

**EMERGENCY STATEWIDE BAIL
ORDERED BY THE JUDICIAL COUNCIL OF CALIFORNIA
EMERGENCY RULE OF COURT 4
ADOPTED APRIL 6, 2020**

EFFECTIVE DATE: April 13, 2020 @ 4:59 p.m.

END DATE: 90 days after Governor lifts State of Emergency (COVID-19)
(or until amended or repealed by Judicial Council)

(A) PURPOSE

As stated in Emergency Rule of Court 4: "Notwithstanding any other law, this rule establishes a statewide 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." (CRC ER 4(a).)

(B) MANDATORY APPLICATION

Emergency Rule of Court 4, states that "no later than 5 p.m. on April 13, 2020, each superior court must apply the statewide Emergency Bail Schedule:

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

(C) SETTING OF BAIL

Under the statewide Emergency Bail Schedule, **bail for all misdemeanor and felony offense must be set at \$0**, except for only the offenses listed below:

EXCEPTIONS TO ZERO BAIL

- (1) "serious" or "violent" felonies (PC 1192.7(c)/667.5(c)) (*see Tables 1 & 2*)
- (2) PC 69 (felonies)
- (3) PC 166(c)(1)
- (4) PC 136.1 (when punished under 136.1(c))
- (5) PC 262 (spousal rape)
- (6) PC 273.5 or 243(e)(1) (domestic violence)
- (7) PC 273.6 (if threats to harm or kill, engaged in violence, gone to home/workplace)
- (8) PC 422 (felony)
- (9) PC 646.9
- (10) PC 290(c) (*see Table 3*)
- (11) VC 23152 or 23153
- (12) PC 463 (looting)
- (13) PC 29800 (possession firearm by prohibited person)

(D) ABILITY TO DENY BAIL

The Emergency Statewide Bail Schedule does not restrict the ability of the court to deny bail as authorized by the California Constitution Art. I, section 12 or 28(f)(3). (*For your convenience, those sections are restated below.*)

Cal. Const. Art I, §12: Referencing "capital crimes when the facts are evident or the presumption great;" felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds by clear and convincing evidence that there is a substantial likelihood that the person's release would result in great bodily harm to others;" or "felony offenses when the facts are evident or the presumption great and the court finds based on 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."

Cal. Const. Art I, §28(f)(3): "A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great." (emphasis added)

(E) APPLICATION OF COUNTYWIDE BAIL SCHEDULE

The Sutter County Bail schedule remains in effect for all offenses listed in exceptions (1) through (13), including any count-specific conduct enhancements and status enhancements.

The court retains the authority to reduce the amount of bail listed in the court's current countywide bail schedule for offenses listed in exceptions (1) through (13), or for any offenses not in conflict with the Emergency Bail Schedule.

Link to 2020 Bail Schedules (for exceptions):

<https://www.suttercourts.com/sites/default/files/pdfs/BailSchedules/2020%20Felony%20Bail%20Schedule.pdf>

<https://www.suttercourts.com/sites/default/files/pdfs/BailSchedules/2020%20Misdemeanor%20Bail%20Schedule.pdf>

(F) BAIL FOR VIOLATIONS OF POST-CONVICTION SUPERVISION

(1) violations of misdemeanor probation, with or without a bench warrant = \$0.

(2) bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, are set in accord with the statewide 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 (13), including enhancements.

As ordered by the Judicial Council's Emergency Rule 4 (April 6, 2020) & on behalf of the Judges of the Sutter County Superior Court.

4/9/20
sg

By:



SUSAN E. GREEN, Presiding Judge
Superior Court of California, County of Sutter

**TABLE 1: PENAL CODE 1192.7(c) = "SERIOUS FELONIES"
(bold indicates more commonly seen offenses)**

SUB#	LANGUAGE
1	Murder
1	Voluntary manslaughter
2	Mayhem
3	Rape
4	Sodomy by force, violence, duress, menace, threat of gbi
5	Oral copulation by force, violence, duress, menace, threat of gbi
6	Lewd or lascivious act on a child <14
7	Any felony punishable by death or life imprisonment
8	Any felony where D personally inflicts gbi (not an accomplice)
8	Any felony where D personally uses a firearm
9	Attempted murder
10	Assault with intent to commit rape or robbery
11	Assault with deadly weapon on peace officer
12	Assault by life prison on non-inmate
13	Assault with a deadly weapon by inmate
14	Arson
15	Exploding a destructive device/explosive with intent to injure
16	Exploding destructive device/explosive causing bodily injury
17	Exploding destructive device/explosive with intent to murder
18	Burglary -first degree
19	Robbery or bank robbery
20	Kidnapping
21	Holding hostage by state prisoner
22	Attempt to commit felony punishable by death or life imprisonment
23	Any felony where a D personally used a dangerous or deadly weapon
24	Selling, furnishing, giving a minor heroin, cocaine, PCP or meth-related drug to a minor (or offering to do so)
25	PC 289 by force, violence, duress, menace, fear of immediate and unlawful bodily injury
26	Grant theft involving a firearm
27	Carjacking
28	Any felony offense which would constitute a felony violation of PC 186.22
29	PC 220: assault with intent to commit mayhem, rape, sodomy or oral copulation
30	PC 244: assault throwing acid or flammable substances
31	PC 245 assault deadly weapon or assault on peace officer or firefighter
32	PC 245.2, 245.3, 245.5: assault with deadly weapon on special employees
33	PC 246: discharge of firearm at an inhabited dwelling, vehicle or aircraft
34	PC 264.1: rape or sexual penetration in concert with another person
35	PC 288.5: Continuous sexual abuse of a child
36	PC 26100(c) or(d): shooting from a vehicle
37	PC 136.1: intimidation of victims or witnesses
38	PC 422: criminal threats
39	Any attempt to commit any offense on list (except assault)
40	PC 12022.53 use of firearm to commit certain felonies
41	PC 11418(b) or (c) weapons of mass destruction
42	Conspiracy to commit any offense on this list

TABLE 2: PENAL CODE 667.5(c) = "VIOLENT FELONIES"
(bold indicates more commonly seen offenses)

PC 667.5(c)	LANGUAGE
1	Murder
1	Voluntary manslaughter
2	Mayhem
3	Rape: PC 261(a)(2) or (6) & 262(a)(1) or (4)
4	Sodomy: PC 286(c) or (d)
5	Oral copulation: PC 287(c) or (d) (former PC 288a)
6	Lewd or lascivious acts: 288(a) or (b)
7	Any felony punishable by death or life in prison
8	D inflicts gbi on person other than accomplice (after 7/1/1977)
8	D uses a firearm and allegation 12022.3(a), 12022.5 or 12022.55
9	Robbery
10	Arson: PC 451(a) or (b)
11	Sexual penetration: PC 289 (a) or (j)
12	Attempted murder
13	PC 18745, 18750 or 18755
14	Kidnapping
15	PC 220: assault with intent to commit specified felonies
16	PC 288.5: continuous sexual abuse of a child
17	Carjacking: 215(a)
18	Rape, spouse rape or sexual penetration, in concert, in violation PC 264.1
19	Extortion (PC 518) which also is felony violation of PC 186.22 (extortion w/ gang enh)
20	Threats to victims/witnesses PC 136.1, with felony 186.22 (threats w/ gang enh)
21	Burglary in first degree PC 460(a) when another person (other than accomplice) is present in the residence
22	PC 12022.53
23	PC 11418(b) or (c) (relating to weapons of mass destruction)

TABLE 3: OFFENSES LISTED IN PC 290(c)
(bold indicates more commonly seen offenses)

290(c)	LANGUAGE
	Murder: in perpetration/attempt to perpetrate rape or any act punishable under PC 286, 287, 288, 289, or former 288a,
	Kidnapping (PC 207 or 209) w/ intent to violate PC 261, 286, 287, 288, 289, or former 288a
	PC 220 (except assault with intent to commit mayhem)
	PC 236.1(b) and (c) (human trafficking)
	PC 243.4, 261, 262(a)(1), 264.1 (sexual battery, rape/spousal rape by force/rape in concert)
	PC 266, 266c, 266h(b), 266i(b), 266j
	PC 267 (abduction of minor for prostitution)
	PC 269 (aggravated sexual assault of child)
	PC 285 (incest)
	PC 286 (sodomy)
	PC 287 (oral copulation)
	PC 288 (lewd & lascivious)
	PC 288.3, 288.4, 288.5, 288.7 (sex offenses or contact involving minors)
	PC 289 (sexual penetration)
	PC 288a (former oral cop)
	PC 311.2(b), (c) or (d) (sending/distributing obscene matter)
	PC 311.3, 311.4, 311.10, 311.11 (offenses involving obscene matter and child pornography)
	PC 647.6 (annoying or molesting a child)
	PC 647a (lewd conduct)
	PC 653f(c) (solicitation sex crimes by force)
	PC 314 (1) or (2) (indecent exposure)
	PC 272 involving lewd or lascivious conduct
	PC 288.2 (sending harmful material to a child)
	Any predecessor to above offenses that includes the same elements
	Attempt to commit above offenses
	Conspiracy to commit above offenses