

SECOND LOS ANGELES COUNTY EMERGENCY BAIL SCHEDULE MODIFICATION

EFFECTIVE 6/20/20 at 5:00 p.m.

****Updated 6/23/20****

PURPOSE & APPLICATION

Upon rescission of the Statewide Emergency Bail Schedule on June 20, 2020, this modified Los Angeles County Bail Schedule will take effect June 20, 2020 at 5:00 p.m., and remain in effect until further notice. This Los Angeles County Emergency Bail Schedule is in response to the COVID-19 pandemic and deemed a temporary modification to both the 2020 Infractions & Misdemeanors Bail Schedule and the 2020 Felony Bail Schedule.

GENERAL PRINCIPLES OF BAIL ARE STILL APPLICABLE

“The superior court retains the ability to depart from the scheduled zero bail amount or impose bail conditions under appropriate circumstances in an individual case.” (*Ayala v. Superior Court* (2020) 48 Cal.App.5th 387, 408.) A court's consideration of the amount of bail in an individual case is governed by mandatory factors identified in the California Constitution: “In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations.” (*Id.*, at p. 401, *citing*, Cal. Const., art. I, § 28, subd. (f)(3).) “The bail statutes set out these factors to guide the court's discretion as well.” (*Ibid.*, *citing* Pen. Code, § 1275, subd. (a).)

GENERAL RULE

As a rule, the bail for all infraction, misdemeanor, and felony offenses will be set at \$0, with the exception of the offenses listed below:

MISDEMEANOR EXCEPTIONS

Bail for the offenses listed below shall be set within the discretion of the bench officer utilizing the 2020 Infractions & Misdemeanors Bail Schedule as a guide, and in consideration of the facts of the case, the risk to public safety, as well as consideration of the COVID-19 emergency goal of reducing the jail population.

1. Penal Code § 149, Officer Unnecessarily Assaulting or Beating any Person;
2. Penal Code § 166(c)(1), Contempt of Court (Violation of a Stay-Away Order or Protective Order);
3. Penal Code §§ 191.5, 192 & 192.5, Misdemeanor Manslaughter;

4. Penal Code § 243(b), Battery on a Peace Officer;
5. Penal Code §243(e)(1), Battery on an Intimate Partner (spouse, cohabitant, child's parent, former spouse, fiancé, fiancée, current/prior dating or engagement relationship);
6. Penal Code § 273.5(a), Domestic Violence;
7. Penal Code §273.6, Violation of a Court 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. Penal Code § 409, Riot, Rout, or Unlawful Assembly; Remaining Present After Warning to Disperse;
9. Penal Code § 409.5, Authority of Peace Officers to Close Disaster Area; Exclusion from Command Post Area; Unauthorized Entry;
10. Penal Code § 416, Assembly for Purpose of Disturbing the Peace or Committing Unlawful Act; Refusal to Disperse; Exception (Media);
11. Penal Code § 417, Exhibiting a Firearm;
12. Penal Code § 463, Looting During a State of Emergency;
13. Penal Code § 646.9, Stalking;
14. Penal Code § 25400, Carrying Concealed Firearm;
15. Penal Code §§ 29805, 29815, 29820, 29825, Firearm Possession by a Restricted Person (specified conviction offense; in violation of a probation condition; specified offense committed by a juvenile; TRO, injunction, protective order);
16. Vehicle Code §§ 23152 & 23153, Driving Under the Influence;
17. Health & Safety Code §120280, Refusal to Comply with Isolation Order;
18. Health & Safety Code § 120290, Intentional Transmission of an Infectious or Communicable Disease;
19. *Repeat Offenders as set forth below.

FELONY EXCEPTIONS

Bail for the offenses listed below shall be set within the discretion of the bench officer utilizing the 2020 Felony Bail Schedule as a guide, and in consideration of the facts of the case, the risk to public safety, as well as consideration of the COVID-19 emergency goal of reducing the jail population.

1. Penal Code § 667.5(c), Any Violent Felony;
2. Penal Code § 1192.7(c), Any Serious Felony;
3. Penal Code § 69, Obstructing or Resisting Executive Officer in Performance of Duties;
4. Penal Code § 136.1, Witness Intimidation, when punishment is imposed under Penal Code § 136.1(c) (accompanied by force or by an express or implied threat of force or violence, in further of a conspiracy, with a prior conviction of this section, or, when committed for pecuniary gain);
5. Penal Code § 149, Officer Unnecessarily Assaulting or Beating any Person;
6. Penal Code § 166(c)(1), Violation of a Criminal Protective Order;
7. Penal Code § 186.11, Any Theft with a Loss Greater than \$100,000;
8. Penal Code § 236.1, Human Trafficking;
9. Penal Code § 237, False Imprisonment of Elder/Dependent Person;
10. Penal Code § 243(d), Battery with Serious Bodily Injury;
11. Penal Code § 243.4, Sexual Battery;
12. Penal Code § 245(a)(4), Assault by Means of Force Likely to Produce Great Bodily Injury;
13. Penal Code § 262, Spousal Rape;
14. Penal Code § 266h, Pimping;
15. Penal Code § 266i, Pandering;
16. Penal Code § 273a(a), Child Abuse;
17. Penal Code § 273.5(a), Domestic Violence;

18. Penal Code § 278, Child Stealing;
19. Penal Code § 290 Registerable Offenses listed in Penal Code § 290(c) (Note, not for a violation of Penal Code § 290 itself which would be eligible for \$0 bail);
20. Penal Code § 368, Elder Abuse;
21. Penal Code § 422, Criminal Threats;
22. Penal Code § 463, Looting;
23. Penal Code § 594(b)(1), Vandalism;
24. Penal Code § 646.9, Stalking;
25. Penal Code § 4502, Possession of Deadly Weapon by Prison Inmate;
26. Penal Code §§ 4530/4532, Escape or Attempt by Prison Inmate with or without Force or Violence;
27. Penal Code § 25400, Carrying Concealed Firearm;
28. Penal Code §§ 29800, 29805, 29815, 29820, 29825, Firearm Possession by a Restricted Person (felon; specified conviction offense; in violation of a probation condition; specified offense committed by a juvenile; TRO, injunction, protective order);
29. Penal Code § 31360, Possession of Body Armor by a Restricted Person (Violent Felon);
30. Vehicle Code § 2800.2, Driving in Willful or Wanton Disregard for Safety of Persons or Property while Fleeing Pursuing Police Officer (Evading);
31. Vehicle Code §§ 23152 & 23153, Driving Under the Influence;
32. *Repeat Offenders as set forth below.

***SPECIAL EXCEPTION FOR REPEAT OFFENDERS**

While released on \$0 bail, bail for subsequent separate offense/s during the state of emergency as declared by the Los Angeles County Board of Supervisors and the Department of Public Health, shall be set pursuant to the applicable non-emergency 2020 Infractions & Misdemeanors Bail Schedule, and 2020 Felony Bail Schedule. This exception does not apply to those whose subsequent separate offense occurs after the original offense is resolved.

ABILITY TO DENY BAIL

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

BAIL FOR VIOLATIONS OF POST-CONVICTION SUPERVISION

Under the Los Angeles County Emergency Bail Schedule, bail for violations of misdemeanor probation, whether the arrest is with or without a bench warrant, may be set at \$0, unless the charges include at least one of the misdemeanor exceptions set forth above. If a misdemeanor exception applies, bail may be set pursuant to the non-emergency 2020 Infractions & Misdemeanors Bail Schedule.

(Practice Tip: Bail for most Misdemeanor Probation Violations will be \$0.)

Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision may be set in accord with this Los Angeles County Emergency Bail Schedule (\$0), unless either the charges of conviction or any new criminal charge or arrest is for a felony exception (see above), in which case bail may be set as the greater of the bail associated with the charges of conviction or the bail associated with any new criminal charge or arrest, when the alleged violation of supervision involves new alleged criminal conduct. Nothing in this Emergency Bail Schedule shall affect the hold that can be placed by a supervising agency pursuant to Penal Code §§ 3056, 3455. Felony exceptions are subject to bail set at the amount(s) listed in the court's non-emergency 2020 Felony Bail Schedule and may include enhancements.

(Practice Tip: Bail for most felony probation & other violations will be \$0, as opposed to "no bail," except for the felony exceptions which will have bail set per the court's 2020 non-emergency Felony Bail Schedule amounts.)

(Practice Tip: When setting bail at \$0, be sure to say, "zero dollars" and specify that the person is released on his/her own recognizance to avoid confusion with our previous practice of setting bail for most felony probation violations as "no bail.")