

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SISKIYOU

In Re:

Order of the Presiding Judge

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In response to the COVID-19 pandemic, on April 6, 2020 the Judicial Council of California adopted temporary amendments to the California Rules of Court that included establishing a statewide Emergency Bail Schedule. All courts in the State of California were required to apply the Emergency Bail Schedule by 5:00 p.m. on April 13, 2020. Subsequently the Judicial Council rescinded the temporary amendments that established a statewide Emergency Bail Schedule effective June 20, 2020. Pursuant to Penal Code §1269b and Government Code §68115, and the authority granted by the Judicial Council of California, the Siskiyou County Superior Court approves and adopts the following Modified Emergency Bail Schedule effective immediately:

Siskiyou County Superior Court Emergency Bail Schedule

(a) Purpose

Notwithstanding any other law, this rule establishes an Emergency Bail Schedule, which is intended to promulgate uniformity in the handling of certain offenses during the state of emergency related to the COVID-19 pandemic in the County of Siskiyou.

(b) Mandatory application

This bail schedule shall apply:

- (1) To every accused person arrested and in pretrial custody.
- (2) To every accused person held in pretrial custody.

(c) Jail Releases

If the jail releases an accused on \$0 bail, the person shall sign the County's standard agreement on OR release agreeing to the standard terms, including reporting to court on a specified date. The person shall also be required to contact the Probation Department by telephone within two days of release and comply with any terms or conditions imposed by Probation as terms of release. Additional terms of release may be ordered by the Court after consultation with the Jail and the District Attorney's office.

(d) Setting of bail and exceptions

Under this Emergency Bail Schedule, bail for all misdemeanor and felony offenses shall be set at \$0, with the exception of only the offenses listed below:

Penal Code

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);

- 1) A felony violation of Penal Code section 69 Resisting an Officer;
- 2) A violation of Penal Code section 136.1 when punishment is imposed under Penal Code section 136.1(c) – Witness or Victim Intimidation;
- 3) A violation of Penal Code section 241(c) - Assault against Peace Officer;
- 4) A violation of Penal Code sections 243(e)(1) or 273.5 – Battery on Spouse or Cohabitant;
- 5) A violation of Penal Code section 245(a)(4) - Assault by Force Likely to produce GBI - Felony;
- 6) A violation of Penal Code section 262 – Spousal Rape;
- 7) A violation of Penal Code section 273.6 – Violation of Protective Order 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 273a(a) - Willful cruelty to child (Felony Only);
- 9) A violation of an offense listed in Penal Code section 290(c) – Sex Offender Registration;
- 10) A violation of Penal Code section 368(a)(1), (b)(1) - Willful causing of pain suffering of Dep adult/ elderly dependent adult great bodily harm/death (Felony Only);
- 11) A violation of Penal Code section 422(a) – Criminal Threats where the offense is punished as a felony;
- 12) A violation of Penal Code section 422.7 or 422.75- Hate Crime punished as a felony;
- 13) A felony violation of Penal Code section 463(a) or (b) – Looting During an Emergency;
- 14) A felony violation of Penal Code section 646.9 - Stalking;
- 15) A violation of Penal Code section 4574(a) or (b) - Bring/send firearms /deadly weapon, etc into Jail;
- 16) A violation of Penal Code section 11413(a) - Use Explosive Device to Terrorize;
- 17) A violation of Penal Codes section 18715(a)(1)-(5) - Possession of Destructive Device/explosives on Public Street;
- 18) A felony violation of Penal Code section 25400 - Carrying Concealed Firearm;
- 19) A felony violation of Penal Code sections 25850(a), (c)(1), (c)(2), (c)(3), (c)(6) - Loaded Firearm in Public/Ex-Felon in Possession/Carrying Loaded Firearm;
- 20) A violation of Penal Code section 29800 – Possession of Firearms by Restricted Person;

- 21) A violation of Penal Code section 29900(a)(1) - Firearm Possession by Ex-felon Convicted of a Violent Crime;
- 22) A violation of Penal Code section 29900(b)(1) - Felony Possession of Firearm, Prior Conviction;
- 23) A violation of Penal Code sections 30305(a)(1), 30305(b)(1) - Person Prohibited from Possessing Ammunition;
- 24) A violation of Penal Code section 30605(a) - Possess assault weapon;

Vehicle Code

- 25) A felony violation of Vehicle Code section 2800.2(a) - Evade Police Officer: Disregard for safety;
- 26) A felony violation of Vehicle Code section 10851(a) - Vehicle Theft – (Only If prior conviction within previous five years);
- 27) A felony violation of Vehicle Code section 20001(a) – Hit and Run with injury/death;
- 28) A violation of Vehicle Code sections 23152 or 23153 – Driving Under the Influence.

(e) Ability to deny bail

Nothing in the Emergency Bail Schedule restricts the ability of the court to deny bail as authorized by article I, section 12, or 28(f)(3) of the California Constitution.

(f) Application of countywide bail schedule in effect on March 15, 2020

- (1) The countywide bail schedule of the Siskiyou County Superior Court that was in effect on March 15, 2020, shall remain in effect for all offenses listed in exceptions (1) through (30) of the Emergency Bail Schedule, including any court-specific conduct enhancements and any status enhancements.
- (2) This court retains the authority to reduce the amount of bail listed in the court's countywide bail schedule in effect on March 15, 2020, for offenses in exceptions (1) through (30), or for any offenses not in conflict with the Emergency Bail Schedule.
- (3) If a person was released on or after April 6, 2020, on reduced bail pursuant to Emergency Rule 4 of the Judicial Council of California, or by agreement between the Siskiyou County District Attorney and defense counsel on pretrial supervision terms and conditions, and that person is arrested for a new offense, violation of probation, or violation of supervision terms, bail shall be set pursuant to the countywide bail schedule of the Siskiyou County Superior Court that was in effect on March 15, 2020.

(g) Bail for violations of post-conviction supervision

- (1) Under this Emergency Bail Schedule, bail for all violations of misdemeanor probation, whether the arrest is with or without a bench warrant, shall be set at \$0.
- (2) Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, shall be set in accord with this Emergency Bail Schedule, or

for the bail amount in the court's countywide schedule of bail for charges of conviction listed in exceptions (1) through (30), including any enhancements.

(h) Reservation to set, modify or increase bail

Any judicial officer of the Siskiyou County Superior Court may set, modify or increase bail in any case.

(i) Duration of rule

This rule will remain in effect until ninety days (90) after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Siskiyou County Superior Court. To the extent it is not superseded by the Emergency Bail Schedule, the Uniform Felony and Misdemeanor Bail Schedule for 2020, previously adopted by this Court, remains in effect.

IT IS SO ORDERED

Date:

July 14, 2020



KAREN L. DIXON, Presiding Judge