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MEMORANDUM

To: Law Enforcement Partners
From: Eric J. Dobroth, Assistant District Attorney *EJD*
Date: June 19, 2020
Subj.: **UPDATED EMERGENCY BAIL SCHEDULE**

The Judicial Council of California has rescinded Emergency Rule 4, which imposed the Emergency Bail Schedule (EBS). The Council has left it to local courts to determine how to address bail in their jurisdictions.

Beginning Sunday June 21, 2020, the San Luis Obispo County Superior Court will implement an **updated Emergency Bail Schedule**. The updated Emergency Bail Schedule mirrors the previous EBS but adds several crimes to those exempted from the presumption of zero dollars bail. The updated Emergency Bail Schedule replaces the previous EBS implemented on April 13, 2020 and will remain in effect until further notice.

Please see attached "Emergency Felony and Misdemeanor Bail Schedule."

New crimes added to the list as exempt from zero dollars bail are:

- PC 245(a)(4) Assault with Force Likely to Cause GBI, *felony* only
- PC 166(c)(4) Violation of a Restraining Order with a Prior
- PC 236.1 Labor and Human Trafficking
- PC 368 Elder Abuse, physical or financial, *felony* only
- PC 273a Child Abuse
- PC 273d Corporal Injury to a Child
- VC 2800.2 Evading a Peace Officer
- A felony violation alleged to have been committed while the arrestee is out of custody on bail, own recognizance, or zero dollars bail.

(continued next page)

All violations listed in Penal Code section 290(c) remain exempt:

- PC 207 & 209 w/ intent to commit sex assault Kidnapping
- PC 236.1(b) and (c) Human Trafficking
- PC 243.4 Sexual Battery
- PC 261 Rape
- PC 262(a)(1) w/ use of force/violence & state prison sentence ... Spousal Rape
- PC 264.1 Penetration by Foreign Object
- PC 266 Enticing Minor to Prostitution
- PC 266c Unlawful Sexual Intercourse by Fraud
- PC 266h(b) Pimping of a Minor
- PC 266i(b) Pandering with a Minor
- PC 266j Procuring Child Under 16 for Lewd Acts
- PC 267 Abduction a Minor for Prostitution
- PC 269 Aggravated Sexual Assault of Child
- PC 285 Incest
- PC 286 Sodomy
- PC 287..... Oral Copulation

The court maintains authority to increase or decrease bail from the scheduled amount as set out in Penal Code section 1275.

As always fell free to contact me directly with questions, Eric

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN LUIS OBISPO



Emergency Felony and Misdemeanor Bail Schedule

Adopted by
San Luis Obispo County Superior Court
June 19, 2020

Effective Date: *June 21, 2020*

This Emergency Bail Schedule will remain in effect until amended or repealed by the San Luis Obispo Superior Court.

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN LUIS OBISPO

Emergency Felony and Misdemeanor Bail Schedule

During the COVID-19 crisis, and as authorized by the Chair of the Judicial Council of California, the San Luis Obispo Superior Court approves and adopts the following Emergency Bail Schedule effective upon the revocation of Emergency Rule 4, adopted by the Judicial Council on April 6, 2020.

This bail schedule shall apply to:

- (A) Every accused person arrested and in pretrial custody; and
- (B) Every accused person held in pretrial custody.

I. Setting of Bail

Bail for all misdemeanor and felony offenses is set at \$0, with the exception of only the offenses listed below:

- (1) 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);
- (2) A felony violation of Penal Code section 69;
- (3) A felony violation of Penal Code section 245(a)(4);
- (4) A violation of Penal Code section 166(c)(1) or 166(c)(4);
- (5) A violation of Penal Code section 136.1 when punishment is imposed under section 136.1(c);
- (6) A violation of Penal Code section 236.1;
- (7) A violation of Penal Code section 262;
- (8) A violation of Penal Code sections 243(e)(1) or 273.5;

- (9) A felony violation of any subsection of Penal Code section 368;
- (10) A violation of Penal Code sections 273a or 273d;
- (11) A violation of Penal Code section 273.6 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;
- (12) A violation of Penal Code section 422 where the offense is punished as a felony;
- (13) A violation of Penal Code section 646.9;
- (14) A violation of an offense listed in Penal Code section 290(c);
- (15) A violation of Vehicle Code sections 23152 or 23153;
- (16) A violation of Vehicle Code section 2800.2;
- (17) A felony violation of Penal Code section 463;
- (18) A violation of Penal Code section 29800; and
- (19) A felony violation alleged to have been committed when the arrestee had been previously released on their own recognizance or pursuant to \$0 or other monetary bail.

The Court's 2019 non-emergency bail schedule remains in effect for all offenses listed in exceptions (1) through (19) of the Emergency Bail Schedule, including any count-specific conduct enhancements and any status enhancements.

II. Bail for Violations of Post-Conviction Supervision

- (1) Bail for all violations of misdemeanor probation, whether the arrest is with or without a bench warrant, is set at \$0.
- (2) Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, is set in the same amount as bail for the underlying substantive charge of conviction under the Emergency Bail Schedule, including any enhancements.

III. Ability to Set, Modify, or Increase Bail

Any judicial officer of the San Luis Obispo Superior Court may set, modify, or increase bail in any case.

IV. Ability to Deny Bail

Nothing in the Emergency Bail Schedule restricts the ability of the Court to set or deny bail as authorized by article 1, section 12, or 28(f)(3) of the California Constitution.