section 12(c)).
- (d) The primary responsibility for recognizing the existence of a case which may potentially fall into one of the above categories before the first court appearance is on the arresting agency. In this type of case, a magistrate should be contacted before accepting bail prior to the first court appearance.

**RULE #5:**

- (a) In addition to the presumptive amount of bail or the amount of bail otherwise set forth in these Rules of Application, there shall be an additional amount of required bail for any aggravating or enhancing factors which would increase the top term potential for the arrested person. The additional bail required by this rule shall be calculated in accordance with Rule 2.
- (b) In lieu of the presumptive amount of bail or the amount of bail otherwise set forth in these Rules of Application, the bail for any person charged with *Strike Priors* pursuant to Penal Code Sections 667(e) or 1170.12(c) shall be as follows:
  - (1) One Strike Prior: Double the amount of bail otherwise determined under these rules.
  - (2) Two or More Strike Priors (regardless of whether a potential life term) \$500,000
- (c) Bail for offenses involving larceny under the Penal Code (e.g. PC 487, 496, 504, etc.), is the amount as determined under this schedule, or the amount of damage to/loss of property, whichever is higher. This policy also applies to fraud type offenses of other Codes (e.g. Insurance Code, Revenue and Taxation Code, etc.).

**RULE #6:**

Bail Limit for Multiple Offenses – Bail for a case with multiple charges will be as follows:

- (a) Felony only: The highest bail amount for any one felony offense, plus enhancement, will apply.

- (b) Felony with misdemeanor or infraction violations. The highest bail amount for any one felony offense, plus enhancement, will apply. Misdemeanor and infraction bails will not be considered.

**RULE #7:**

Penal Code section 1270.1 prohibits the release of an arrestee on bail in an amount OTHER THAN THAT SET FORTH ON THE BAIL SCHEDULE prior to a hearing *in open court* for:

- (a) Violent felonies as described in Penal Code section 667.5(c), but not 460(a):
- (b) Serious felonies as described in Penal Code section 1192.7(c) (including those listed in Penal Code section 1192.8); and
- (c) Violations of Penal Code sections 136.1(c), 243(e)(1), 262, 273.5, 273.6, 422 (as a felony), and 646.9.

**RULE #8:**

Holds for Out-of-County Charges – The Felony Bail Schedule will apply to holds placed for out-of county charges when no amount has been previously established or shown on a warrant.

**RULE #9:**

Violation of Probation:

- (a) Arrest without a warrant shall have NO BAIL if offense is for violating the terms of felony probation, until addressed at first court appearance.
- (b) BAIL will be set at \$5,000 if offense is for violating the terms of misdemeanor probation.

**RULE #10:**

All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.