

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



Felony and Misdemeanor Bail Schedule

**Effective January 1, 2025
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The purpose of bail is to protect public safety and ensure arrestees appear for all court appearances. Article I sections 12 and 28 of the California Constitution, and *In re Humphrey* (2021) 11 Cal.5th 135, permit some arrestees, including individuals charged with low level criminal offenses, to be released without posting bail while awaiting trial.

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 is to be used as a guideline. All bailable offenses are subject to an individualized determination by a magistrate.

Pre-arraignment bail amounts are not binding on judicial officers at arraignment. At arraignment, where both the prosecution and the defendant are represented by counsel, judicial officers have the full range of options available with respect to the defendant's bail and custody status. The arraignment court can consider, among other facts and issues raised, the prosecutor's charging document, the defendant's criminal history, the facts of the case, and any information the prosecutor and the defense

attorney may offer. Additionally, some offenses require the victim have a reasonable opportunity to be heard per *Marsy's Law*.

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.
- E. Pursuant to Penal Code 1270.1, before a person is released on an amount more or less than the bail schedule or may be released on their Own Recognizance , a hearing *shall* be had in open court before the Judge:
1. A serious felony (PC1192.7(c))
 2. A violent felony (PC667.5(c))
 3. PC 136.1(c), PC273.5, PC243(e)(1), PC646.9
 4. PC273.6 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

- F. Pursuant to Penal Code section 666.1, before a person is released from custody for a violation of this section, a judicial officer shall review the circumstances of the arrest to make an individualized determination of the risk to public safety and the likelihood that the person will return to court. Therefore, under this section, no person shall be released prior to judicial review.
- G. Pursuant to Health and Safety Code section 11395, before a person is released from custody for a violation of this section, a judicial officer shall review the circumstances of the arrest to make an individualized determination of the risk to public safety and the likelihood that the person will return to court. Therefore, under this section, no person shall be released prior to judicial review.
- H. Pursuant to Penal Code section 853.6, upon the arrest of any person for an offense declared a misdemeanor, if the arresting officer does not have access to the person's criminal history, the arresting officer shall comply with the requirements of this section before the person is released from custody.

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.

RULE 4: Multiple Counts, Multiple Cases

A. Multiple Counts in a Single Case:

1. Unless the circumstances in (A)(2)-(4) are present, the single highest bail plus all applicable enhancements shall apply.
2. If the charges occur on different occasions or involve different victims, separate bail amounts apply and those amounts are to be added together to calculate the appropriate bail amount.

3. Bail for serious or violent felonies, as enumerated in Penal Code 1192.7(c) and 667.5(c), is calculated separately and added together to determine the appropriate bail amount.
 4. For sex crimes, bail for each charge is calculated separately and added together for the total 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 steals a car, then one month later is charged with selling narcotics. Each crime is charged in a different case. Bail is calculated separately, and two separate bail bonds are required – one for each case.
 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. Reason: Multiple victims were assaulted.
 3. One Complaint Filed: Defendant robs a store taking money from the register and from a customer. The applicable bail amount for each count is calculated and added together plus bail for any enhancements to determine the amount of bail. Reason: Multiple victims AND both charges are serious and violent.
 4. One Complaint Filed: Defendant sells drugs to the victim, and then robs his wallet at gunpoint. He is charged with selling narcotics and robbery. Bail would be based on the robbery, along with any enhancements. Reason: the drug charge is not a serious or violent felony and the crimes did not occur on different occasions or involve multiple victims.

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)(2)(C)(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

Subject to an individualized determination pursuant to PC 1203.25:

Probation:

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

Mandatory Supervision:

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

PART 2: GENERAL BAIL AMOUNTS CHART FOR FELONIES

VIOLENT FELONIES: \$100,000

Penal Code 667.5(c): 186.22/136.1, 186.22/518, 192, 203, 207, 220, 211, 215(a), 261(a)(2), 261(a)(6), 262(a)(1), 262(a)(4), 264.1, 286(c), 286(d), 287(c), 287(d), 288(a), 288(b), 288.5, 289, 451(a), 451(b), 289(a), 289(j), 459 (1st, person present), 11418, 18750, 12022.7, 12022.8, 12022.9, 12022.3, 12022.5, 12022.53, 12022.53(a), 12022.53(b)

VIOLENT FELONIES WITH MAXIMUM SENTENCE OF LIFE: \$1,000,000

Penal Code 667.5(c): 187, 205, 209, 209.5, 219, 273ab, 664/187, 11418(b)(1)/(2), 18745, 18755, 12022.53(d)

SERIOUS FELONIES: \$50,000

Penal Code 1192.7(c): All listed violent felonies AND any felony involving personal use of a firearm or dangerous or deadly weapon, 136.1, 186.22, 243(d), 244, 245(a)(1) or (2) or (3), 245(b), 245(c), 245(d), 245.2, 245.3, 245.5, 246, 246.3, 269, 288.7, 422, 451.5, 459 (1st), 487(d)(2), 4501, 4503, 26100(c)/(d), 18740, HS11353, 11380, any attempt or conspiracy of these charges

Penal Code 1192.8: PC191.5, 192(c)(1), 192.5(b)/(c)/(d), VC2800.3, 23104(b), VC23153 – involving personal infliction of gbi or use of a dangerous or deadly weapon

Note: The listing of the statutes above are for informational purposes only and discrepancies between this list and the statute will be controlled by the Penal Code.

PART 3: SPECIAL BAIL AMOUNTS FOR FELONIES

PENAL CODE

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
192(b)	INVOLUNTARY MANSLAUGHTER	\$50,000

273d/273a(a)	CHILD ENDANGERMENT/CORPORAL INJURY	\$ 50,000
273.5	INFLICT INJURY ON SPOUSE OR COHABITANT...	\$ 50,000
	...with a prior	\$ 75,000
273.6	VIOLATION OF A PROTECTIVE ORDER	\$ 50,000
288.5	CONTINUOUS SEXUAL ABUSE OF MINOR	\$ 250,000
288.7	SEX ACTS WITH MINOR UNDER 10	\$ 250,000
646.9	STALKING.....	\$150,000
	With a prior.....	\$ 300,000

VEHICLE CODE

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>AMOUNT OF BAIL</u>
2800.2	EVADING A PEACE OFFICER: RECKLESS DRIVING.....	\$ 50,000
2800.3(a)	EVADING WITH BODILY INJURY.....	\$ 100,000
2800.3(b)	EVADING WITH DEATH.....	\$ 250,000
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
PC12022	USE OF A DEADLY WEAPON	\$50,000
PC 12022.1	OUT ON BAIL	\$ 250,000
PC 12022.5	COMMISSION OF FELONY AND (a)/(b) uses a firearm or assault weapon.....	\$ 100,000
PC 12022.53	COMMISSION OF SPECIFIED FELONY AND (b) uses a firearm.....	\$ 100,000
	(c) discharges a firearm.....	\$ 200,000
	(d) discharges a firearm and causes great bodily injury.....	\$ 1,000,000
PC 12022.7	INFLICTION OF GBI.....	\$ 100,000
PC 12022.8		
PC 12022.9		

Any enhancement which carries a possible term of life (667.61, 667.7, 667.71) \$1,000,000

ALL OTHER FELONIES: For all other felony offenses, the Judge may use the following chart, in their sound discretion, in setting bail amounts and for the issuance of warrants of arrest. Judges may also set zero bail.

	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

SECTION B: MISDEMEANOR BAIL SCHEDULE

Unless noted below, bail is not required on misdemeanors. 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. Judges may also set zero bail when appropriate.

Misdemeanors subject to Penal Code 1270.1 require hearings before any deviation from bail schedule (PC 243(e)(1), 273.5, 273.6, 646.9)

Misdemeanors Violations of Probation..... \$ 25,000

PENAL CODE

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>BAIL AMOUNT</u>
PC 69/148	Resisting/Delaying Peace Officer	\$ 10,000
PC 166/273.6	Violation of Court Order	\$ 25,000
PC 191.5(b)/ 192(c)(2)/ 192.5	Vehicular/Vessel manslaughter.....	\$ 25,000
PC 243(e)(1)	Battery on a Spouse.....	\$ 25,000
PC 246.3	Negligent Discharge of a Firearm.....	\$ 25,000
PC 273a(a)	Child Abuse/Endangerment	\$ 25,000
PC 273.5(a)	Corporal injury to spouse or cohabitant	\$ 25,000
PC 288/289	Lewd Acts	\$ 10,000
PC 646.9	Stalking	\$ 50000
VC 23152	DUI	\$ 10,000
	a) With 1 prior	\$ 20,000
	With 2+ priors	\$ 50,000
VC 23153	DUI	\$ 50,000
	a) With 1 prior	\$ 75,000
	With 2+ priors	\$ 100,000

Adopted by the Judges of the Superior Court of California
 County of San Bernardino on December 20, 2024
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