



**2008
UNIFORM BAIL SCHEDULE
(Felony and Misdemeanor)**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**



Superior Court of California County of Orange

Chambers of
Kazuharu Makino
JUDGE

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701
(714) 834-3734

TO: ORANGE COUNTY BAIL SCHEDULE HOLDERS
LAW ENFORCEMENT AGENCIES

SUBJECT: 2008 UNIFORM BAIL SCHEDULE
(FELONY AND MISDEMEANOR)

1. Orange County Bail Schedule Holders

Pursuant to Penal Code Section 1269b, this bail schedule was approved by the judges of the Superior Court of California, County of Orange, and effective January 1, 2008

2. Law Enforcement Agencies

Prevailing legislation **places the burden on law enforcement agencies** to notify the magistrate if the scheduled bail is not adequate for the crime.

It is recommended that each agency make their personnel cognizant of 1270.1 Penal Code as certain provisions may apply if bail modification occurs.

Also, paraphrased below is Penal Code section 1269c:

1269c PC. Orders setting bail in excess of, or less than, schedule amount. If a defendant is arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member of a victim, of domestic violence, the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support [of a higher bail].

3. Further information is available 24 hours a day through Detention Release by calling (714) 647-4581.


KAZUHARU MAKINO, Chairman
Uniform Bail Procedures Committee

**ORANGE COUNTY UNIFORM BAIL SCHEDULE
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2008 FELONY BAIL SCHEDULE

- A. The Felony Bail Schedule shall be applicable throughout Orange County and is applicable to all arrests without a warrant for bailable felony offenses.
- B. Persons not entitled to be released on bail are those charged with:
1. Capital crimes (i.e. murder with special circumstance), when the facts are evident or the presumption great. Penal Code section 1270.5 & California Constitution, Article 1, Section 12(a);
 2. Felony offenses involving act of violence on another person when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or
 3. Felony offenses when the facts are evident or the presumption great and the court finds based upon 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. California Constitution, Article 1, Section 12(c).
- C. Bail for offenses involving larceny under the Penal Code, as listed in this schedule (e.g. P.C. 487, 496, 504, etc.), is the scheduled amount or the amount of [loss], whichever is higher. This policy is also to apply to fraud type offenses of other Codes (e.g. Insurance Code, Revenue and Taxation Code, etc) for which no presumptive bail is specified in this schedule, at the presumptive bail for top term potential, below, or the amount of loss, whichever is higher.
- D. For all offenses and enhancements for which no presumptive bail is specified in this schedule, the presumptive bail shall be set according to state prison top term potential for the offense plus enhancement:

Top term 3 years	20,000
Top term 4 years	25,000
Top term 5 years	30,000
Top term 6 years	35,000
Top term 7 years	40,000
Top term 8 years	45,000
Top term 9 years	50,000
Top term 10 years	55,000
Top term 11 years	65,000
Top term 12 years	70,000
Top term 13 years	75,000
Top term 14 years	80,000
Top term 15 years	90,000
Top term 16 years	100,000
All life sentences	1,000,000

- E. Penal Code section 1270.1 prohibits the release of an arrestee on bail in an amount OTHER THAN THAT SET FORTH ON THE BAIL SCHEDULE prior to a hearing *in open court* for:
1. Violent felonies as described in Penal Code section 667.5(c), but not 460(a);
 2. Serious felonies as described in Penal Code section 1192.7(c) (including those listed in Penal Code section 1192.8); and
 3. Violations of Penal Code sections 136.1(c), 243(e)(1), 262, 273.5, 273.6, 422 (as a felony), and 646.9.
- F. Bail Limit for Multiple Offenses - A bail limit for a case with multiple charges will be established as follows:
1. Felony only. The highest bail amount for any one felony offense, plus enhancement, will apply.
 2. Felony with misdemeanor or infraction violations. The highest bail amount for any one felony offense, plus enhancement, will apply. Misdemeanor and infraction bails will not be considered.
- G. Holds for Out-of-County Charges - The Felony Bail Schedule will apply to holds placed for out-of-county charges when no amount has been previously established or shown on a warrant.
- H. Violation of Probation -
1. Arrest without a warrant shall have NO BAIL if violation is for FELONY PROBATION.
 2. BAIL will be set at \$15,000.00 if violation is a MISDEMEANOR PROBATION.
- I. All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.
- J. Revisions/Additions to the Felony Bail Schedule
The following procedure is established to make interim changes to the bail schedule without a formal meeting of the bail committee:
1. The staff will present to the chairperson of the Uniform Bail Procedures Committee all proposed interim changes to the approved bail schedule.
 2. When the changes have been approved, a revised page for the bail schedule will be distributed to all agencies holding authorized copies.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE**

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
114	Using false documents to conceal true citizenship	50,000
182	Conspiracy	Same as substantive offense
187	Murder - with special circumstance	No bail
	All other murders	1,000,000
191.5	Vehicular homicide (DUI with gross negligence)	100,000
192(a)	Manslaughter - voluntary	100,000
192(b)	Manslaughter - involuntary	25,000
192(c)	Manslaughter - driving vehicle with gross negligence	100,000
192(c)(3)	Vehicular homicide (DUI without gross negligence)	100,000
192(c)(4)	Vehicular homicide (accident caused for financial gain)	100,000
203	Mayhem	100,000
205	Aggravated mayhem (life)	1,000,000
207	Kidnapping	100,000
207(b)	Kidnapping victim under 14	500,000
209(a)	Kidnapping for ransom or extortion (life)	1,000,000
209(b)	Kidnapping for robbery (life)	1,000,000
209.5	Kidnapping during a carjacking (life)	1,000,000
210.5	False imprisonment - kidnap to evade arrest	1,000,000
211	Robbery	
212.5(a)(b)	First Degree	100,000
212.5(c)	Second Degree	50,000
215	Carjacking	100,000
219	Train wrecking (life)	1,000,000
220(a)	Assault with intent to commit mayhem, rape, sodomy, oral copulation, or any violation of Penal Code section 264.1, 288 or 289	Same as substantive offense
220(b)	Assault with intent to commit sexual offense, or any violation of Penal Code section 264.1, 288 or 289 during the commission of 1 st degree burglary (life)	1,000,000

PENAL CODE SECTION	OFFENSE	BAIL
237(b)	False imprisonment - elder or dependent person	50,000
243	Battery	
	243(c) upon peace officer, etc. with injury	20,000
	243(d) with serious bodily injury	25,000
243.4	Sexual battery	25,000
245(a)(1)	Assault with deadly weapon or force likely to produce G.B.I	25,000
245(a)(2)	Assault with a firearm	50,000
245(c)	Assault with deadly weapon other than a firearm or force likely to produce G.B.I. upon a peace officer or firefighter	50,000
245(d)(1)	Assault with a firearm upon a peace officer or firefighter	100,000
245(d)(2)	Assault with a semiautomatic upon a peace officer or firefighter	100,000
246	Shooting at inhabited dwelling, building, occupied motor vehicle	250,000
246.3	Discharge of firearm - gross negligence	25,000
261	Rape	100,000
261.5(c)	Unlawful sexual intercourse with person under 18	20,000
262	Spousal rape	100,000
264.1	Rape in concert with force & violence	100,000
266h	Pimping	35,000
266i	Pandering	35,000
273a(a)	Willful harm or injury to child likely to produce G.B.I.	100,000
273d(a)	Corporal punishment or injury of child	50,000
273.5	Corporal injury of spouse, cohabitant former spouse or cohabitant or mother or father of his or her child	50,000
	With prior conviction under 273.5(e)	100,000
278	Child stealing	25,000
286	Sodomy	
286(b)(1)	If victim under 18	50,000
286(b)(2)	If victim under 16 and defendant over 21	50,000
286(c)	If victim under 14 and defendant more than 10 years older than victim or defendant compelled another by force, duress or threats of great bodily injury	100,000
286(d)	If in concert with force and violence	100,000

PENAL CODE SECTION	OFFENSE	BAIL
286(e)	If committed in state prison or jail	50,000
286(f) & (g)	If victim unconscious or nature of act/incapable of consent	100,000
288(a)	Lewd act with child under 14 years	100,000
288(b)(1) & (2)	Lewd act with child under 14 years with force	100,000
288a	Oral copulation	
288a(b)(1)	If victim under 18	50,000
288a(b)(2)	If victim under 16 and defendant over 21	50,000
288a(c)	If victim under 14 and defendant more than 10 years older than victim or defendant compelled another to participate by force, duress or threats of G.B.I.	100,000
288a(d)	If in concert with force and violence	100,000
288a(e)	If committed in state prison or jail	50,000
288a(f) & (g)	If victim unconscious of nature of act/incapable of consent	100,000
288.3(a)	Contacting, communicating with a minor with intent to commit the following offenses specified in Section 207, 209, 261, 264.1, 273a, 286, 288a, 288.2, 289, 311.1, 311.2, 311.4 or 311.11 involving the minor	100,000
289	Penetration by foreign object	100,000
314.1	Indecent exposure	20,000
368(b)(1)	Elder abuse	50,000
422	Criminal threats	50,000
451(a)	Arson causing G.B.I.	100,000
451(b)	Arson, inhabited structure	250,000
451(c)	Arson, structure or forest land	50,000
452(a)	Recklessly causing fire with G.B.I.	50,000
454	Arson during state of emergency	150,000
459	Burglary	
	Residential	50,000
464	Burglary with explosives	50,000
487	Grand theft	20,000
	Or amount of theft, whichever is higher	
496	Receiving stolen property if value more than \$400	20,000
	Or amount received, whichever is higher	

PENAL CODE SECTION	OFFENSE	BAIL
497	Stolen property, bringing into state	20,000
	Or amount stolen, whichever is higher	
502	Computer related crimes	20,000
	Or amount stolen, whichever is higher	
504, 504a, 504b, 505, 506, 514	Embezzlement	20,000
	Or amount stolen, whichever is higher	
518, 522, 523	Extortion	20,000
548	Defrauding insurer	30,000
	Or amount taken, whichever is greater	
646.9(a)	Stalking	20,000
646.9(b)	Stalking / with temporary restraining order	100,000
646.9(c)	Stalking / with designated prior	150,000
647.6	Child molestation with specified prior	100,000
653f(b)	Solicit murder	1,000,000
653f(c)	Solicit rape, etc.	100,000
664(a)	Attempt where completed crime punishable by state prison except for attempted murder	Same as substantive offense
664/187	Attempted murder	500,000
	Willful & premeditated	1,000,000
666	Petty theft with prior conviction for petty theft on which time was served	20,000
1551.1	Fugitive (arrest without warrant)	50,00
1552.1	Fugitive (see code)	No Bail
4530	Escape, attempted escape from prison with or without force or violence	50,000
4532(a)	Escape, attempted escape by misdemeanor, inebriate, or person on work furlough from jail, industrial farm, etc.	50,000
	plus bail amount on original charge	

PENAL CODE SECTION	OFFENSE	BAIL
4532(b)	Escape, attempted escape by felon from jail, industrial farm, etc.	
	(Convicted)	No bail
	(Not convicted)	100,000
	plus bail amount on original charge	
4573	Bringing controlled substance into jail	25,000
4574	Smuggling weapon into jail or prison	50,000
11418 (except (b)(1))	Possession, etc. weapons of mass destruction	500,000
11418(b)(1)	Employ weapon of mass destruction-cause of death (life)	1,000,000
11419	Weapons of mass destruction and biological agents	500,000
12020	Dangerous weapons, manufacture, sale, possession; carrying explosive or concealed dirk or dagger	20,000
12021	Concealable firearms, ownership or possession by felon, addict	20,000
12025(b)(1)	Concealed weapon on person or in vehicle without license with prior felony conviction or prior violation of deadly weapons act	20,000
12025(b)(5)	Concealed weapon on person with prior conviction of crimes against person, property, or involving drugs	20,000
12031	Possession of a loaded firearm	20,000
12034(c)	Personally shooting from motor vehicle	250,000
12303.1	Carrying or placing explosive on common carrier	500,000
12303.2	Possession of destructive devices or explosives in public places	500,000
12303.3	Possession of exploding or destructive device or explosive with intent to injure	1,000,000
12308	Exploding destructive device or explosive with intent to murder (life)	1,000,000
12309	Unlawful explosion causing bodily injury	500,000
12312	Possession of materials with intent to make destructive device or explosive	150,000
12370	Felon with body armor	50,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE**

VEHICLE CODE

VEHICLE CODE SECTION	OFFENSE	BAIL
2800.2	Attempting to evade peace officer while driving recklessly	25,000
2800.3	Willful flight causing GBI./death	100,000
10801	Owning or operating a chop shop	50,000
10851(a)	Driving car without consent	20,000
10851(b),(e)	Driving car without consent Specified vehicles, 666.5 prior	25,000
20001	Hit and run: personal injury / death	50,000
23152	Driving under the influence of alcohol or drugs If a felony per Vehicle Code 23550 or 23550.5	50,000
23153	Driving under the influence of alcohol or drugs: bodily injury	100,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE**

HEALTH AND SAFETY CODE

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11350	Illegal possession of certain specific or classified controlled substances	20,000
11351	Possession or purchase for sale of certain specific or classified controlled substances	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg.	500,000
	4 kg.	1,000,000
	10 kg.	2,000,000
	20 kg.	3,000,000
	40 kg.	4,000,000
	80 kg.	5,000,000
11351.5	Possession or purchase for sale of cocaine base	30,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	More than 1 kg.	500,000
11352	Illegal transportation, sale, furnishing of certain specific or classified controlled substances	30,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg.	500,000
	4 kg.	1,000,000
	10 kg.	2,000,000
	20 kg.	3,000,000
	40 kg.	4,000,000
	80 kg.	5,000,000

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11353	Person 18 years or over using minor in sale, transportation, or giving to a minor certain specific or classified controlled substances	50,000
11353.5	Adult preparing to sell to minor drugs or narcotics	50,000
11357(a)	Concentrated cannabis	20,000
11358	Marijuana: cultivate, process	20,000
	If over 25 lbs.	50,000
11359	Marijuana, possession for sale	25,000
	If over 25 lbs.	50,000
	If over 50 lbs.	100,000
11360(a)	Marijuana: transportation, sale, furnishing	25,000
	If over 25 lbs.	50,000
	If over 50 lbs.	100,000
11361	Marijuana: person 18 years or over using minor under 14 in sale, transportation, giving to minor	50,000
	If over 50 lbs.	100,000
11377	Possession of controlled substances	20,000
11378	Possession of controlled substances for sale	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	1,000,000
	10 kg. or 200 liters	2,000,000
	20 kg. or 400 liters	3,000,000
11378.5	Possession or purchase for sale of PCP	30,000
	If over 1 gallon liquid or 8 oz. powder	50,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	1,000,000
	10 kg. or 200 liters	2,000,000
	20 kg. or 400 liters	3,000,000

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11379	Sale of controlled substances	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	1,000,000
	10 kg. or 200 liters	2,000,000
	20 kg. or 400 liters	3,000,000
11379.5	Sale of PCP	30,000
	If over 1 gallon liquid or 8 oz. powder	50,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	1,000,000
	10 kg. or 200 liters	2,000,000
	20 kg. or 400 liters	3,000,000
11379.6(a)	Manufacture of any controlled substance	75,000
11379.7	Violation of (or attempt) Penal Code ' 11379.6 or 11383	
	When child under 16 present	100,000
	When child under 16 suffers G.B.I.	500,000
11379.8	Violation of 11379.6	
	If over 1 lb. or 3 gallons	100,000
	If over 3 lbs. or 10 gallons	500,000
	If over 10 lbs. or 25 gallons	1,000,000
	If over 44 lbs. or 105 gallons	2,000,000
11380	Soliciting minor re controlled substances	50,000
11383(a)	Possession of precursors with intent to manufacture methamphetamine	50,000
11383(b)	Possession of precursors with intent to manufacture PCP	50,000

2008 MISDEMEANOR / INFRACTION BAIL SCHEDULE

A. Determining Misdemeanor Bail

1. Bail shall be determined by first using the amount set forth in this schedule (Penal Code section 1269b).
2. If the violation is not specifically set forth in this schedule, then bail shall be the amount set forth in the most current publication of the Judicial Council Uniform Bail and Penalty Schedule (Rule 4.102, California Rules of Court).¹
3. If bail cannot be set under the provisions of number 1 and 2 above, then the bail shall be \$500 for all violations of statutes, regulations or ordinances.

B. Determining Infraction Bail

1. The most current publication of the Judicial Council Uniform Bail and Penalty Schedule is hereby adopted and incorporated by reference.
2. If bail cannot be set under the provisions of number 1 above, then the bail shall be \$50 for all violations of statutes, regulations or ordinances, except that if the minimum fine for the offense is greater than or less than \$50 the bail shall be the amount of the minimum fine.
3. For those infractions not set forth in the Judicial Council Bail Schedule in which the statute reflects a minimum and maximum fine (e.g. "A fine of not less than XXX and not more than XXX"), the bail shall be at the minimum fine amount.
4. For those infractions not set forth in the Judicial Council Bail Schedule in which the statute reflects a "fine of not to exceed XXX" and the amount is greater than \$50, then the bail shall be set at \$50 (e.g. "a fine not to exceed \$100"). The bail shall be set at \$50, as referenced under the provisions of number 2 above.
5. If the infraction penalty statute requires a sentence, ***in addition*** to a monetary fine, the infraction shall require a mandatory appearance to enable the judicial officer to impose the full sentence.
6. If a sentence reflects a fine **or** an alternative, (e.g. community service) the infraction penalty statute shall require a mandatory appearance to permit judicial discretion in the sentencing.

¹ The Judicial Council Uniform Bail and Penalty Schedule may be located on the court website at www.occourts.org.

- C. Revisions/Additions to Misdemeanor/Infraction Schedule
The following procedure is established to make interim changes to the bail schedule without a formal meeting of the bail committee:
1. The staff will present to the chairperson of the Uniform Bail Procedure Committee all proposed interim changes to the approved bail schedule.
 2. When the changes have been approved, a revised page for the bail schedule will be distributed to all agencies holding authorized copies.
- D. Additions to Superior Court Case Management System
When it is necessary to add a new violation to the Superior Court case management system bail maintenance table, court staff will refer to Section A and B above.
- E. Bail Limit for Multiple Felony / Misdemeanor Offenses
The highest bail amount for any one offense will apply.
- F. Determining Bail on Warrants Processed by the **Clerk's Office**
1. Misdemeanor Minor Offenses ¹
 - a. **Failure to appear misdemeanor minor offenses**, add violation of Vehicle Code section 40508(a) or Penal Code section 853.7; issue mandatory appearance warrant with bail amount set at \$2,500 (add license hold at Department of Motor Vehicles, if eligible.)
 - b. **Failure to pay misdemeanor minor offenses Vehicle Code violations**, add violation of Vehicle Code section 40508(b); issue a mandatory appearance warrant with bail amount set at \$2,500 (add license hold at Department of Motor Vehicles, if eligible.)
 - c. **Failure to pay misdemeanor minor offenses non Vehicle Code violations**, issue a mandatory appearance Bench Warrant for \$5000 (add license hold at Department of Motor Vehicles, if eligible.)
 2. Mandatory Infractions
 - a. **Failure to appear mandatory infractions**, add violation of Vehicle Code section 40508(a) or Penal Code section 853.7; issue a mandatory appearance warrant with a bail amount set at \$1,500 (add license hold at Department of Motor Vehicles, if eligible.)

¹ See list of Misdemeanor Minor Offenses, adopted by the Supervising Judges Committee, April 21, 2006.

- b. **Failure to pay mandatory infractions**, add violation of Vehicle Code section 40508(b); issue a mandatory appearance warrant with a bail amount set at \$1,500 (add license hold at Department of Motor Vehicles, if eligible.)

- c. **Failure to pay mandatory infraction non Vehicle Code violations**, issue a mandatory appearance Bench Warrant for \$1500 (add license hold at the Department of Motor Vehicles, if eligible.)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
MISDEMEANOR BAIL SCHEDULE**

UNLISTED PENAL CODE MISDEMEANOR - \$500.00

VIOLATION	DESCRIPTION	BAIL
166	Contempt	\$15,000
243	Battery against peace officer	\$2,500
243(e)(1)	Battery against spouse; others	\$10,000
273.6	Violation of protective order, temporary restraining order, or injunction	\$15,000
273.65(a)	Violation of protective order related to children	\$15,000
368(b)(1)(c)	Abuse of elder/dependent adult w/injury	\$10,000
368(d)	Abuse of elder/dependent adult; theft/embezzlement	\$10,000
647(a)	Lewd conduct in public place	\$1,000
647(b)	Prostitution 2 nd offense 3 rd offense	\$1,000 \$2,500 \$5,000
653m	Annoying communications	\$1,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
MISDEMEANOR BAIL SCHEDULE
HEALTH & SAFETY CODE**

UNLISTED HEALTH & SAFETY CODE MISDEMEANOR - \$500.00

VIOLATION	DESCRIPTION	BAIL
11550	Narcotic addict 2 nd & subsequent violations	\$1,000 \$2,500

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
MISDEMEANOR BAIL SCHEDULE**

**VEHICLE CODE
Unlisted Vehicle Code Misdemeanor - \$500.00**

VIOLATION	DESCRIPTION	BAIL
14601.2(a),(b)	Suspended license-DUI	\$2,500
14601.3	Habitual traffic offender	\$2,500
*23152(a),(b), (c), &(d)	DUI-1st offense	\$2,500
	DUI-2nd (within 10 yrs.)	\$10,000
	DUI-3rd (within 10 yrs.)	\$15,000
	DUI-4th (within 10 yrs.) (A felony see page 7)	
23153(a),(b),(d)	DUI with injury 1 st offense	\$25,000
	2 nd offense (within 10 yrs)	\$25,000

* Bail shall NOT be doubled pursuant to VC 42009 & 42010.

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