



## Superior Court of California, County of Monterey

### 2012 Bail Schedule Interim Corrections and Modifications by Presiding Judge

Last Update - June 25, 2012

#### **ORDER**

Effective Wednesday, June 27, 2012, pursuant to the authority of Section VIII of the 2012 Bail Schedule, the 2012 Bail Schedule is amended to include the interim changes and additions set out below. The Bail Schedule as amended can be accessed on the Court's website at <http://www.monterey.courts.ca.gov/FeeSchedule.aspx>.

### **Signed Order on File**

June 25, 2012

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Presiding Judge Timothy P. Roberts

#### **1. Preceding the Table of Contents, a "Preamble" shall be inserted as follows:**

##### Preamble

The Bail Schedule has been expansively revised by this 2012 update. Around the beginning of 2009, in response to concerns expressed, the Court established a bail committee consisting of Judges Russell Scott, Adrienne Grover, Timothy Roberts, Terrance Duncan, Robert Burlison, and Sam Lavorato to examine these concerns and to review the bail schedule. Over the next two years, the committee meticulously examined each crime and allegation to assess a proper bail in light of all relevant factors, while comparing bail schedules of eleven other counties including Sonoma, San Luis Obispo, Santa Cruz, Santa Barbara, Tulare, Ventura, Sacramento, Santa Clara, Riverside, Los Angeles, and San Francisco. In the meantime and since then, substantial statutory changes have taken place including Chelsea's Law, AB109, and the renumbering of the dangerous weapons code sections. Over the last few months, these statutes have been reviewed and bail amounts assessed by the criminal trial court judges. The 2012 Bail Schedule incorporates all efforts of the bail committee as well as the more recent decisions of the criminal trial court judges. At the Judges Meeting on April 4, 2012, the judges adopted the 2012 Bail Schedule.

**Highlights:** In addition to including hundreds of additional code sections and changing the bail amount for certain crimes, the 2012 Bail Schedule:

- Specifies and establishes bail for virtually all relevant subsections.
- Includes potential penalty for each listed crime.

- Introduces a new form to be used by sworn officers requesting either an escalation in bail pursuant to §§1269c or 1270.1, or requesting that a subject be denied release on bail pursuant to §1275.1 based on probable cause to believe bail funds have been feloniously obtained.
- Provides a “DUI Bail Table” for accurate and consistent application of the bail-setting rules for DUI fresh arrests (Appendix G.)
- Distinguishes bail for “simple transportation” of drugs under H&S §§11352(a), 11379(a), and 11379.5(a) and presumes that a fresh arrest is for simple transportation only, absent probable cause to believe the crime involves sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution of controlled substances. Bail for “simple transportation” is \$10,000; bail for an “aggravated” violation is \$40,000.
- Modifies bail for misdemeanor violations of probation to ~~twice the amount of bail for the underlying convictions.~~ \$7,500 generally, except bail is \$20,000 in cases where the defendant is on probation for any subdivision of 166(c), 243(e)(1), 273.5, 273.61, 646.9, 647.6, or for DUI with one or more priors.
- Establishes bail for all crimes punishable by “Life” at \$1,000,000.
- Establishes bail for all crimes punishable by “Life without parole” at “No Bail.”
- Establishes bail for all attempted “Life” crimes at \$500,000.
- Maintains the rules related to attempted crimes but now treats attempted 2nd degree robbery like every other attempted strike setting bail at the same amount as the target crime, PC §211(a).
- Establishes that bail for both PC §220 and 288.3 be set in accordance with the rules governing attempts under 664.
- Adds 100 newly renumbered dangerous-weapons code sections cross-referencing their corresponding repealed sections.
- Identifies, and establishes bail for, all denial-of-probation code sections.
- Identifies whether or not a felony is punishable in jail pursuant to §1170(h) or is “prison-eligible.”
- Maintains the previous convention for identifying strikes, but now identifies the statutory strike authority.
- Establishes authority for the Presiding Judge to make interim modifications to the Schedule as needed.

*UPDATE: Effective Wednesday, June 27, 2012, pursuant to the authority of Section VIII herein, the 2012 Bail Schedule is amended to include the interim changes and additions set out in “2012 Bail Schedule - Interim Corrections and Modifications by Presiding Judge - Updated-June 25, 2012.” The Update and the Bail Schedule as amended can be viewed on the Court’s website at <http://www.monterey.courts.ca.gov/FeeSchedule.aspx>.*

**2. Section IX of the Schedule is amended, in part, as follows:**

## IX. Bail Stacking - Arrests for More Than One Crime

Arresting agencies and detention facilities are directed to follow these guidelines when calculating bail for persons booked for more than one crime ~~and/or warrant~~.

1. When a person is booked for two or more crimes, bail shall be set at the amount identified for the crime with the highest bail.
2. **Strikes:** When a person is booked on two or more crimes that are either “serious felonies” as defined in Penal Code Section 1192.7(c) and 1192.8 or “violent felonies” as defined in Penal Code Section 667.5(c), bail amounts shall be stacked and added together. A crime is serious or violent if, on the bail schedule, either the charge is shaded, or any of its enhancements or aggravating factors is shaded.
3. ~~**Warrants:** When a person is booked on a crime or crimes and has outstanding warrants, the warrant amounts shall be stacked in addition to the bail schedule amounts for the current crime.~~

### 3. Section X of the Schedule is amended, in part, as follows:

ALTERNATE PENALTY ENHANCEMENTS (APE): An *Alternate Penalty Enhancement*, like an enhancement, is a fact related to a specific charge altering the possible penalty for the crime. Alternate Penalty Enhancements are to be treated the same as enhancements when calculating bail. APes are subject to the bail rules for “Attempt-Type Crimes” set out in Section XII, below. For example, bail for a felon carrying a loaded firearm under 25850(a) and 25850(c)(2) would be \$40,000 (\$30,000 + 10,000.) Bail for attempting such a crime would be \$20,000 (15,000 + 5,000.)

### 4. Section XII is amended, in part, as follows:

Unless the Bail Schedule specifically provides otherwise, the rules for attempt-type crimes are as follows:

§664(a)/General Crime: Bail shall be set at ½ of bail for the target crime.

§664(a)/Strike: Bail shall be set at the full amount of bail for the target crime.

§664(a)/Life Crime: Bail shall be set at \$500,000.

§220(a)/Crime: Bail shall be set according to the rules for §664(a), above, except that bail shall be no less than \$100,000 for 220(a)(1) and no less than \$200,000 for 220(a)(2).

§288.3/Generic Charge: When a single target crime is not specified, bail shall be set at ~~\$100,000~~\$10,000.

§288.3/Specific Target Crime Identified: If a single target crime is specified, bail shall be set according to the rules for §664(a), except bail shall be no less than \$10,000. Bail for 288.3(a) shall not be stacked with no stacking even if the target is a strike, unless a stackable enhancement or other allegation applies.

### 5. Section “XXIII” shall be added to “Bail Schedule Information” as follows:

#### XXIII - DUI Bail & Other “Zero” Bail Rules - Explanation

- Zero (“0”) in the bail amount column means no additional bail is to be added. It does not make the charge a “No Bail” charge.
- Misdemeanors: Although bail is established for misdemeanor violations of both 23153(a) and (b), misdemeanor bails never stack.

VOPs:

- ~~If an individual is placed on probation for 23153(b) as a misdemeanor, and is freshly arrested for violation of probation under 1203.2, bail is set at double the misdemeanor bail amount. This is the reason that bail is established for 23153(b) as a misdemeanor.~~
- ~~If an individual is placed on probation for 23153 as a felony, and is freshly arrested for violation of probation under 1203.2(a), the felony bail for a VOP is “No Bail” whether the conviction is for 23153(a) or 23153(b).~~

No additional bail is required for release of a person following a fresh arrest for violation of subdivision (b) of 23153, but bail must be posted for 23153(a). A person freshly arrested for 23153(b) is always also arrested for 23153(a). The converse is not true.

The reason no bail is required following fresh arrest for violation of 23153(b) is to eliminate unfair bail stacking when GBI is alleged. When GBI is alleged, both 23153(a) and (b) are strikes and bail must be stacked. If bail for each charge were the same in a situation involving GBI, the person who takes a chemical test and is arrested for both 23153(a) and 23153(b) would have to pay twice as much as the person who refuses to take a chemical test. The aggravating circumstance of refusal would be rewarded with a lower bail; the compliant individual’s bail would be twice as high. Principles underlying PC § 654’s ban of multiple punishment for the same conduct make bail stacking for 23153(a) and (b) unfair. By zeroing out bail for the felony violation of 23153(b), a person arrested for DUI with GBI is treated the same whether or not he or she takes a chemical test, unless the subject is also booked for refusing to take a chemical test.

6. Bail rules for conspiracy are amended as follows:

182(a)*			16-2-3	Conspiracy to Commit Misdemeanor	<del>Same as Target Misd</del> <u>10,000 (5,000)</u>
182(a) (Felony Target)	U		Per Target	Conspiracy to Commit Felony <u>or Wobbler</u> <i>[Note: If no single target felony is identified, bail shall be set at \$10,000. If a single felony target crime is identified, bail shall be at the amount set for the target crime, except bail for 182(a) shall not be less than \$10,000.]</i>	Same as Target Felony <i>(but no less than 10,000)</i> <i>[See Note]</i>
182(a) (Life or Death Crime)	P		<del>Life/Death</del> <u>Per Target</u>	Conspiracy to Commit Life or Death Crime - <del>STRIKE: S- 7, 42; V- 7</del>	Same as Target Offense
<u>182(a) (Murder)</u>	<u>P</u>		<u>25 to Life</u>	<u>Conspiracy to Commit Any Murder -STRIKE: S- 42</u>	<u>1,000,000</u>
182(a) (Strike)	P		Per Target	Conspiracy to Commit Serious Felony - <del>STRIKE: S- 42</del>	Same as Target Offense
182.5	U		Per Target	Criminal Street Gang Conspiracy <u>to Commit Felony or Wobbler (see underlying felony)</u> - <del>STRIKE: S-28, 42</del> <i>[Note: If no single target felony is identified, bail shall be set at \$10,000. If a single felony target crime is identified, bail shall be at the amount set for the target crime, except bail for 182(a) shall not be less than \$10,000.]</i>	Same as Target Offense <i>(but no less than 10,000)</i> <i>[See Note]</i>

7. Bail rules for PC § 220(a) are amended as follows:

220(a)(1)	P		2-4-6	Assault with Intent to Commit Mayhem, Rape, Sodomy, Oral Copulation, or Any Violation of PC Sections 264.1, 288 or 289 -STRIKE: S- 10, 29, 39; V- 15 <u>[Note: Bail is the greater of either 1. Bail for attempt to commit the target offense or, 2. \$100,000.</u> <u>If no single target crime is specified, bail is \$100,000.]</u>	Same rules as §664(a) <u>but no less than 100,000</u> <u>[See Note]</u>
220(a)(2)	P		5-7-9	Assault on a person under 18 years w/ intent to commit rape, sodomy, oral copulation or any violation of 264.1, 288, or 289 -STRIKE: S- 10, 29, 39; V- 15 <u>[Note: Bail is the greater of either 1. Bail for attempt to commit the target offense or, 2. \$200,000.</u> <u>If no single target crime is specified, bail is \$200,000.]</u>	Same rules as §664(a) <u>but no less than 200,000</u> <u>[See Note]</u>

8. Bail rules for PC § 288.2 are added as follows

288.2(a)*	H		16-2-3	Distribution or Exhibition of Lewd Material to Minor <u>[NOTE: Straight prison-eligible felony w/ prior conviction 288.2(a).]</u>	10,000 (5,000)
<u>288.2(a) (prior)</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Distribution or Exhibition of Lewd Material to Minor with prior 288.2(a) conviction</u>	<u>50,000</u>
288.2(b)*	H		16-2-3	Distribution or Exhibition of Lewd Material to Minor by Electronic Mail/Internet <u>[NOTE: Straight 1170h felony w/ prior conviction 288.2(b).]</u>	25,000 (10,000)
<u>288.2(b) (prior)</u>	<u>H</u>	<u>APE</u>	<u>16-2-3</u>	<u>Distribution or Exhibition of Lewd Material to Minor by Electronic Mail/Internet with prior 288.2(b) conviction</u>	<u>50,000</u>

9. Bail rules for PC § 288.3 are amended as follows

288.3(a)	P		Per 664/crime intended	Contacting or attempting to contact minor intent to commit 207, 209, 261, 264.1, 273a, 286, 288, 288a, 288.2, 289, 311.1, 311.2, 311.4 or 311.11 - <u>Straight felony - Punish in prison</u> per 664/crime intended.  <u>[NOTE: If the defendant is booked / charged under 288.3(a) with no target crime specified, bail is to be set at \$10,000. If a single target crime is identified, bail <del>should</del> must be set using the same rules applicable to an attempt to commit the target crime, except <u>bail shall be no less than \$10,000. that such bail will</u> Bail for 288.3(a) shall not be stacked even if the target crime is a strike, unless a stackable enhancement or other allegation applies. <del>If a single target crime is not identified, bail must be set at \$100,000.</del>]</u>	<u>100,000</u> Same rules as 664(a) <u>but no less than 10,000</u>  [See note]
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10. Bail rules for 289.6(a) are amended and added as follows:

289.6(a)(1)**	P		<u>6 months</u> <u>16-2-3</u>	Employee of Public Health Facility Engaging in Unaggravated Sexual Activity (per subd. (g))  [APE = Prior Conviction (Penalty per subdiv. (i)); The felony is not a wobbler (16-2-3)]  [NOTE: This is an APE Crime. Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has a prior conviction, bail must be set at the felony amount.]	100,000** (20,000) <i>[Felony bail only if the APE applies]</i>
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<u>289.6(a)(1)</u> <u>[APE]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Prior conviction re - Employee of Public Health Facility Engaging in Unaggravated Sexual Activity (per subd. (g))</u>	
289.6(a)(2)**	<u>P</u>		<u>6 months</u> <del>16-2-3</del>	Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate  APE1 = Aggravated sexual conduct (see sub.div (d)(1-4)) APE2 = Prior Conviction (subdiv. (i)); The felony is not a wobbler (16-2-3) [NOTE: This is an APE Crime. Bail must be set at the misdemeanor amount unless an APE applies. If either APE applies, bail must be set at the felony amount.]	100,000** (20,000) <i>[Felony bail only if an APE applies]</i>
<u>289.6(a)(2)</u> <u>[APE]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Aggravated Sexual Conduct or Prior Conviction re - Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate</u>	
289.6(a)(3) **	<u>P</u>		<u>6 months</u> <del>16-2-3</del>	Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity with With Adult Inmate  APE1 = Aggravated sexual conduct (see sub.div. (d)(1-4)) APE2 = Prior Conviction (see subdiv. (i)); The felony is not a wobbler (16-2-3) [NOTE: This is an APE Crime. Bail must be set at the misdemeanor amount unless the APE applies. If either APE applies, bail must be set at the felony amount.]	100,000** (20,000) <i>[Felony bail only if an APE applies]</i>
<u>289.6(a)(3)</u> <u>[APE]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Aggravated Sexual Conduct or Prior Conviction re - Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate</u>	

**11. Bail rules for 290.018 are amended and added as follows:**

290.018(d)**			1 year	Failing to register based as an MDSO or found NGI of registrable offense  [APE = Prior Conviction; The felony is not a wobbler (16-2-3)] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has a prior registration conviction, bail must be set at the felony amount.]	30,000** (10,000) <i>[Felony bail only if the APE applies]</i>
<u>290.018(d)</u> <u>[APE]</u>	<u>P</u>	<u>APE</u>	<u>1 year</u>	<u>Failing to register based as an MDSO or found NGI of registrable offense with prior conviction of 290.018</u>	
290.018(f)*	P	APE	16-2-3	Failing to register as a sexually violent predator	20,000 (10,000)
290.018(g)**			16-2-3	Transient who fails to register per 290.011 based upon registrable conviction (other than as an SVP) or juvenile adjudication  [APE = 2 prior convictions. The felony is a wobbler (16-2-3) / 1 year]. [NOTE: This is an <u>APE Crime</u> . . Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has 2 prior convictions, bail must be set at the felony amount.]	30,000** (5,000) <i>[Felony bail only if the APE applies]</i>
<u>290.018(g)</u> <u>[APE]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Transient who fails to register per 290.011 based upon registrable conviction (other than as an SVP) or juvenile adjudication with two prior convictions</u>	

**12. Penal Code sections regarding embezzlement, and embezzlement of Public Funds, are amended and/or added as follows:**

484c*	H		16-2-3	Embezzlement of Funds for Construction- > \$950	10,000 (5,000)
<u>484c [Public Funds]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Embezzlement of Public Funds for Construction- &gt; \$950</u>	<u>10,000</u>
505*	H		16-2-3	Embezzlement by Carrier - Value > \$950	10,000 (5,000)

<u>505 [Public Funds]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Embezzlement by Carrier -Public Funds- Value &gt; \$950</u>	<u>10,000</u>
506*	H		16-2-3	Embezzlement, Misappropriation by Trustee, Contractor - Value > \$950	10,000 (5,000)
<u>506 [Public Funds]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Embezzlement, Public Funds Misappropriation by Trustee, Contractor - Value &gt; \$950</u>	<u>10,000</u>
514*	H		16-2-3	Embezzlement <del>of Public Funds- Penalties</del>	10,000 (5,000)
<u>514 [Public Funds]</u>	<u>P</u>	<u>APE</u>	<u>16-2-3</u>	<u>Embezzlement of Public Funds</u>	<u>10,000</u>

**13. Bail rules for Penal Code sections 550(c)(2)(A) and 550(c)(3) are added to the Schedule as follows:**

<u>550(c)(1)</u>	<u>H</u>		<u>2-3-5</u>	<u>Filing Fraudulent or Multiple Insurance Claims</u>	<u>40,000</u>
<u>550(c)(2)(A)*</u>	<u>H</u>		<u>2-3-5</u>	<u>Filing Fraudulent or Multiple Insurance Claims</u>	<u>40,000 (10,000)</u>
<u>550(c)(3)*</u>	<u>H</u>		<u>2-3-5</u>	<u>Filing Fraudulent or Multiple Insurance Claims</u>	<u>40,000 (10,000)</u>

**14. Bail rules for Penal Code section 598d are amended as follows:**

598d(a)**			2 years	Sale of horsemeat for human consumption [APE = Prior 598d conviction [598d(c).] The felony is not a wobbler (2 to 5 years). If applicable, include the APE bail amount (\$20,000) whether or not 598d(c) is specifically alleged.] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless defendant has a prior 598d conviction. Upon fresh arrest, if defendant has a prior 598d conviction, bail must be set at the felony amount. If applicable, the APE must be <del>stacked-included</del> whether or not the specific APE section is alleged]	0** ( <del>0-10,000</del> ) [See Note]
598d(b) (Misdo)		APE	2 years	Sale of horsemeat for human consumption - Misdo Punishment [Note: If the defendant is not booked for or charged with the APE Crime under 598d(a), bail must be set at 10,000]	( <del>10,000-0</del> ) [See Note]
598d(c)	<u>P</u>	<u>APE</u>	2 to 5 years	Sale of horsemeat for human consumption with prior (Indeterminate term: 2 to 5 years)	20,000

**15. Bail Rules for 667.5(c) are added as follows:**

<u>667.5(c)(all)</u>	<u>P</u>	<u>AGGF</u>		<u>Strike Authority - "Violent Felony"</u>	<u>0</u>
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**16. Bail rules for petty theft with a prior conviction are amended as follows:**

666*	H	APE		Petty Theft with 3 or more Prior Convictions for Theft-Related Crimes on Which Time Was Served	10,000 (5,000)
666(a)*	H	APE		Petty Theft with Prior Conviction for Theft on Which Time Was Served	10,000 (5,000)
<u>666(a)/484(a)*</u>	<u>H</u>	<u>APE</u>		<u>Petty Theft with Prior Conviction for Theft on Which Time Was Served</u>	<u>10,000 (5,000)</u>
<u>666(b)</u>	<u>P</u>	<u>APE</u>		<u>Petty Theft by 290 Registrant or With Prior Strike</u>	<u>10,000</u>

**17. Bail Rules for 1170(h) are added as follows:**

<u>1170(h)(1)</u>	<u>H</u>	<u>AGGF</u>		<u>Felony Punishable Per 1170(h) With No Term Specified Punishable for 16-2-3 in Jail</u>	<u>0</u>
<u>1170(h)(2)</u>	<u>H</u>	<u>AGGF</u>		<u>Felony Punishable Per 1170(h) Punishable for Term Specified in Jail</u>	<u>0</u>

<u>1170(h)(3)</u>	<u>P</u>	<u>AGGF</u>		<u>Exclusion From 1170(h) Treatment: Prior or Current Strike, 290 Registrant, or 186.11 Enhancement Proven or Admitted</u>	<u>0</u>
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**18. Bail Rules for 1192.7(c) are added as follows:**

<u>1192.7(c)(all)</u>	<u>P</u>	<u>AGGF</u>		<u>Strike Authority - Serious Felony</u>	<u>0</u>
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**19. Bail Rules for 1192.8(all) are added as follows:**

<u>1192.8(all)</u>	<u>P</u>	<u>AGGF</u>		<u>Strike Authority - Serious Felony</u>	<u>0</u>
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**20. Bail rules for violations of misdemeanor probation are modified as follows:**

1203.2 (Misdo)				Probation Violation - Misdemeanor _ [Note: Bail shall be set at 7,500, except bail is \$20,000 in probation violation cases where the the individual stands convicted of any subdivision of 166(c), 243(e)(1), 273.5, 273.61, 646.9, 647.6, or for DUI with one or more priors. (Cf. section B of "Jail OR Policy," Appendix D. This rule has no effect on the application of the "Jail OR Policy.")]	<del>(7,500)</del> [See Note]
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**21. Correcting a clerical error, bail for H & S § 11370.4(a)(2) is modified as follows:**

11370.4(a)(1)	H	ENH	3 years	Amount > 1 kg (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	50,000
11370.4(a)(2)	H	ENH	5 years	Amount > 4 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	<del>40,000</del> 75,000
11370.4(a)(3)	H	ENH	10 years	Amount > 10 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	200,000

**22. Bail rules for Vehicle Code section 20001 are amended as follows:**

<u>20001(a)*</u>	<u>P</u>		<u>16-2-3</u>	<u>Hit and Run Driving With Injury (Punish per 20001(b)(1))</u> [Note: Book / charge for only 20001(a) or 20001(b)(1), but not for both]	<u>10,000 (5,000)</u> [See Note]
<u>20001(b)(1)*</u>	<u>P</u>		<u>16-2-3</u>	<u>Hit and Run Driving With Injury - (Punishment for 20001(a))</u> [Note: Book / charge for only 20001(a) or 20001(b)(1), but not for both]	<u>10,000 (5,000)</u> [See Note]
<u>20001(b)(2)*</u>	<u>P</u>		<u>2-3-4</u>	<u>Hit and Run Driving Causing Death or Permanent Serious Injury -STRIKE: S -8.</u>	<u>50,000 (15,000)</u>

**23. Section III Amendment: In light of actual practice by police officers in the field, bail rules for specified Alternative Penalty Enhancement Crimes (APE Crimes) and their related Alternative Penalty Enhancements (APEs) are amended :**

**III. Default Bail Amounts, Misdemeanor Bail Convention, "Wobblers\*," and "Alternative Penalty Enhancement Crimes\*\*" (APE Crimes)**

For unlisted felony crimes, enhancements, special allegations, or aggravating factors not listed on the schedule, the presumptive bail for each is \$10,000; for unlisted misdemeanors or misdemeanor enhancements, the presumptive bail is \$3,500.

- "Misdo" appears beside a crime that is a misdemeanor only; bail appears in parentheses.

- Misdemeanor bail appears in parentheses for wobblers.

Example:

148(a)(2) (Misdo)		1 year	Maliciously Interfering with Public Safety Radio Transmission	(5,000)
148(b)*	H	16-2-3	Taking of Weapon (Baton, Mace, etc.) While Resisting Arrest	20,000 (7,500)

“\*\*” “Wobblers” are identified with an asterisk (\*) next to the charge.

At the time of fresh arrest for a wobbler, bail is to be set at the felony amount.

“\*\*” **APE Crimes** are misdemeanor crimes that become punishable as felonies if one or more specified felony Alternative Penalty Enhancements (APE) apply. **APE Crimes**\*\* are identified with a double asterisk (\*\*).

At the time of fresh arrest for an **APE crime**\*\*, bail is to be set at the misdemeanor amount unless one or more of the specified felony APEs apply, in which case bail is to be set at the felony amount plus any additional amount for the APE.

Alternative Penalty Enhancements can be either misdemeanor or felony in nature. Misdemeanor APEs generally alter the maximum penalty from 6 months to 1 year. Felony APEs generally alter the maximum penalty and will morph what is otherwise a misdemeanor into a felony.

**Bail When Individual Is Not Booked For, Or Charged With, the Underlying APE Crime\*\***: Officers should book an individual for both the underlying **APE Crime**\*\* and each applicable **Alternative Penalty Enhancement**. However, sometimes an individual is only booked for the enhancement. For example, a felon carrying a loaded firearm may be booked only for the **APE** under PC § 25850(c)(1), which carries a \$10,000 bail (see examples, below.) Proper bail must be calculated to include the \$30,000 felony bail for the underlying **APE Crime**\*\* under PC § 25850(a) bringing total bail to \$40,000. If an individual is not booked for, or charged with, the underlying **APE Crime**\*\*, bail must still include the felony bail for the **APE Crime**\*\* whenever an individual is booked for or charged with an applicable **APE**. The felony bail amount for the **APE Crime**\*\* is to be added only once regardless of how many **APEs** apply.

Thus proper bail for a felon carrying a stolen loaded firearm would be \$50,000 whether or not the person is booked for the **APE Crime**\*\* under 25840(a), calculated as follows:

\$10,000 (APE under 25850(c)(1) -prior felony conviction,) plus

\$10,000 (APE under 25850(c)(2) -stolen firearm), plus

\$30,000 (One-time felony bail amount for underlying **APE Crime**\*\* under 25850(a), Carrying a loaded firearm.)

**APE Crimes**\*\* most likely to be overlooked in the booking process, and which have not been repealed, include: Subdivisions 1, 2, and 3 of § 25400(a)\*\*, § 25850(a)\*\*, § 27505(a)\*\*, § 27510\*\*, § 27540\*\*, § 27545\*\*, and § 29650\*\*. The bail schedule identifies each of these in a manner similar to that shown for 25850(a) in the examples, below.

Examples:

25850(a)**			1 year	Carrying a Loaded Firearm [X-ref: 12031(a)(1)] ]  <u>[NOTE: This is an <b>APE Crime</b>. Violation of 25850(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (<b>APE</b>) under 25850(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25850(c) apply, bail must be set at the felony amount for 25850(a) plus any additional bail for any applicable APE. See <b>APE</b> for wobbler status.]</u>  <u><b>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25850(a), bail must include the \$30,000 felony bail for the APE Crime 25850(a) whenever an individual is booked for or charged with an applicable APE under 25850(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25850(c) apply.]</b></u>	30,000** (5,000)  <i>[Felony bail only if any APE applies]</i>
25850(c)(1)	P	APE	16–2–3	Carry loaded firearm - prior felony conviction [X-ref: 12031(a)(2)(A)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	10,000
25850(c)(2)	P	APE	16–2–3	Carry loaded firearm - stolen firearm [X-ref: 12031(a)(2)(B)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	10,000
25850(c)(3)	P	APE	16–2–3	Carry loaded firearm - criminal street gang [X-ref: 12031(a)(2)(C)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	20,000
25850(c)(4)	P	APE	16–2–3	Carry loaded firearm - prohibited person [X-ref: 12031(a)(2)(D)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	10,000
25850(c)(5)*	H	APE	16–2–3	Carry a loaded firearm - prior conviction [X-ref: 12031(a)(2)(E)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	0 (5,000)
25850(c)(6)*	H	APE	16–2–3	Carry a loaded firearm - not registered owner [X-ref: 12031(a)(2)(F)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	0 (5,000)

**24. The following selected APE Crimes and their related Alternative Penalty Enhancements are amended accordingly as follows:**

<u>12025(a)**</u>			<u>1 year</u>	<u>Generic Concealed Weapon (Use this section if defendant is booked / charged with APE only under 12025(b). [REPEALED - X-ref: 25400(a)(1)]</u>  <u>[NOTE: This is an APE Crime. Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</u> <u><b>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</b></u>	<u>30,000** (5,000)</u> <u>[Felony bail only if any APE applies]</u>
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12025(a)(1)**			1 year	<p>Concealed Weapon in Vehicle w/o License [REPEALED - X-ref: 25400(a)(1)]</p> <p><b>[NOTE: This is an APE Crime.</b> Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</u></b></p>	30,000** (5,000) [Felony bail only if any APE applies]
12025(a)(2)**			1 year	<p>Concealed Weapon on Person w/o License [REPEALED - X-ref: 25400(a)(2)]</p> <p><b>[NOTE: This is an APE Crime.</b> Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</u></b></p>	30,000** (5,000) [Felony bail only if any APE applies]
12025(a)(3)**			1 year	<p>Causes Concealed Weapon in Vehicle w/o License [REPEALED - X-ref: 25400(a)(3)]</p> <p><b>[NOTE: This is an APE Crime.</b> Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</u></b></p>	30,000** (5,000) [Felony bail only if any APE applies]
12025(b)(1)	H	APE	16-2-3	<p>Conv Felon-Carry Concealed Firearm [REPEALED - X-ref: 25400(c)(1)]</p> <p><b><u>[Note: Book person once for underlying APE Crime - See 12025(a) &amp; Section III of Schedule, above.]</u></b></p>	10,000
12025(b)(2)	H	APE	16-2-3	<p>Carry Concealed Stolen Weapon [REPEALED - X-ref: 25400(c)(2)]</p> <p><b><u>[Note: Book person once for underlying APE Crime - See 12025(a) &amp; Section III of Schedule, above.]</u></b></p>	10,000
12025(b)(3)	P	APE	16-2-3	<p><b>Carry Concealed Weapon: Active Street Gang</b>[REPEALED - X-ref: 25400(c)(3)]</p> <p><b><u>[Note: Book person once for underlying APE Crime - See 12025(a) &amp; Section III of Schedule, above.]</u></b></p>	20,000

12025(b)(4)	P	APE	16-2-3	Carry Concealed Weapon: Prohibited Class/Unlaw <i>[REPEALED - X-ref: 25400(c)(4)]</i> <u>[Note: Book person once for underlying APE Crime - See 12025(a) &amp; Section III of Schedule, above.]</u>	10,000
12025(b)(5)*	H	APE	16-2-3	Carrying a concealed Weapon on Person w/Prior <i>[REPEALED - X-ref: 25400(c)(5)]</i> <u>[Note: Book person once for underlying APE Crime - See 12025(a) &amp; Section III of Schedule, above.]</u>	0 (5,000)
12025(b)(6)*	H	APE	16-2-3	Concealed Firearm-Not Registered Owner <i>[REPEALED - X-ref: 25400(c)(6)]</i> <u>[Note: Book person once for underlying APE Crime - See 12025(a) &amp; Section III of Schedule, above.]</u>	0 (5,000)
12031(a)(1)**			1 year	Carrying Loaded Firearm on Person or in Vehicle <i>[REPEALED - X-ref: 25850(c)(1)]</i> <b>[NOTE: This is an APE Crime.</b> Violation of 12031(a)(1) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12031(a)(2) applies, bail must be set at the misdemeanor amount. If any of the subdivisions (A) thru (F) of 12031(a)(2) apply, bail must be set at the felony amount for 12031(a)(1) plus any additional bail for the applicable subdivision.] See APE for wobbler status. <u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12031(a)(1), bail must include the \$30,000 felony bail for the APE Crime 12031(a)(1) whenever an individual is booked for or charged with an applicable APE under 12031(a)(2). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12031(a)(2) apply. See Bail Schedule Section III]</u>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>
12031(a)(2)(A)	P	APE	16-2-3	Carrying Loaded Firearm - Prior Felony Conviction <i>[REPEALED - X-ref: 25850(c)(1)]</i> <u>[Note: Book person once for underlying APE Crime - See 12031(a)(1) &amp; Section III of Schedule, above.]</u>	10,000
12031(a)(2)(B)	P	APE	16-2-3	Carrying Loaded Firearm - Stolen Firearm <i>[REPEALED - X-ref: 25850(c)(2)]</i> <u>[Note: Book person once for underlying APE Crime - See 12031(a)(1) &amp; Section III of Schedule, above.]</u>	10,000
12031(a)(2)(C)	P	APE	16-2-3	Carrying Loaded Firearm - Active Participant in Criminal Street Gang <i>[REPEALED - X-ref: 25850(c)(3)]</i> <u>[Note: Book person once for underlying APE Crime - See 12031(a)(1) &amp; Section III of Schedule, above.]</u>	20,000
12031(a)(2)(D)	P	APE	16-2-3	Carrying Loaded Firearm- Prohibited Person <i>[REPEALED - X-ref: 25850(c)(5)]</i> <u>[Note: Book person once for underlying APE Crime - See 12031(a)(1) &amp; Section III of Schedule, above.]</u>	10,000
12031(a)(2)(E)*	P	APE	16-2-3	Carrying Loaded Firearm - Prior Conviction of a Narcotics Offense or an Offense Against Person or Property <i>[REPEALED - X-ref: 25850(c)(5)]</i> <u>[Note: Book person once for underlying APE Crime - See 12031(a)(1) &amp; Section III of Schedule, above.]</u>	0 (5,000)
12031(a)(2)(F)*	P	APE	16-2-3	Carrying Loaded Firearm - Not Registered Owner <i>[REPEALED - X-ref: 25850(c)(6)]</i> <u>[Note: Book person once for underlying APE Crime - See 12031(a)(1) &amp; Section III of Schedule, above.]</u>	0 (5,000)

25400(a)**			1 year	<p><u>Generic - Carry Concealed Weapon (Use this section if defendant is booked / charged with APE only under 25400(c).) [X-ref: 12025(a)]</u>  <u>[NOTE: This is an <b>APE Crime</b>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</u>  <u><b>APE Crime Omitted - Persons booked / charged with only an APE:</b> Officers should book the individual for both the <b>APE Crime</b> and any applicable <b>APES</b>. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic <b>APE Crime</b> 25400(a) whenever an individual is booked for or charged with an applicable <b>APE</b> under 25400(c). The \$30,000 for the <b>APE Crime</b> is to be added only once regardless of how many <b>APES</b> under 25400(c) apply. See Bail Schedule Section III]</u></p>	<p>30,000** (5,000)  <i>[Felony bail only if any APE applies]</i></p>
25400(a)(1)**			1 year	<p><u>Carry Concealed Weapon In Vehicle [X-ref: 12025(a)(1)]</u>  <u>[NOTE: This is an <b>APE Crime</b>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</u>  <u><b>APE Crime Omitted - Persons booked / charged with only an APE:</b> Officers should book the individual for both the <b>APE Crime</b> and any applicable <b>APES</b>. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic <b>APE Crime</b> 25400(a) whenever an individual is booked for or charged with an applicable <b>APE</b> under 25400(c). The \$30,000 for the <b>APE Crime</b> is to be added only once regardless of how many <b>APES</b> under 25400(c) apply. See Bail Schedule Section III]</u></p>	<p>30,000** (5,000)  <i>[Felony bail only if any APE applies]</i></p>
25400(a)(2)**			1 year	<p><u>Carry Firearm Capable Of Being Concealed [X-ref: 12025(a)(2)]</u>  <u>[NOTE: This is an <b>APE Crime</b>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</u>  <u><b>APE Crime Omitted - Persons booked / charged with only an APE:</b> Officers should book the individual for both the <b>APE Crime</b> and any applicable <b>APES</b>. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic <b>APE Crime</b> 25400(a) whenever an individual is booked for or charged with an applicable <b>APE</b> under 25400(c). The \$30,000 for the <b>APE Crime</b> is to be added only once regardless of how many <b>APES</b> under 25400(c) apply. See Bail Schedule Section III]</u></p>	<p>30,000** (5,000)  <i>[Felony bail only if any APE applies]</i></p>

25400(a)(3)**			1 year	<p>Occupant Carry Concealable Weapon In Vehicle [X-ref: 12025(a)(3)]  <b>[NOTE: This is an <u>APE Crime</u>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</b></p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic APE Crime 25400(a) whenever an individual is booked for or charged with an applicable APE under 25400(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25400(c) apply. See Bail Schedule Section III]</u></b></p>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>
25400(c)(1)	P	APE	16-2-3	<p>Conv Felon-Carry Concealed Firearm [X-ref: 12025(b)(all)]  <b>[Note: Book person once for underlying APE Crime - See 25400(a) &amp; Section III of Schedule, above.]</b></p>	10,000
25400(c)(2)	P	APE	16-2-3	<p>Carry Concealed Stolen Weapon [X-ref: 12025(b)(all)]  <b>[Note: Book person once for underlying APE Crime - See 25400(a) &amp; Section III of Schedule, above.]</b></p>	10,000
25400(c)(3)	P	APE	16-2-3	<p>Carry Concealed Weapon: Active Street Gang [X-ref: 12025(b)(all)]  <b>[Note: Book person once for underlying APE Crime - See 25400(a) &amp; Section III of Schedule, above.]</b></p>	20,000
25400(c)(4)	P	APE	16-2-3	<p>Carry Concealed Weapon: Prohibited Class/Unlaw [X-ref: 12025(b)(all)]  <b>[Note: Book person once for underlying APE Crime - See 25400(a) &amp; Section III of Schedule, above.]</b></p>	10,000
25400(c)(5)	H	APE	16-2-3	<p>Carrying a concealed Weapon on Person w/Prior [X-ref: 12025(b)(all)]  <b>[Note: Book person once for underlying APE Crime - See 25400(a) &amp; Section III of Schedule, above.]</b></p>	0 (5,000)
25400(c)(6)	H	APE	16-2-3	<p>Concealed Firearm-Not Registered Owner [X-ref: 12025(b)(all)]  <b>[Note: Book person once for underlying APE Crime - See 25400(a) &amp; Section III of Schedule, above.]</b></p>	0 (5,000)
25850(a)**			1 year	<p>Carrying a Loaded Firearm [X-ref: 12031(a)(1)] )]  <b>[NOTE: This is an <u>APE Crime</u>. Violation of 25850(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25850(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25850(c) apply, bail must be set at the felony amount for 25850(a) plus any additional bail for any applicable APE. See APE for wobbler status.]</b></p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25850(a), bail must include the \$30,000 felony bail for the APE Crime 25850(a) whenever an individual is booked for or charged with an applicable APE under 25850(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25850(c) apply. See Bail Schedule Section III]</u></b></p>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>
25850(c)(1)	P	APE	16-2-3	<p>Carry loaded firearm - prior felony conviction [X-ref: 12031(a)(2)(A)]  <b>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</b></p>	10,000
25850(c)(2)	P	APE	16-2-3	<p>Carry loaded firearm - stolen firearm [X-ref: 12031(a)(2)(B)]  <b>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</b></p>	10,000

25850(c)(3)	P	APE	16-2-3	Carry loaded firearm - criminal street gang [X-ref: 12031(a)(2)(C)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	20,000
25850(c)(4)	P	APE	16-2-3	Carry loaded firearm - prohibited person [X-ref: 12031(a)(2)(D)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	10,000
25850(c)(5)*	H	APE	16-2-3	Carry a loaded firearm - prior conviction [X-ref: 12031(a)(2)(E)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	0 (5,000)
25850(c)(6)*	H	APE	16-2-3	Carry a loaded firearm - not registered owner [X-ref: 12031(a)(2)(F)] <u>[Note: Book person once for underlying APE Crime - See 25850(a) &amp; Section III of Schedule, above.]</u>	0 (5,000)
27505(a)**	H		1 year	Sale/transfer of firearm to person under 21 [X-ref: 12072(a)(3)(A)] <u>[NOTE: This is an APE Crime. Violation of 27505 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27505 plus any additional bail for each applicable APE. See APE for wobbler status.</u> <u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27505, bail must include the \$20,000 felony bail for the APE Crime 27505 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section IIII</u>	20,000** (7,500) <i>[Felony bail only if any APE applies]</i>
27510**	H		1 year	Licensed dealer providing hand gun to person under 21 or any firearm to minor- [X-ref: 12072(b)] <u>[NOTE: This is an APE Crime. Violation of 27510 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27510 plus any additional bail for each applicable APE. See APE for wobbler status.</u> <u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27510, bail must include the \$20,000 felony bail for the APE Crime 27510 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section IIII</u>	20,000** (7,500) <i>[Felony bail only if any APE applies]</i>
27540**	H		1 year	Dealer firearm delivery restrictions [X-ref: 12072] <u>[NOTE: This is an APE Crime. Violation of 27540 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27540 plus any additional bail for each applicable APE. See APE for wobbler status.</u> <u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27540, bail must include the \$20,000 felony bail for the APE Crime 27540 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section IIII</u>	20,000** (7,500) <i>[Felony bail only if any APE applies]</i>

27545**	H		1 year	<p>Non-Dealer firearm transaction restrictions [X-ref: 12072]  <b>[NOTE: This is an <u>APE Crime</u>. Violation of 27545 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27545 plus any additional bail for each applicable APE. See APE for wobbler status.</b></p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27545, bail must include the \$20,000 felony bail for the APE Crime 27545 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section III</u></b></p>	20,000** (7,500) <i>[Felony bail only if any APE applies]</i>
27590(b)(2)	H	APE	2-3-4	<p>Gun crime - Specified prior conviction [X-ref: 12072(g)(3)]  <u>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, &amp; Section III of Schedule, above.]</u></p>	20,000
27590(b)(3)	H	APE	2-3-4	<p>Gun crime - Specified prior conviction [X-ref: 12072(g)(3)]  <u>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, &amp; Section III of Schedule, above.]</u></p>	20,000
27590(b)(4)	H	APE	2-3-4	<p>Gun crime - Prohibited class [X-ref: 12072(g)(3)]  <u>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, &amp; Section III of Schedule, above.]</u></p>	20,000
27590(b)(5)	H	APE	2-3-4	<p>Gun crime - Active gang member [X-ref: 12072(g)(3)]  <u>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, &amp; Section III of Schedule, above.]</u></p>	40,000
27590(b)(6)	H	APE	2-3-4	<p>Gun crime - Violate 27510 with knowledge transaction involves minor [X-ref: 12072(g)(3)]  <u>[Note: Book person once for underlying APE Crime - See 27510 &amp; Section III of Schedule, above.]</u></p>	20,000
27590(c)(2)*	H	APE	16-2-3	<p>Violation of 27505 involving handgun to minor  <u>[Note: Book person once for underlying APE Crime - See 27505 &amp; Section III of Schedule, above.]</u></p>	15,000 (7,500)
27590(c)(3)*	H	APE	16-2-3	<p>Violation of 27510 involving of handgun  <u>[Note: Book person once for underlying APE Crime - See 27510 &amp; Section III of Schedule, above.]</u></p>	15,000 (7,500)
27590(c)(4)*	H	APE	16-2-3	<p>Violation of 27540 (a), (c), (d), (e), or (f) involving a handgun  <u>[Note: Book person once for underlying APE Crime - See 27540, &amp; Section III of Schedule, above.]</u></p>	15,000 (7,500)
27590(c)(5)*	H	APE	16-2-3	<p>Violation of 27545 involving of handgun.  <u>[Note: Book person once for underlying APE Crime - See 27545 &amp; Section III of Schedule, above.]</u></p>	15,000 (7,500)

29650**	H		6 months	<p>Possession of ammunition by minor [X-ref: 12101(b)(1)]</p> <p><b>[NOTE: This is an <u>APE Crime</u>. Violation of 29650 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (<b>APE</b>) under 29700 applies, bail must be set at the misdemeanor amount. If any of the <b>APes</b> under 29700 apply, bail must be set at the felony amount (\$10,000) for 29650 plus any additional bail for each applicable APE. See <b>APE</b> for wobbler status.</b></p> <p><b><u>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APes under 29700(a). If the individual is not booked for or charged with 29650, bail must include the \$10,000 felony bail for the APE Crime 29650 whenever an individual is booked for or charged with an applicable APE under 29700(a). The \$10,000 is to be added only once regardless of how many APes under 29700(a) apply. See Bail Schedule Section III]</u></b></p>	10,000** (3,500)
29700(a)(1)*	H	APE	16-2-3	<p>Possession of ammunition by minor -Prior conviction "This chapter" [X-ref: 12101(b)(1)]</p> <p><b><u>[Note: Book person once for underlying APE Crime - See 29650 &amp; Section III of Schedule, above.]</u></b></p>	0 (1,500)
29700(a)(2)*	H	APE	16-2-3	<p>Possession of ammunition by minor -Prior conviction 29905, 32625, or 33410; or crime specified in 16590 [X-ref: 12101(b)(1)]</p> <p><b><u>[Note: Book person once for underlying APE Crime - See 29650 &amp; Section III of Schedule, above.]</u></b></p>	0 (1,500)
29700(a)(3)*	H	APE	16-2-3	<p>Possession of ammunition by minor -Prior conviction 29610 [X-ref: 12101(b)(1)]</p> <p><b><u>[Note: Book person once for underlying APE Crime - See 29650 &amp; Section III of Schedule, above.]</u></b></p>	0 (1,500)