SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

CRIMINAL BAIL SCHEDULE

2016

Adopted July 9, 2014, pursuant to

Penal Code section 1269b(c)

Updated February 2015, by Presiding Judge Marla O. Anderson

Pursuant to Section VIII

Updated April 2016, by Presiding Judge Mark E. Hood

Pursuant to Section VIII

California State Superior Court, County of Monterey

Preamble

The Bail Schedule was expansively revised in 2012. 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. These statutes were also reviewed and bail amounts assessed by the criminal trial court judges. The 2012 Bail Schedule incorporated 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. At the July 9, 2014 Judges' Meeting the Judges adopted the 2014 Bail Schedule without any changes. In February of 2015, the bail schedule was updated by the Presiding Judge to include the statutory changes taken place by Proposition 47.

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

- Specified and established bail for virtually all relevant subsections.
- Included the potential penalty for each listed crime.
- Introduced 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.
- Provided a "DUI Bail Table" for accurate and consistent application of the bail-setting rules for DUI fresh arrests (Appendix G.)
- Distinguished bail for "simple transportation" of drugs under H&S §§11352(a), 11379(a), and 11379.5(a) and presumed 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.

- Modified bail for misdemeanor violations of probation to $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.
- Established bail for all crimes punishable by "Life" at $1,000,000.
- Established bail for all crimes punishable by "Life without parole" at "No Bail."
- Established bail for all attempted "Life" crimes at $500,000.
- Maintained the rules related to attempted crimes but treated attempted 2nd degree robbery like every other attempted strike setting bail at the same amount as the target crime, PC §211(a).
- Established that bail for both PC §220 and 288.3 be set in accordance with the rules governing attempts under 664.
- Added 100 newly renumbered dangerous-weapons code sections cross-referencing their corresponding repealed sections.
- Identified, and established bail for, all denial-of-probation code sections.
- Identified whether or not a felony is punishable in jail pursuant to §1170(h) or is "prison-eligible."
- Maintained the previous convention for identifying strikes, but now identified the statutory strike authority.
- Established authority for the Presiding Judge to make interim modifications to the Schedule as needed.
- Confirmed the Court's Jail OR Pretrial Release Policy Established in 2007

The 2014 Bail Schedule reflects all of the above.

February 15, 2015 Update: Effective Wednesday, February 4, 2015, pursuant to the authority of Section VIII herein, the 2014 Bail Schedule was amended to include Prop. 47 and 1170(h) updates.

April 19, 2016 Update: Effective Tuesday, April 19, 2016, pursuant to the authority of Section VIII herein, the 2014 Bail Schedule was amended to include an interim change to Appendix E, which modifies the Out of County Holds directive as adopted Wednesday, April 13, 2016.

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

In the Matter of	)	
	)	
SETTING A BAIL SCHEDULE	)	**ORDER SETTING BAIL SCHEDULE**
	)	
FOR MONTEREY COUNTY	)	
	)	

Pursuant to Penal Code sections 1269b(c) and 1269b(d), we, the Judges of Superior Court State of California, County of Monterey, hereby approve the use of the attached Monterey County Criminal Bail Schedule as the uniform, county-wide schedule of bail for all bailable offenses.

Date Adopted: July 9, 2014

Hon. Marla O. Anderson Presiding Judge	Hon. Mark E. Hood Assistant Presiding Judge
Hon. Robert A. Burlison	Hon. Pamela L. Butler
Hon. Julie R. Culver	Hon. Larry E. Hayes
Hon. Efren N. Iglesia	Hon. Sam, Jr. Lavorato
Hon. Albert H. Maldonado	Hon. Susan J. Matcham
Hon. Elisabeth K. Mineta	Hon. Carrie M. Panetta
Hon. Timothy P. Roberts	Hon. Russell D. Scott
Hon. Vanessa W. Vallarta	Hon. Lydia M. Villarreal
Hon. Thomas W. Wills	

SIGNATURES ON FILE

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BAIL SCHEDULE INFORMATION

I. INTRODUCTION - Information on the Bail Schedule

The following schedule establishes the presumptive bail to be set pursuant to Penal Code §1269b(c) when an individual is placed in custody in Monterey County without a warrant for a criminal offense.

II. Bail Schedule Inquiries

Questions concerning the application of this bail schedule to any particular arrestee may be made to the Presiding Judge or designee during the work week at (831) 775-5441. Pursuant to PC §§810 and 1269c, the ON-CALL duty judge may be contacted after work hours through the Monterey County Sheriff's Office at (831) 755-3876.

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 **A**lternative **P**enalty **E**nhancement. 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 25850(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)])] [**NOTE**: This is an **APE Crime.** 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.] **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.]	*30,000** (5,000) [Felony bail only if any **APE** applies]*
25850(c)(1)	**P**	APE	**16–2–3**	**Carry loaded firearm - prior felony conviction [X-ref: 12031(a)(2)(A)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**10,000**
25850(c)(2)	**P**	APE	**16–2–3**	**Carry loaded firearm - stolen firearm [X-ref: 12031(a)(2)(B)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**10,000**
25850(c)(3)	**P**	APE	**16–2–3**	**Carry loaded firearm - criminal street gang [X-ref: 12031(a)(2)(C)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**20,000**
25850(c)(4)	**P**	APE	**16–2–3**	**Carry loaded firearm - prohibited person [X-ref: 12031(a)(2)(D)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**10,000**
25850(c)(5)*	H	APE	16–2–3	Carry a loaded firearm - prior conviction [X-ref: 12031(a)(2)(E)] **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	0 (5,000)
25850(c)(6)*	H	APE	16–2–3	Carry a loaded firearm - not registered owner [X-ref: 12031(a)(2)(F)] **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	0 (5,000)

23152(a)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	0** (5,000)
23540(a) (Misdo)		APE	1 Year	23152 - 1 Prior in 10 years	(5,000)
23546(a) (Misdo)		APE	1 Year	23152 - 2 Priors in 10 years	(10,000)
23550(a)*	H	APE	16–2–3	23152 - 3 Priors in 10 years	30,000 (15,000) [Add 50,000 for each prior above 3rd]
23550.5*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction.** **[NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**

IV. Subsection Identification Convention

Unless the specific section charged appears on the bail schedule, the default amount applies (see above.) The bail schedule includes each crime and allegation by its specific subsection. When bail for all subsections of the crime or allegation is the same, the convention occasionally used in the schedule is to list the main section followed by "(all)" signifying that the listed bail amount is to be applied to each subsection.

Example:

1203.06(a)(all)		**AGGF**		**Denial of Probation: Personal Use of Firearm in specified crimes; Armed during commission of a felony, or at time of arrest therefor, with prior specified convictions. [Bail applies to all subsections]**	**30,000**
1203.075(a)(all)		**AGGF**		**Denial of Probation: GBI inflicted during commission of specified crimes. [Bail applies to all subsections]**	**30,000**

V. Strikes - Serious and Violent Offense Identification Convention - Authority

The bail schedule retains the previous convention for identifying serious and violent strikes, highlighting **serious felonies and enhancements with bold black font in a gray-filled row**, and **violent felonies with bold white font in a black-filled row**.

Strike Authority: Additionally, the description of the offense includes a reference to the authority making a specific crime a strike. The strike authority is preceded by the word "Strike." Serious strike authority is denoted in the offense description with an "S" followed by a number or numbers. The "S" refers to §1192.7(c) and the numbers to the relevant subdivisions. Violent strike authority is denoted in the same fashion except the numbers are preceded by a "V" referring to §667.5(c). Juvenile strike authority is denoted by the letter "J" referring to W&I §707(b).

Example:

192.5(b)	**H**		**16 - 2 - 4**	**Vessel manslaughter while intoxicated w/o gross negligence -STRIKE: S- 8**
192.5(e)	**P**	**ENH**	**5 years**	**Vessel "hit and run" after committing a violation of 192.5 (a), (b), or (c)**
205	**P**		**LIFE**	**Aggravated Mayhem (Life) -STRIKE: S- 2, 7, 39; V- 2, 7; J- 24**

[Editor's Note: The Court thanks San Diego Superior Court Judge Gale Kaneshiro whose tremendous work detailing application of the strike laws is extensively incorporated into this schedule. The court is responsible for any errors in translation.]

For ease of reference, PC §§667.5(C), 1192.7(C), 1192.8; W&I §707(B) identifying serious and violent felonies are set forth in full in *Appendix A*.

VI. 1170(h) vs. Prison-Eligible Crimes Identification Convention

In assessing a proper bail, whether a crime is punishable pursuant to 1170(h) or is a prison-eligible crime may be a relevant factor. Toward that aim, the bail schedule identifies in two ways whether a crime is punishable pursuant to 1170(h) or is prison-eligible. Prison eligible crimes are identified by **bold font** and a "**P**" in the "Prison" column. 1170(h) crimes are in standard font with an "H" in the "Prison" column. Where the application of 1170(h) is *unknown* because the law is unclear or other information is needed to determine if the crime is prison-eligible, these crimes appear in *italic font* with "*U*" in the "prison" column.

For reference, the 1170(h) Quick Reference Guide is attached for all crimes including those not in the schedule. (See *Appendix B.*)

VII. Dangerous Weapons Updated

The renumbering of the dangerous weapons code sections is reflected in the bail schedule. For convenience, the corresponding old or new section is identified in the offense description.

VIII. Bail Schedule Subject To Interim Corrections & Modifications by Presiding Judge

The judges of Monterey Superior Court recognize that this bail schedule as adopted may contain typographical errors and inaccuracies; although intended to be comprehensive, important items may have been overlooked. It is essential that the Bail Schedule accurately and thoroughly address important bail issues. As the need arises, the Presiding Judge is authorized to make corrections, modifications, and additions to the Bail Schedule, and shall cause such changes to be published as a supplement to the Bail Schedule in a document entitled "Bail Schedule - Interim Corrections and Modifications by Presiding Judge - Last Updated- [Date.]" Upon publication, such modifications will immediately supersede any inconsistent provision in the Bail Schedule until adoption of a new Bail Schedule.

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.

When a person is booked on two or more crimes, bail shall be set at the amount identified for the crime with the highest bail.

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.

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X. Bail Stacking –Enhancements, Alternate Penalty Enhancements, Aggravating Factors, & Special Allegations

ENHANCEMENT (ENH): **An *Enhancement* is a fact related to a specific charge increasing the possible penalty**. In order to determine the correct bail amount for the charged offense, first determine the bail amount for the charged offense and each enhancement for that offense. Then "stack" (add) the bail amount for the charged offense plus bail amounts for each related enhancement. The totaled amount constitutes the proper bail for that charge.

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.)

AGGRAVATING FACTOR (AGGF): **An *Aggravating Factor,* like an enhancement, is also a fact related to a specific charge but does not affect the possible penalty**. Aggravating factors are to be treated the same as enhancements when calculating bail.

SPECIAL ALLEGATION (SPAL): **A *Special Allegation* is a fact related to the defendant rather than a particular charge; generally SPALs involve the defendant's criminal history such as a prior conviction or prison term and they increase the possible penalty for the case rather than a specific charge**. Occasionally, a SPAL is a specified type of conviction and only applies to a specified type of current crime such as drug or sex offenses enhancing the penalty for that crime. In order to calculate the proper bail amount for special allegations, "stack" (add) the bail amount of each special allegation.

XI. Computing Bail:

In order to compute bail for an individual case, follow these steps:

1. **Compute Bail for Each Charge**: Determine the bail for each charge ("stacking" related ENHs, APEs, and AGGFs.)
    a. Note whether the charge, (or any related ENH or AGGF) is **Violent or Serious**.
2. **Compute Bail for All Special Allegations**: Determine and total the bail for all Special Allegations.
3. **If No Violent or Serious Crimes or Enhancements**: If none of the charged offenses (or their ENHs or AGGFs) is a serious or violent felony,
    a. Select the highest bail among the charged offenses (including their related ENHs, APEs, plus AGGFs),
    b. "Stack" (add) to this figure the total bail for all **SPALs**.
    c. This combined total is the proper bail amount for the case.
4. **If One or More Violent or Serious Crimes or Enhancements**: If any charged offense (or its related ENH or AGGF) is a serious or violent felony,
    a. "Stack" (add) the bail amounts for each **violent or serious** charge (including its related ENHs, APEs, plus AGGFs)

b. "Stack" (add) to this figure the total bail for all **SPALs**.

c. This combined total is the proper bail amount for the case.

XII. Bail for Attempt-Type Crimes - §664/, §220(a)/, and §288.3/

§§664 and 220(a): Except where specified otherwise, bail for attempted crimes under §§664 and 220(a) shall be set at ½ of the bail for the target crime unless the target crime is a serious or violent felony. Bail for attempted strikes shall be the same as bail for the target crime.

§288.3: Bail for §288.3 is treated differently because, although it is to be punished pursuant to the rules for attempting to commit the target crimes, it is often charged generically with no single target crime alleged. Also, if the target crime of an attempt is a strike, the attempt to commit that crime is also a strike. Violation of §288.3 does not require that the target crime be attempted and therefore, its violation does not constitute a strike. While bail for attempted strikes under §§664 and 220(a) stack under the bail rules, bail for §288.3 with a target strike will not stack unless accompanied by an allegation that makes the §288.3 crime a strike.

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 $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 that bail shall be no less than $10,000. Bail for 288.3(a) shall not be stacked even if the target is a strike, unless a stackable enhancement or other allegation applies.

XIII. Bail for Drug Charges Related to Sales and Transportation

Bail for simple transportation of a controlled substance in violation of 11352(a), 11379(a), and 11379.5(a) is $10,000. Furthermore, it is presumed that a fresh arrest is for simple transportation only, and does not involve sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution. Upon fresh arrest for 11352(a), 11379(a), or 11379.5(a), bail shall be set at $10,000 unless the arrest is for more than simple transportation of a controlled substance. Bail shall be set for an aggravated violation of 11352(a), 11379(a), or 11379.5(a) at $40,000 only if the subject is arrested for something other than simple transportation of a controlled substance.

XIV. Court Clerk to Calculate Presumptive Bail Upon Filing of Charging Document

Upon the filing of a felony complaint, information, or indictment, the Superior Court Clerk shall calculate the presumptive bail amount from this bail schedule based on the charges and allegations contained in the charging document.

XV. Bail Amounts at Arraignment in Court

At first appearances and arraignments in court, the judicial officer may exercise discretion to lower or raise bail based on the actual charges, enhancements, special allegations, and aggravating factors filed by the District Attorney, as well as any other relevant factor.

When multiple strikes have been charged, the court should be mindful of 654 issues at and after arraignment. For example, a defendant charged with §664/187(a) (attempted murder) is often also charged alternatively with 245(a) (aggravated assault) for the same act. Effort should be made by the judicial officer to identify alternatively charged strikes and avoid stacking them. Whenever applicable and appropriate in the sound discretion of the District Attorney, the charging document should identify alternatively charged strikes as being charged in the alternative.

Certain enhancements and special allegations present similar issues, such as PC §667(a) and H&S §11370.2 because they may apply to more than one crime (but not all) and be alleged separately for each crime to which they pertain. Effort should be made by the judicial officer to identify and avoid stacking bail for such allegations where §654 clearly applies.

XVI. Deviation from Bail Schedule (§§1269c & 1270.1)

§1269c allows for both law enforcement (by declaration) and defendant (by application) to request deviation from the scheduled bail amount prior to first appearance. Notice is generally not required, except the defendant arrested for a crime listed in §1270.1 must give the prosecution notice. Nothing prevents a magistrate from requiring notice. 71 Ops. Cal. Atty. Gen. 64.

§1269c Declaration Process: If bail is increased prior to the first court appearance pursuant to §1269c and/or §1270.1, the applicant officer completing the §1269c declaration shall cause it to be filed with the court by the next business day by delivery to the court and the District Attorney.

§1270.1 - Violent & Serious Felonies & Domestic Violence: Except as provided in §1270.1(e), at or after a defendant's first appearance, when charged with a serious or violent felony (except §460), or a violation of §136.1(c), §262, §273.5, §422 (felony), §646.9, §243(e)(1), or §273.6 (if violence threatened,) no deviation from the bail schedule amount can be ordered until after a two-court-day written notice and a hearing in open court. (§1270.1(a), (b).)

Escalation: §1270.1(e) permits a "judge or magistrate" to "increase bail" pursuant to §1269c "without a hearing" "for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order," upon application by a "sworn peace officer" by "oral or written declaration … presented under penalty of perjury" "justifying the increase." No notice or hearing is required. By its reference to a "judge or magistrate," §1270.1 appears to refer to all stages of the proceedings. (Cf., §1269c, which limits its application to magistrate per §808.) See

Reduction: In addition to the notice requirement, any reduction below schedule for serious or violent crimes requires a finding of "unusual circumstances" which "does not include the fact that the defendant has made all prior court appearances or has not committed any new offenses." (1275(c).)

Notice, when required, must be compliant with the timeframe for arraigning an individual after fresh arrest per §825 (generally two court days) (§§1269c, 1270.1(b)). At least one case involving §1270.1 charges has held that a bail motion can be brought at the time of first appearance.

(*Dant v. Superior Court* (1998) 61 Cal. App. 4th 380, 390 [notice requirement of §1270.1(b) essentially deemed satisfied].)

When making a request under either §§1269c, 1270.1, or 1275.1, law enforcement shall use a form substantially similar to that attached as *Appendix C.*

XVII. Source of Bail Funds (§1275.1)

A hold on the release of a defendant from custody shall be ordered by a magistrate or judge if a peace officer or prosecutor files a declaration under penalty of perjury setting forth probable cause that the source of bail funds has been feloniously obtained, or if the magistrate or judge has probable cause to so believe. (§1275.1(b).)

In the event that law enforcement has reasonable cause to believe that bail has been or may be obtained by felonious means, an officer may provide the booking officer a copy of a declaration requesting an order pursuant to §1275.1, and seek review by a magistrate utilizing the same procedures established for bail escalation pursuant to §1269c. The defendant shall not be released until the request has been acted upon by a magistrate or judge, or after the passage of twenty-four (24) hours of the submission of the declaration, whichever occurs first. If a judge or magistrate determines the declaration establishes probable cause to believe the tendered funds have been feloniously obtained, he or she shall approve the §1275.1 application, and order the continued detention of the defendant. Thereafter the defendant may not be released except upon the order of a judge after a noticed hearing in court at which the defendant has the burden of proof by a preponderance of the evidence to show the lawfulness of the source of funds tendered. If the judge or magistrate approves the application for a §1275.1 hold, any declaration in support thereof must be filed with the court at the time the complaint is filed, or otherwise provided to the defendant and his attorney within the time requirements of §825. If the §1275.1 application is not acted upon within twenty-four (24) hours, or is denied, the defendant shall be released upon posting of the bail amount set.

When making a request under either §§1269c, 1270.1, or 1275.1, law enforcement shall use a form substantially similar to that attached as *Appendix C.*

XVIII. Inapplicability of Bail Schedule

§1269b(b) requires bail to be set at the bail schedule amount only upon a warrantless arrest. On the other hand, a judicial officer, in his or her sound discretion, may set bail at an amount different than the bail schedule in any individual case, subject to the principles of *People vs. Alberto* (2002) 102 Cal.App.4th 421 and the notice requirements imposed under §1270.1.

Magistrates and judicial officers set bail in a variety of instances, including:

- When issuing an arrest warrant (§815a), or bench warrant (§§978.5-979, 985-986, 1195, 1284; CCP §1993)
- Prior to first appearance in court for an individual arrested without a warrant upon oral or written declaration of a sworn police officer (§§1269c & 1270.1(e) - all crimes) or upon application by the defendant or representative (§§810, 1269c - except crimes listed in §1270.1)
- At or after first appearance in court for an individual arrested without a warrant (§1269b(b),) unless the defendant is charged with a crime listed in 1270.1(a), which requires a two-court-day written notice and hearing (§1270.1(b))

- Following a preliminary hearing at which the defendant has been held to answer (§§875 & 1277; §1289; *People v. Annis* (2005) 127 CA4th 1190)
- After the filing of an information or indictment (§985; *People v. Norman* (1967) 252 Cal. App. 2d 381, 398)
- Upon a showing of good cause or a change in circumstances. (§ 1289; People v *Alberto, supra*, 102 Cal.App.4th at p. 430; *In re Berman* (1930) 105 Cal.App. 270, 271–273.)
- After trial has commenced (§§1129, 1272 [right to bail in misdemeanors only])
- After conviction at trial (§§1166, 1272) [right to bail in misdemeanors only])

When setting bail, the judicial officer may consider the presumptive bail amount established herein, and shall consider the factors in Cal. Const., Art. I, §28(f)(3), and PC §§1269b(e) and 1275, such as the protection of the public, the safety of the alleged victim, the seriousness of the charged crimes, the previous criminal record of the defendant, and the probability the defendant will appear in court. Other factors include the impact of continued detention to the health and welfare of the individual and the medical expense of continued detention to the County. Willful misrepresentation by defendant as to the source of bail may also be considered (§1275.1(i).) Pursuant to Cal. Const., Art. I, §28(f)(3), "public safety and the safety of the victim shall be the primary considerations."

When setting bail, the court presumes the charges to be true (*In re York* (1995) 9 Cal.4th 1133,1148; *In re Application of Horiuchi* (1930) 105 Cal. App. 714, 715.)

XIX. Jail OR Policy Adopted July 14, 2004

The policy approved by the judges on July 14, 2004, regarding the release by the Sheriff of individuals on their own recognizance remains in full force and effect as modified and readopted. (See *Appendix D.*)

XX. Prisoners Released OR with Out-of-County Holds

Whenever the Court orders an individual to be released on his or her own recognizance and the individual has an out-of-county hold, the Sheriff will comply with Directive Order No. 16-13. (See *Appendix E.*)

XXI. Bail Schedule - A Collection of Some Relevant Statutory Authority

For ease of reference, a collection of some statutes relevant to bail schedule has been compiled and attached. (See *Appendix F.*)

XXII. DUI Bail Table

Due to the complexity of the penalty sections for DUI crimes, a table has been prepared to assist in determining the proper bail for an individual arrested for driving under the influence. (*Appendix G.*)

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.

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.

XXIV. Early Release

The Court is committed to ensuring that where appropriate, individuals are granted release on their own recognizance, pursuant to the Court's pre-trial release program. This program allows for an individual to be released on his or her own recognizance at arraignment, after the Monterey County Probation Department has interviewed the individual and made a recommendation regarding release to the arraignment judge.

RDS

MONTEREY COUNTY BAIL SCHEDULE
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
32*	H		16–2–3	Accessory after the Fact to a Felony	10,000 (5,000)	
37(a)	**P**		**Life / Death**	**Treason Against State -STRIKE: S- 7; V- 7**	**No Bail**	
67	**P**		**2–3–4**	**Bribery of State Executive Officer**	**20,000**	
67.5(b)	H		16–2–3	Bribery of State Official or Employee (if Theft or Thing Given or Offered Would Be Grand Theft)	10,000	
68(a)	**P**		**2–3–4**	**State Official Asking for or Receiving a Bribe**	**20,000**	
69*	H		16–2–3	Resisting or Deterring Executive Officer in Performance of His Duty	10,000 (5,000)	
71(a)(1)*	H		16–2–3	Threat to Injure School or Public Employees	10,000 (5,000)	
71(a)(2)	H		16–2–3	Threat to Injure School or Public Employees with Prior	10,000	
72	H		16–2–3	False Claim to Public Board or Officer w/intent to Defraud	10,000	
76(a)(1)*	H		16–2–3	Threatening Life or Threatening Serious Bodily Harm to Government Official	10,000 (5,000)	
76(a)(2)	H		16–2–3	Threatening Life or Threatening Serious Bodily Harm to Government Official with Prior	10,000	
85	**P**		**2–3–4**	**Bribing legislators (state, county, city, school district, special district)**	**20,000**	
86	**P**		**2–3–4**	**Legislators accepting bribe**	**20,000**	
92	**P**		**2–3–4**	**Bribery of Judicial Officer or Juror**	**30,000**	
93(a)	**P**		**2–3–4**	**Bribery- Judges, Jurors, Referees Offering or Accepting a Bribe**	**20,000**	
95	H		16–2–3	Influencing Juror/Referee/Umpire	10,000	
95(a)	H		16–2–3	Influencing Juror/Referee/Umpire- By Oral or Written Communication	10,000	
95(b)	H		16–2–3	Influencing Juror/Referee/Umpire- By Any Book, Paper, or Instrument Exhibited	10,000	
95(c)	H		16–2–3	Influencing Juror/Referee/Umpire- By Any Threat, Intimidation, Persuasion, or Entreaty	10,000	

* Felony/Misdemeanor /"Wobbler" – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as: **Serious** **Violent**

1170(h) = H **Prison-Eligible =** P *Unknown =* *U*

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
95(d)	H		16–2–3	Influencing Juror/Referee/Umpire- By Any Promise or Assurance of Any Pecuniary or Other Advantage	10,000	
95.1*	H		16–2–3	Threatening Juror Following Verdict	100,000 (25,000)	
96	H		16–2–3	Misconduct of Jurors/Referees/Umpires	10,000	
100	**P**		**16–2–3**	**State Printer corruption**	**10,000**	
107*	H		16–2–3	Escape of Felon Prisoner from Training School/County Hospital	50,000 (20,000)	
109	H		16–2–3	Assisting Escape of Inmate from Training School/Reformatory, etc.	50,000	
110	**P**		**16–2–3**	**Supplying anything to aid escape from reformatory**	**10,000**	
113	H		5 years	False Documents - Selling, Distributing, Manufacturing to Conceal True Citizenship	40,000	
114	H		5 years	Using False Documents to Conceal True Citizenship	40,000	
115(a)	**P**		**16–2–3**	**Offering Forged/False Documents for Filing**	**10,000**	
115.5(b)	**P**		**16–2–3**	**False sworn statement to notary public re document affecting real property**	**10,000**	
116	**P**		**16–2–3**	**Adding or extracting names from, or destroying, jury box**	**10,000**	
117	**P**		**16–2–3**	**Certifying false jury list**	**10,000**	
118	H		2–3–4	Perjury	20,000	
118a	H		2–3–4	Perjury by False Document	20,000	
118.1*	**P**		**1–2–3**	**Peace Officer Filing a False Report**	**10,000 (5,000)**	
127	H		2–3–4	Subornation of Perjury	30,000	
128	**P**		**Life / Death**	**Perjury Resulting in Execution of Innocent Person -STRIKE: S- 7; V- 7**	**No Bail**	
132	**P**		**16–2–3**	**Offering forged, altered, or antedated document as genuine**	**10,000**	
134	**P**		**16–2–3**	**Preparing false document as evidence**	**10,000**	
136.1(a)*	**P**		**16–2–3**	**Maliciously Dissuade Witness or Victim from Testimony -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(a)(1)*	**P**		**16–2–3**	**Maliciously Dissuade Witness or Victim from Testimony -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(a)(2)*	**P**		**16–2–3**	**Malicious Attempt to Dissuade Witness or Victim from Testimony -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(b)*	**P**		**16–2–3**	**Dissuade Witness to or Victim of Crime from Making Report -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(b)(1)*	**P**		**16–2–3**	**Dissuade Witness to or Victim of Crime from Making Report -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(b)(2)*	**P**		**16–2–3**	**Dissuade Witness to or Victim of Crime from Causing Prosecution -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(b)(3)*	**P**		**16–2–3**	**Dissuade Witness to or Victim of Crime from Causing Arrest -STRIKE: S- 37; J- 19**	**15,000 (7,500)**	
136.1(c)	**P**		**2–3–4**	**Threatening force or Violence during commission of 136.1 -STRIKE: S- 37; J- 19**	**30,000**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
136.1(c)(1)	**P**		**2–3–4**	**Threatening force or Violence during commission of 136.1 -STRIKE: S- 37; J- 19**	**30,000**	
136.1(c)(2)	**P**		**2–3–4**	**136.1 is Act in furtherance of Conspiracy -STRIKE: S- 37; J- 19**	**30,000**	
136.1(c)(3)	**P**		**2–3–4**	**Having Had a Prior conviction of 136.1 -STRIKE: S- 37; J- 19**	**30,000**	
136.1(c)(4)	**P**		**2–3–4**	**136.1 for Pecuniary Gain -STRIKE: S- 37; J- 19**	**30,000**	
136.1(d)	**P**		**2–3–4**	**Attempted 136.1 -STRIKE: S- 37, 39; J- 19**	**30,000**	
136.2(d)(3)*	**P**		**16–2–3**	**Own, possess, purchase or receive, or attempt to purchase or receive a firearm while 136.2 protective order is in effect**	**30,000 (15,000)**	
136.5*	**P**		**16–2–3**	**Possess Deadly Weapon with Intent to Dissuade Witness from Testimony**	**20,000 (10,000)**	
137(a)	**P**		**16–2–3**	**Inducing False Testimony by Bribing Witness**	**10,000**	
137(b)	H		2–3–4	Inducing False Testimony Through Use of Force or Threat	30,000	
138(a)	**P**		**16–2–3**	**Attempting to Bribe Witness**	**10,000**	
138(b)	**P**		**16–2–3**	**Witness Agreeing to Accept Bribe**	**10,000**	
139(a)*	H		2–3–4	Threatening Witness to or Victim of Crime	30,000 (15,000)	
140(a)*	H		2–3–4	Use of Force or Threat of Force or Violence to Witness or Victim Because of Assistance in Prosecution	30,000 (15,000)	
141(b)	**P**		**2–3–5**	**Peace Officer Filing False Evidence**	**40,000**	
142(a)*	H		16–2–3	Officer Refusing to Receive or Make Arrest	10,000 (5,000)	
146a(b)*	H		16–2–3	Impersonating an Officer of the Law	10,000 (5,000)	
146a(b)(1)*	H		16–2–3	Impersonating an Officer of the Law- Arrest, Detention	10,000 (5,000)	
146a(b)(2)*	H		16–2–3	Impersonating an Officer of the Law- Intimidate	10,000 (5,000)	
146a(b)(3)*	H		16–2–3	Impersonating an Officer of the Law- Search	10,000 (5,000)	
146a(b)(4)*	H		16–2–3	Impersonating an Officer of the Law- Obtain Money or Prperty	10,000 (5,000)	
146e(b)	H		16–2–3	Disclosure of Address/Phone Number of Peace Office or Family Member Resulting in Bodily Injury to These Persons	10,000	
148(a) (Misdo)			1 year	Resisting or Obstructing Peace Officer, EMT	(5,000)	
148(a)(1) (Misdo)			1 year	Resisting or Obstructing Peace Officer, EMT	(5,000)	
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)	
148(c)	H		16–2–3	Removal of Officer's Firearm While Resisting Arrest	20,000	
148(d)*	H		16–2–3	Removal of Officer's Firearm with Intent to Permanently Deprive	20,000 (7,500)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
148.1*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(a)*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(b)*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(c)*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(d)*	H		16–2–3	Planting false bomb or other explosive	20,000 (7,500)	
148.3(b)	H		16–2–3	False Report of Emergency Resulting in Death/GBI	25,000	
148.4(b)	H		16–2–3	Tamper w/Fire Alarm Resulting in Death/GBI	25,000	
148.4(b)(1)	H		16–2–3	Tamper w/Fire Alarm Resulting in GBI	25,000	
148.4(b)(2)	H		16–2–3	Tamper w/Fire Alarm Resulting in Death	25,000	
148.10(a)*	**H**		**2–3–4**	**Resisting Officer and Causing Death or Serious Bodily Injury -STRIKE: S- 8**	**30,000 (15,000)**	
149*	H		16–2–3	Assault by Police	10,000 (5,000)	
151(a)(2)	**P**		**16–2–3**	**Advocating Injury/Death of Peace Officer Resulting in Injury/Death**	**25,000**	
154(b)	**P**		**16–2–3**	**Defrauding creditors by selling or concealing property > $250**	**10,000**	
155(b)	**P**		**16–2–3**	**Defrauding judgment debtor by selling or concealing property > $250**	**10,000**	
155.5(b)	**P**		**16–2–3**	**Disposing property by convicted felon to avoid making restitution**	**10,000**	
165	**P**		**2–3–4**	**Bribery of Councilman, Supervisor, etc.**	**20,000**	
166(a) (Misdo)			6 Months	Violation of Court/Protective Order	(5,000)	
166(a)(1) (Misdo)			6 Months	Direct contempt before court	(5,000)	
166(a)(2) (Misdo)			6 Months	Direct contempt before referee	(5,000)	
166(a)(3) (Misdo)			6 Months	Breach of peace in court	(5,000)	
166(a)(4) (Misdo)			6 Months	Disobey written process of court	(5,000)	
166(a)(5) (Misdo)			6 Months	Resist lawful court order or process	(5,000)	
166(a)(6) (Misdo)			6 Months	Juror violate juror admonition	(5,000)	
166(a)(7) (Misdo)			6 Months	Witness "contumacious" refusal to be sworn or testify	(5,000)	
166(a)(8) (Misdo)			6 Months	Publish grossly inaccurate report of court proceedings	(5,000)	
166(a)(9) (Misdo)			6 Months	Unlawful attempt by any communication to influence sentencing court	(5,000)	
166(a)(10) (Misdo)			6 Months	Violation of street-gang injunction	(5,000)	
166(b)(1) (Misdo)			1 year	Contact Victim After 646.9 Conviction	(10,000)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
166(c)(1) (Misdo)			1 year	Violate CPO or Condition of Probation- "Stay Away" or "No Contact" order	(10,000)	
166(c)(4)*	**P**		**16–2–3**	**Violation of Court/Protective Order (2nd Conviction w/in 7 Years and "Act of Violence")**	**40,000 (15,000)**	
166(d)(1)*	**P**		**16–2–3**	**Own or Possess or Acquire a Firearm in Violation of Protective Order [Penalty under 29825(b)]**	**50,000 (15,000)**	
171b(a)*	**P**		**16–2–3**	**Bringing Firearm, Knife, or Deadly Weapon into State or Local Public Building**	**15,000 (7,500)**	
171b(a)(1)*	**P**		**16–2–3**	**Bringing Firearm into State or Local Public Building**	**15,000 (7,500)**	
171b(a)(2)*	**P**		**16–2–3**	**Bringing Deadly Weapon into State or Local Public Building**	**15,000 (7,500)**	
171b(a)(3)*	**P**		**16–2–3**	**Bringing Knife into State or Local Public Building**	**15,000 (7,500)**	
171b(a)(4)*	**P**		**16–2–3**	**Bringing Tear Gas into State or Local Public Building**	**15,000 (7,500)**	
171b(a)(5)*	**P**		**16–2–3**	**Bringing Taser or Stun Gun into State or Local Public Building**	**15,000 (7,500)**	
171b(a)(6)*	**P**		**16–2–3**	**Bringing BB or Paint Gun into State or Local Public Building**	**15,000 (7,500)**	
181	H		2–3–4	Involuntary Servitude or Sale of Person	20,000	
182(a)*			16–2–3	Conspiracy to Commit Misdemeanor	10,000 (5,000)	
182(a) (Felony Target)	*U*		*Per Target*	*Conspiracy to Commit Felony or Wobbler* *[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.]*	*Same as Target Felony (but no less than 10,000)* *[See Note]*	
182(a) (Life or Death Crime)	**P**		**Per Target**	**Conspiracy to Commit Life or Death Crime -STRIKE: S- 7, 42; V- 7**	**Same as Target Offense**	
182(a) (Murder)	**P**		**25 to Life**	**Conspiracy to Commit Any Murder -STRIKE: S- 7, 42; V- 1, 7**	**1,000,000**	
182(a) (Strike)	**P**		**Per Target**	**Conspiracy to Commit Serious Felony -STRIKE: S- 42**	**Same as Target Offense**	
182.5	**U**		**Per Target**	**Criminal Street Gang Conspiracy *to Commit Felony or Wobbler* -STRIKE: S-28, 42** ***[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.]***	**Same as Target Offense (but no less than *10,000*** ***[See Note]***	
186.10(a)	H		16–2–3	Money Laundering	10,000	
186.10(c)(1)(A)	H	ENH	1 year	$50,000 < Transaction < $150,000	10,000	
186.10(c)(1)(B)	H	ENH	2 years	$150,000 < Transaction < $1 Million	100,000	
186.10(c)(1)(C)	H	ENH	3 years	$1 Million < Transaction < $2.5 Million	250,000	
186.10(c)(1)(D)	H	ENH	4 years	Transaction > $2.5 Million	250,000	
186.11(a)(2)	**P**	**ENH**	**2– 3–5**	**Taking > $500,000**	**100,000**	

MONTEREY COUNTY BAIL SCHEDULE
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
186.11(a)(3)	**P**	**ENH**	**1 or 2 years**	**$50,000 < Taking < $500,000 (per 12022.6(a)(1)** *over $65,000 [1 year];* **per 12022.6(a)(1)** *over $200,000 [2 year]*)	**20,000**	
186.22(a)*	**P**		**16–2–3**	**Participation in Criminal Street Gang Activity -STRIKE: S- 28**	**30,000 (15,000)**	
186.22(b)	**P**	**ENH**	**2–3–4**	**Gang Enhancement - Generic - Select a specific subdivision. If this section is used, bail shall be set at the lesser of the possible amounts for the subsections. -STRIKE: S- 28**	**40,000**	
186.22(b)(1)	**P**	**ENH**	**2–3–4**	**Gang Enhancement - Generic - Select a specific subdivision. If this section is used, bail shall be set at the lesser of the possible amounts for the subsections. -STRIKE: S- 28**	**40,000**	
186.22(b)(1)(A)	**P**	**ENH**	**2–3–4**	**Committing Felony While Violating Provisions Against Participating in Criminal Street Gang - STRIKE: S- 28**	**40,000**	
186.22(b)(1)(B)	**P**	**ENH**	**5 years**	**Committing Serious Felony, as Defined in PC§1192.7(c), While Violating Provisions Against Participating in Criminal Street Gang -STRIKE: S- 28,** ***(See underlying felony)***	**50,000**	
186.22(b)(1)(C)	**P**	**ENH**	**10 years**	**Committing Violent Felony, as Defined in PC§667.5(c), While Violating Provisions Against Participating in Criminal Street Gang -STRIKE: S- 28,** ***(See underlying felony)*****; V-** ***(See underlying felony)***	**200,000**	
186.22(b)(2)	**P**	**AGGF**	**AGGF**	**186.22(a) Committed within 1000 Feet of School**	**25,000**	
186.22(b)(4)(A)	**P**	**ENH**	**Life**	**Gang Enhancement for Specified Crimes- Life with minimum [213, 215, 246 or 12022.55 519, 136.1] -STRIKE: S- 7, 27, 28, 33, 37; V- 7, 9; J- 3, 21, 25**	**1,000,000**	
186.22(b)(4)(B)	**P**	**ENH**	**15 to Life**	**Gang Enhancement for Specified Crimes [213, 215, 246 or 12022.55 (15 year minimum); -STRIKE: S- 7, 19, 27, 28, 33; V- 7, 8, 9; J- 3, 18, 21**	**1,000,000**	
186.22(b)(4)(C)	**P**	**ENH**	**7 to Life**	**Gang Enhancement for Specified Crimes 519, 136.1 (7 year minimum) -STRIKE: S- 7, 28, 37; V- 7, 19, 20; J- 19, 21**	**1,000,000**	
186.22(b)(5)	**P**	**ENH**	**15 to Life**	**Gang Conviction for Life Crime -STRIKE: S- 7, 28; V- 7; J- 21**	**1,000,000**	
186.22(d)*	**P**	**APE**	**1–2–3**	**Provides alternate sentencing treatment of charged Misdemeanor - [Elevated misdemeanor is not strike. (People v. Ulloa (2009) 175 Cal. App. 4th 405.)]**	**15,000 (5,000)**	
186.22(d)*	**P**	**APE**	**1–2–3**	**Provides alternate sentencing treatment of charged Felony -STRIKE: S- 28**	**15,000 (5,000)**	
186.26(a)	**P**		**16–2–3**	**Soliciting or Recruiting Person to Participate in Criminal Street Gang**	**20,000**	
186.26(b)	**P**		**2–3–4**	**Use of Threats of Physical Violence on Two or More Occasions w/in 30 Day Period to Coerce, Induce, or Solicit Another Person to Participate in Criminal Street Gang**	**30,000**	
186.26(c)	**P**		**3–4–5**	**Use of Physical Violence to Coerce, Induce or Solicit Another Person to Participate in Criminal Street Gang or to Prevent Person from Leaving Gang**	**40,000**	
186.26(d)	**P**	**ENH**	**3 years**	**Soliciting, Recruiting, Coercing, or Threatening Minor to Participate in Criminal Street Gang Activity in Violation of PC§186.26(a), (b), or (c)**	**50,000**	
186.28(a)*	H		16–2–3	Supplying or Selling of Firearm for Use in Commission of Felony by Criminal Street Gang Member	30,000 (15,000)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
186.33(b)(1)	P	ENH	16–2–3	Failure to Register by Defendant Subsequently Convicted of Gang-Related Crime	10,000	
187 [2nd]	P		15 to Life	Second Degree Murder - Penalty -STRIKE: S- 1, 7; V- 1, 7; J- 1	1,000,000	
187 [1st]	P		25 to Life	First Degree Murder -Premeditated and Deliberate -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
187 [Sp Circ]	P		Life / Death	Murder - w/Special Circumstance -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
187(a) [2nd]	P		15 to Life	Second Degree Murder - Penalty -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
187(a) [1st]	P		25 to Life	First Degree Murder -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
187(a) [Sp Circ]	P		Life / Death	Murder - w/Special Circumstance -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
189	P		25 to Life	First Degree Murder - Defined -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(a) [1st]	P		25 to Life	First Degree Murder - Penalty -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(a) [2nd]	P		15 to Life	Second Degree Murder - Penalty -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(b)	P		25 to Life	Second Degree Murder of Peace Officer -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(c)	P		Life w/o Parole	Second Degree Murder of Peace Officer under specified conditions. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(1)	P		Life w/o Parole	Second Degree Murder of Peace Officer Intent to Kill. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(2)	P		Life w/o Parole	Second Degree Murder of Peace Officer - Intent to Inflict GBI. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(3)	P		Life w/o Parole	Second Degree Murder of Peace Officer - Used Deadly Weapon . -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(4)	P		Life w/o Parole	Second Degree Murder of Peace Officer - Used Firearm. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(d)	P		20 to Life	Second Degree Murder by Drive-by Shooting -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
191.5(a)	P		4–6–10	Gross Vehicular Manslaughter while Intoxicated [Punish: §191.5(c)(1)] -STRIKE: S- 8, 23	200,000	
191.5(b)*	H		16–2–4	"Ordinary" Vehicular manslaughter while intoxicated without gross negligence [Punish: §191.5(c)(2)] -STRIKE: S- 8	50,000 (25,000)	
191.5(c)(1)	P		4–6–10	Penalty for 191.5(a) Gross Vehicular Manslaughter While Intoxicated unless 191.5(d) applies -STRIKE: S- 8, 23	200,000	
191.5(c)(2)*	H		16–2–4	Penalty for 191.5(b) "Ordinary" Vehicular Manslaughter While Intoxicated. -STRIKE: S- 8	50,000 (25,000)	
191.5(d)	P	APE	15 to Life	Penalty Gross Vehicular Manslaughter while Intoxicated (191.5(a)) with specified Prior Convictions -STRIKE: S- 7; V- 7	1,000,000	
192(a)	P		3–6–11	Manslaughter - Voluntary [Punish: §193(a)] -STRIKE: S- 1; V- 1; J- 30	200,000	

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192(b)	H		**2–3–4**	**Manslaughter - Involuntary - [Punish: §193(b) -1170(h)] -STRIKE: S- 8**	**50,000**	
192(c)(1)*	**P**		**2–4–6**	**Gross Vehicular Manslaughter [Punish: §193(c)(1)] -STRIKE: S- 8, 23**	**50,000 (25,000)**	
192(c)(2) (Misdo)			1 Year	"Ordinary" Vehicular Manslaughter - Driving Vehicle w/o Gross Negligence [Punish: §193(c)(2)]	(10,000)	
192(c)(3)*	**P**		**4–6–10**	**Vehicular Manslaughter During Violation of PC 550 (Insurance Fraud) [Punish: §193(c)(3)] - STRIKE: S- 8, 23**	**200,000 (50,000)**	
192.5(a)	**P**		**4–6–10**	**Gross Vessel Manslaughter While Intoxicated [Punish: §193.5(a)] -STRIKE: S- 8, 23**	**200,000**	
192.5(b)*	**H**		**16–2–4**	**"Ordinary" Vessel Manslaughter While Intoxicated w/o Gross Negligence [Punish: §193.5(b) -1170(h)] -STRIKE: S- 8, 23**	**50,000 (25,000)**	
192.5(c)*	**P**		**2–4–6**	**Gross Vessel Manslaughter Without Intoxication [Punish: §193.5(c)] -STRIKE: S- 8, 23**	**50,000 (25,000)**	
192.5(d)			1 year	"Ordinary" Vessel Manslaughter Without Intoxication [Punish: §193(d)]	(10,000)	
192.5(e)	**P**	**ENH**	**5 years**	**Vessel "hit and run" after committing a violation of §§192.5 (a), (b), or (c)**	**50,000**	
203	**P**		**2–4–8**	**Mayhem -STRIKE: S- 2; V- 2**	**100,000**	
205	**P**		**LIFE**	**Aggravated Mayhem (Life) -STRIKE: S- 2, 7, 39; V- 2, 7; J- 24**	**1,000,000**	
206	**P**		**LIFE**	**Torture -STRIKE: S- 7, 39; V- 7; J- 23**	**1,000,000**	
207(a)	**P**		**3–5–8**	**Kidnapping -STRIKE: S- 20; V- 14**	**100,000**	
207(b)	**P**		**5–8–11**	**Entice or hire, etc., Victim under 14 for 288 purpose -STRIKE: S- 20; V- 14**	**350,000**	
207(c)	**P**		**3–5–8**	**Kidnapping (Take out of State) -STRIKE: S- 20; V- 14**	**100,000**	
207(d)	**P**		**3–5–8**	**Kidnapping by force or fraud out-of-state and bringing person into CA -STRIKE: S- 20; V- 14**	**100,000**	
208(b)	**P**		**5–8–11**	**Kidnap Victim under 14 -STRIKE: S- 20; V- 14**	**200,000**	
209(a)	**P**		**Life w/o Parole**	**Kidnapping for Ransom or Extortion [Life if no bodily harm] -STRIKE: S- 7, 20, 39; V- 7, 14; J- 9**	**No Bail**	
209(b)	**P**		**Life**	**Kidnapping for Robbery or Specified Sex Crime, -STRIKE: S- 7, 20, 39; V- 7, 14; J- 9**	**1,000,000**	
209(b)(1)	**P**		**Life**	**Kidnapping for Robbery or Specified Sex Crime -STRIKE: S- 7, 20, 39; V- 7, 14; J- 9**	**1,000,000**	
209.5	**P**		**Life**	**Kidnapping During a Car jacking -STRIKE: S- 7, 20; V- 7, 14; J- 27**	**1,000,000**	
209.5(a)	**P**		**Life**	**Kidnapping During a Car jacking -STRIKE: S- 7, 20; V- 7, 14; J- 27**	**1,000,000**	
210	**P**		**2–3–4**	**Posing as kidnapper to extort**	**20,000**	
210.5	H		3–5–8	False Imprisonment to Evade Arrest	100,000	
211	**P**		**2–3–5**	**Robbery 2nd Degree (per 213(a)(2)) -STRIKE: S- 19; V- 9; J- 3**	**40,000**	
212.5(a)	**P**		**3–4–6**	**Robbery 1st Degree (per 213(a)(1)(B)) -STRIKE: S- 19; V- 9; J- 3**	**75,000**	
212.5(b)	**P**		**3–4–6**	**Robbery first degree (ATM) -STRIKE: S- 19; V- 9; J- 3**	**75,000**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
213(a)(1)(A)	**P**		**3–6–9**	**Robbery of Inhabited Dwelling in Concert with 2 or More Persons -STRIKE: S- 19; V- 9; J- 3**	**100,000**	
213(b)	**P**		**16–2–3**	**Attempted second degree robbery -STRIKE: S- 19, 39**	**40,000**	
214	**P**		**16–2–3**	**Train robbery -STRIKE: S- 19; V- 9**	**75,000**	
215	**P**		**3–5–9**	**Car jacking -STRIKE: S- 27; V- 17**	**100,000**	
215(a)	**P**		**3–5–9**	**Car jacking -STRIKE: S- 27; V- 17**	**100,000**	
217.1(a)	H		16–2–3	Assault on Government Official	10,000	
217.1(b)	**P**		**15 to Life**	**Attempted Murder of Government Official -STRIKE: S- 7, 9; V- 7; J- 12**	**1,000,000**	
218	**P**		**Life w/o Parole**	**Derailing or Wrecking of a Train -STRIKE: S- 7; V- 7**	**No Bail**	
218.1*	H		2–3–4	Places obstruction on or near RR tracks resulting in train damage or derailment or injury to passenger or RR employee	100,000 (25,000)	
219	**P**		**Death or LWOP**	**Intentional Trainwrecking (Life with parole if no death caused) -STRIKE: S- 7; V- 7**	**No Bail**	
219.1	H		2–4–6	Intentional Throwing of Rocks or Missiles at Common Carrier With Bodily Injury	50,000	
219.2*	**P**		**16–2–3**	**Throwing Missile or Shooting at Train or Other Conveyance**	**10,000 (5,000)**	
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** **[Note: Bail is the greater of either 1. Bail for attempt to commit the target offense or, 2. $100,000. If no single target crime is specified, bail is $100,000.]**	**Same rules as §664(a) but no less than 100,000 [See Note]**	
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** **[Note: Bail is the greater of either 1. Bail for attempt to commit the target offense or, 2. $200,000. If no single target crime is specified, bail is $200,000.]**	**Same rules as §664(a) but no less than 200,000 [See Note]**	
220(b)	**P**		**Life**	**Residential burglary + Assault w/itc rape, sodomy, oral copulation or any violation of 264.1, 288, or 289 -STRIKE: S- 7, 10, 18, 29, 39; V- 7, 15**	**1,000,000**	
222	**P**		**16–2–3**	**Administering Drugs to Aid Felony**	**10,000**	
236**	H		16–2–3	False Imprisonment [APE: False imprisonment by force or fear. The felony is not a wobbler.] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless the false imprisonment was accomplished by force or violence. Upon fresh arrest, if the APE applies, bail must be set at the felony amount.]	10,000** (5,000) *[Felony bail only if **APE** applies]*	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
236.1(a)	**P**		**3–4–5**	**False Imprisonment - Human Trafficking- Intent to effect or maintain a felony violation of Section 266, 266h, 266i, 267, 311.4, or 518, or to obtain forced labor or services**	**40,000**	
236.1(c)	**P**		**4–6–8**	**False Imprisonment - Human Trafficking - Under 18**	**100,000**	
237(a)	H		16–2–3	False Imprisonment by Violence/Menace/Fraud/Deceit	20,000	
237(b)	H		2–3–4	False Imprisonment of Elder or Dependent Adult by Violence/Menace/Fraud/Deceit	30,000	
241(a) (Misdo)			6 Months	Simple Assault- Punishment	(3,500)	
241(b) (Misdo)			6 Months	Assault on a Parking Control Officer	(5,000)	
241(c) (Misdo)			1 Year	Assault on a Peace Officer or Emergency Personnel	(5,000)	
241.1*	H		16–2–3	Assault on a Custodial Officer	10,000 (5,000)	
243(c)(1)*	H		16–2–3	Battery on a Emergency Personnel, Non Sworn Officer, Custodial Officer, etc	10,000 (7,500)	
243(c)(2)*	H		16–2–3	Battery on a Sworn Peace Officer	10,000 (7,500)	
243(d)*	**H**		**2–3–4**	**Battery with Serious Bodily Injury -STRIKE: S- 8**	**20,000 (10,000)**	
243(e)(1) (Misdo)			1 year	Battery on a Spouse or Cohabitant	(5,000)	
243.1	H		16–2–3	Battery on a Custodial Officer	10,000	
243.3*	**P**		**16–2–3**	**Battery on a public transit employee or passenger causing injury**	**10,000 (5,000)**	
243.4(a)*	**P**		**2–3–4**	**Sexual Battery**	**30,000 (10,000)**	
243.4(b)*	**P**		**2–3–4**	**Sexual Battery**	**30,000 (10,000)**	
243.4(c)*	**P**		**2–3–4**	**Sexual Battery**	**30,000 (10,000)**	
243.4(d)*	**P**		**2–3–4**	**Sexual Battery**	**30,000 (10,000)**	
243.4(e)(1) (Misdo)			1 year	Sexual Battery	(7,500)	
243.4(j)	**P**		**2–3–4**	**Sexual Battery on minor**	**30,000**	
243.7*	**P**		**16–2–3**	**Battery against juror or alternate juror by a party**	**50,000 (25,000)**	
243.9(a)*	**P**		**2–3–4**	**Battery committed by gassing in a local detention facility upon a peace officer or employee**	**20,000 (10,000)**	
244	**P**		**2–3–4**	**Assault with Chemicals -STRIKE: S- 30**	**30,000**	
244.5(b)*	H		16–2–3	Assault with Stun Gun or Less Lethal Weapon	10,000 (5,000)	
244.5(c)*	**H**		**2–3–4**	**Assault with Stun Gun or Less Lethal Weapon on Police/Fireman -STRIKE: S- 11, 23**	**30,000 (10,000)**	
245(a)(1)*	**P**		**2–3–4**	**Assault w/Deadly Weapon -STRIKE: S- 31; J- 14**	**30,000 (10,000)**	
245(a)(2)*	**P**		**2–3–4**	**Assault with a Firearm -STRIKE: S- 31; J- 13, 14**	**50,000 (15,000)**	
245(a)(3)	**P**		**4–8–12**	**Assault with Machine Gun or Assault Weapon -STRIKE: S- 31; J- 13, 14**	**200,000**	

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245(a)(4)*	**P**		**2–3–4**	**Assault w/ Force Likely to Cause GBI**	**30,000 (10,000)**	
245(b)	**P**		**3–6–9**	**Assault with Semi-Auto Weapon -STRIKE: S- 31; J- 13, 14**	**100,000**	
245(c)	**P**		**3–4–5**	**Assault w/Deadly Weapon or Force Likely to Produce GBI upon a Peace Officer or Fireman - STRIKE: S- 11, 31; J- 14**	**50,000**	
245(d)(1)	**P**		**4–6–8**	**Assault with a Firearm upon a Peace Officer or Fireman -STRIKE: S- 11, 31; J- 13, 14**	**100,000**	
245(d)(2)	**P**		**5–7–9**	**Assault with a Semi-Auto Rifle upon a Peace Officer or Fireman -STRIKE: S- 11, 31; J- 13, 14**	**100,000**	
245(d)(3)	**P**		**6–9–12**	**Assault w/Machine Gun or Assault Weapon on Peace Officer/Firefighter -STRIKE: S- 11, 31; J- 13, 14**	**200,000**	
245.2	**P**		**3–4–5**	**Assault w/Deadly Weapon upon Transportation Worker or Passenger -STRIKE: S- 32; J- 14**	**40,000**	
245.3	**P**		**3–4–5**	**Assault w/Deadly Weapon upon Custodial Officer -STRIKE: S- 32; J- 14**	**50,000**	
245.5(a)*	**P**		**3–4–5**	**Assault w/Deadly Weapon upon School Employee -STRIKE: S- 32; J- 14**	**40,000 (15,000)**	
245.5(b)*	**P**		**4–6–8**	**Assault w/Firearm upon School Employee -STRIKE: S- 32; J- 13, 14**	**100,000 (25,000)**	
245.5(c)*	**P**		**2–3–4**	**Assault w/ Taser or Stun Gun upon School Employee**	**30,000 (15,000)**	
245.6(d)*	**H**		**3–5–7**	**Hazing Causing Death or SBI -STRIKE: S- 8**	**100,000 (25,000)**	
246*	**P**		**3–5–7**	**Shooting at Inhabited Dwelling, Building, Occupied Motor Vehicle -STRIKE: S- 33; J- 15**	**100,000 (25,000)**	
246.3(a)*	**H**		**16–2–3**	**Discharge of Firearm in Grossly Negligent Manner -STRIKE: S- 8**	**15,000 (7,500)**	
247(a)	**P**		**16–2–3**	**Discharging Firearm at Unoccupied Aircraft -STRIKE: S- 8**	**15,000**	
247(b)*	**P**		**16–2–3**	**Discharging Firearm at Unoccupied Vehicle or Uninhabited Dwelling House or Uninhabited Building: - STRIKE: S- 8**	**40,000**	
261(a)(1)	**P**		**3–6–8**	**Rape of Incompetent Victim -STRIKE: S- 3**	**100,000**	
261(a)(2)	**P**		**3–6–8**	**Rape of Victim by Force, Violence, Duress, Menace, or Fear of Bodily Injury -STRIKE: S- 3; V- 3; J- 4 [NOTE: PC 292 crime.]**	**100,000**	
261(a)(3)	**P**		**3–6–8**	**Rape of Victim Overcome by Intoxicant -STRIKE: S- 3**	**100,000**	
261(a)(4)	**P**		**3–6–8**	**Rape of Victim Unconscious of Act -STRIKE: S- 3**	**100,000**	
261(a)(5)	**P**		**3–6–8**	**Rape by Victim's Belief That Rapist Is Spouse -STRIKE: S- 3**	**100,000**	
261(a)(6)	**P**		**3–6–8**	**Rape Accomplished Through Threat of Future Retaliation -STRIKE: S- 3; V- 3 [NOTE: PC 292 crime.] [NOTE: PC 292 crime.]**	**100,000**	
261(a)(7)	**P**		**3–6–8**	**Rape Accomplished by Threat of Use of Authority of Public Official to Incarcerate, Arrest or Deport Victim -STRIKE: S- 3**	**100,000**	
261.5(c)*	H		16–2–3	Unlawful Sexual Intercourse with Minor More than 3 Years Younger than Defendant	15,000 (5,000)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
261.5(d)*	H		2–3–4	Unlawful Sexual Intercourse with Minor under 16 by Defendant over 21	30,000 (15,000)	
262(a)(1)	**P**		**3–6–8**	**Rape of Spouse by Force, Violence, Duress, Menace, or Fear of Bodily Injury -STRIKE: S- 3; V- 3 [NOTE: PC 292 crime.]**	**100,000**	
262(a)(2)	**P**		**3–6–8**	**Rape of Spouse Overcome by Intoxicant -STRIKE: S- 3**	**100,000**	
262(a)(3)	**P**		**3–6–8**	**Rape of Spouse Unconscious of Act -STRIKE: S- 3**	**100,000**	
262(a)(4)	**P**		**3–6–8**	**Rape of Spouse Accomplished Through Threat of Future Retaliation -STRIKE: S- 3; V- 3 [NOTE: PC 292 crime.]**	**100,000**	
262(a)(5)	**P**		**3–6–8**	**Rape of Spouse Accomplished by Threat of Use of Authority of Public Official to Incarcerate, Arrest, or Deport Victim -STRIKE: S- 3**	**100,000**	
264(c)(1)	**P**		**9–11–13**	**Violent rape (261(a)(2)) of child under 14 -STRIKE: S- 3, 6; V- 3, 6 [NOTE: PC 292 crime.]**	**400,000**	
264(c)(2)	**P**		**7–9–11**	**Violent rape (261(a)(2)) of child 14 or older -STRIKE: S- 3, 6; V- 3, 6 [NOTE: PC 292 crime.]**	**300,000**	
264.1(a)	**P**		**5–7–9**	**Rape in Concert (261, 262, 289) with Force & Violence -STRIKE: S- 3, 25, 34; V- 3, 11, 18; J- 8 [NOTE: PC 292 crime.]**	**125,000**	
264.1(b)(1)	**P**		**10–12 -14**	**Rape of child < 14 years (all theories), in concert by force or violence (261, 262, 289) -STRIKE: S- 6, 34; V- 6, 18; J- 6 [NOTE: PC 292 crime.]**	**500,000**	
264.1(b)(2)	**P**		**7–9 -11**	**Rape of minor 14 years or older (all theories), in concert by force or violence -STRIKE: S- 3, 34; V- 18 [NOTE: PC 292 crime.]**	**350,000**	
266a	**P**		**16–2–3**	**Procurement for prostitution by force or fraud**	**10,000**	
266b	H		16–2–3	Compelling an illicit relationship by force or fear	10,000	
266c*	**P**		**2–3–4**	**Inducing commission of sexual act through false representation creating fear**	**20,000 (10,000)**	
266d	**P**		**16–2–3**	**Paid procuring of person for cohabitation**	**10,000**	
266f	**P**		**16–2–3**	**Selling prostitute**	**10,000**	
266g	H		2–3–4	Prostituting wife	20,000	
266h(a)	**P**		**3–4–6**	**Pimping**	**50,000**	
266h(b)(1)	**P**		**3–4–6**	**Pimping - V= 16+**	**50,000**	
266h(b)(2)	**P**		**3–6–8**	**Pimping - V < 16**	**100,000**	
266i(a)	**P**		**3–4–6**	**Pandering**	**50,000**	
266i(a)(1)	**P**		**3–4–6**	**Pandering- Procure Person for Prostitution**	**50,000**	
266i(a)(2)	**P**		**3–4–6**	**Pandering- Persuade or Encourage Person to Become Prostitute**	**50,000**	

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266i(a)(3)	**P**		**3–4–6**	**Pandering- Procures Place in House of Prostitution for Person**	**50,000**	
266i(a)(4)	**P**		**3–4–6**	**Pandering- Persuade or Encourage Person to Remain in House of Prostitution**	**50,000**	
266i(a)(5)	**P**		**3–4–6**	**Pandering- By Fraud or Other Means, Procures Person for Prostitution, to Enter House of Prostitution, or to Enter or Leave State for Prostitution**	**50,000**	
266i(a)(6)	**P**		**3–4–6**	**Pandering- Pays Person to Procure Another for Prostitution**	**50,000**	
266i(b)(1)	**P**		**3–6–8**	**Pandering - V minor 16+**	**50,000**	
266i(b)(2)	**P**		**3–6–8**	**Pandering - V < 16**	**100,000**	
266j	**P**		**3–6–8**	**Transport Minor under Age 16 for Lewd & Lascivious Act/Cause Minor to Perform Act**	**100,000**	
267	**P**		**16–2–3**	**Abduction of Minor for Prostitution**	**75,000**	
269(a)	**P**		**15 to Life**	**Aggravated Sexual Assault - Child < 14 -STRIKE: S- 6, 7; V- 6, 7**	**1,000,000**	
269(a)(1)	**P**		**15 to Life**	**Aggravated Sexual Assault - Child < 14- Rape 261(a)(2) or (6) -STRIKE: S- 6, 7; V- 6, 7**	**1,000,000**	
269(a)(2)	**P**		**15 to Life**	**Aggravated Sexual Assault - Child < 14- Rape or Sexual Penetration In Concert 264.1 -STRIKE: S- 6, 7; V- 6, 7**	**1,000,000**	
269(a)(3)	**P**		**15 to Life**	**Aggravated Sexual Assault - Child < 14- Sodomy 286(c)(2) or (3); 286(d) -STRIKE: S- 6, 7; V- 6, 7**	**1,000,000**	
269(a)(4)	**P**		**15 to Life**	**Aggravated Sexual Assault - Child < 14- Sexual Penetration 289(a) -STRIKE: S- 6, 7; V- 6, 7**	**1,000,000**	
269(a)(5)	**P**		**15 to Life**	**Aggravated Sexual Assault Against a Child -STRIKE: S- 6, 7; V- 6, 7**	**1,000,000**	
271*	H		16–2–3	Child Abandonment (Under Age 14)	10,000 (5,000)	
272(a)(1) (Misdo)			1 Year	Contributing to Delinquency of Minor	(5,000)	
273a(a)*	**P**		**2–4–6**	**Abusing or Endangering Health of Child**	**50,000 (20,000)**	
273a(b) (Misdo)			6 Months	Abusing or Endangering Health of Child	(7,500)	
273ab(a)	**P**		**15 to Life**	**Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Death -STRIKE: S- 7; V- 7**	**1,000,000**	
273ab(b)	**P**		**Life**	**Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Comatose State or Permanent Paralysis -STRIKE: S- 7; V- 7**	**1,000,000**	
273d(a)*	H		2–4–6	Child Beating	50,000 (10,000)	
273d(b)	H	ENH	4 years	Prior Conviction of Inflicting Traumatic Injury on Child with Current Conviction of Same Offense	40,000	
273.4(a)	**P**	**ENH**	**1 year**	**Felony Conviction of PC §273a(a) Involving Female Genital Mutilation - STRIKE: S- 8**	**25,000**	
273.5(a)*	**P**		**2–3–4**	**Corporal Injury of Spouse, Former Spouse, Cohabitant, or Former Cohabitant, or Mother or Father of His or Her Child**	**20,000 (7,500)**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
273.5(e)(1)*	**P**	**APE**	**2–4–5**	**Inflict Traumatic Injury on Spouse with Prior Conviction of Felony Domestic Violence Crime.**	**30,000 (17,500)**	
273.5(e)(2)*	**P**	**APE**	**2–3–4**	**Inflict Traumatic Injury on Spouse with Prior Conviction of Misdemeanor Domestic Violence Crime**	**20,000 (12,500)**	
273.6(a) (Misdo)			1 year	Protective Order Violation Pursuant to Family Code and Code of Civil Procedure	(7,500)	
273.6(b) (Misdo)			1 year	Protective Order Violation Pursuant to Family Code and Code of Civil Procedure w/ Injury	(10,000)	
273.6(d)*	H	APE	16–2–3	Protective Order Violation with Prior Conviction w/in 7 Years and "Act of Violence"	40,000 (15,000)	
273.6(e)*	H	APE	16–2–3	Protective Order Violation with Prior Conviction and Same Victim & Physical Injury	40,000 (20,000)	
273.6(g)(1)	**P**		**16–2–3**	**Purchases or receives a firearm knowing he/she is prohibited from doing so because of a protective order [Penalty under 29825(a)]**	**50,000**	
273.65(d)*	H	APE	16–2–3	Violation of Protective Order with Prior Domestic Violence Conviction.	30,000 (15,000)	
273.65(e)*	H	APE	16–2–3	Violation of Protective Order with Prior Domestic Violence (Resulting in Injury) Conviction	40,000 (15,000)	
278*	H		2–3–4	Child Stealing	20,000 (10,000)	
278.5(a)*	H		16–2–3	Child Stealing in Violation of Custody Order	20,000 (10,000)	
280(b)*	H		16–2–3	Child Concealment Outside of State	40,000 (20,000)	
285	**P**		**16–2–3**	**Incest**	**50,000**	
286(b)(1)*	**P**		**16–2–3**	**Sodomy - If Victim under 18**	**50,000 (20,000)**	
286(b)(2)	**P**		**16–2–3**	**Sodomy - If Victim under 16 & Defendant over 21**	**75,000**	
286(c)(1)	**P**		**3–6–8**	**Sodomy - If Victim under 14 & Def. More than 10 Years Older than Victim -STRIKE: S- 6; V- 4; J- 5 [NOTE: PC 292 crime.]**	**300,000**	
286(c)(2)(A)	**P**		**3–6–8**	**Sodomy by Force or Fear -STRIKE: S- 4, 6; V- 4; J- 5 [NOTE: PC 292 crime.]**	**100,000**	
286(c)(2)(B)	**P**		**9–11–13**	**Sodomy by Force or Fear - V < 14 -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]**	**300,000**	
286(c)(2)(C)	**P**		**7–9–11**	**Sodomy by Force or Fear - V minor 14 or older -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]**	**300,000**	
286(c)(3)	**P**		**3–6–8**	**Sodomy by Threat to Retaliate Against Victim or Victim's Family -STRIKE: S- 4; V- 4; J- 5 [NOTE: PC 292 crime.]**	**100,000**	
286(d)(1)	**P**		**5–7–9**	**Sodomy - If in Concert with Force & Violence -STRIKE: S- 4; V- 4; J- 5 [NOTE: PC 292 crime.]**	**200,000**	
286(d)(2)	**P**		**10–12–14**	**Sodomy - If in Concert with Force & Violence - (V < 14) -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]**	**500,000**	
286(d)(3)	**P**		**7–9–11**	**Sodomy - If in Concert with Force & Violence - (V is minor 14 or older) -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]**	**300,000**	
286(e)*	**P**		**16–2–3**	**Sodomy - If Committed in Prison or Jail**	**50,000 (25,000)**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
286(f)	**P**		**3–6–8**	**Sodomy - If Victim Unconscious of Nature of Act**	**100,000**	
286(g)	**P**		**3–6–8**	**Sodomy - Victim Incompetent**	**100,000**	
286(h)*	**P**		**16–2–3**	**Sodomy - Victim Incompetent, Both Confined for Mental Disorder**	**50,000 (20,000)**	
286(i)	**P**		**3–6–8**	**Sodomy - Of Victim Overcome by Intoxicant**	**100,000**	
286(j)	**P**		**3–6–8**	**Sodomy - By Victim's Belief That Accused Is Spouse**	**100,000**	
286(k)	**P**		**3–6–8**	**Sodomy - By Threat to Use Authority of Public Official**	**100,000**	
288(a)	**P**		**3–6–8**	**Lewd Act with Child under 14 Years -STRIKE: S- 6; V- 6**	**100,000**	
288(b)(1)	**P**		**5–8–10**	**Lewd Act with Child under 14 Years w/Force -STRIKE: S- 6; V- 6; J- 6 [NOTE: PC 292 crime.]**	**200,000**	
288(b)(2)	**P**		**5–8–10**	**Forcible Lewd Act by Caretaker w/Dependent Adult -STRIKE: V- 6 [NOTE: PC 292 crime.]**	**200,000**	
288(c)(1)*	**P**		**1–2–3**	**Lewd and Lascivious Act w/Child 14 or 15 Def. at Least 10 Yrs. Older**	**25,000 (10,000)**	
288(c)(2)*	**P**		**1–2–3**	**Lewd and Lascivious Act by Caretaker w/Dependent Adult**	**25,000 (10,000)**	
288(i)(1)	**P**		**Life**	**Lewd or lascivious act upon child < 14 years + def personally inflicted bodily harm -STRIKE: S- 6, 7, 8; V- 7**	**1,000,000**	
288.2(a)*	**P**		**16–2–3**	**Distribution or Exhibition of Lewd Material to Minor [NOTE: Straight prison-eligible felony w/ prior conviction 288.2(a).]**	**10,000 (5,000)**	
288.2(a) [prior]	**P**	**APE**	**16–2–3**	**Distribution or Exhibition of Lewd Material to Minor with prior 288.2(a) conviction**	**50,000**	
288.2(b)*	**P**		**16–2–3**	**Distribution or Exhibition of Lewd Material to Minor by Electronic Mail/Internet [NOTE: Straight 1170h felony w/ prior conviction 288.2(b).]**	**25,000 (10,000)**	
288.2(b) [prior]	**P**	**APE**	**16–2–3**	**Distribution or Exhibition of Lewd Material to Minor by Electronic Mail/Internet with prior 288.2(a) conviction**	**50,000**	
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 - Straight felony - Punish in state prison per 664/crime intended.** **[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 must be set using the same rules applicable to an attempt to commit the target crime, except bail shall be no less than $10,000. 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.**	**Same rules as 664(a) but no less than 10,000 [See note]**	
288.3(c)	**P**	**ENH**	**5 years**	**Enhance if prior conviction of 288.3(a)**	**100,000**	
288.4(a)(1) (Misdo)				Arranging to meet with minor for purposes of engaging in certain lewd or lascivious behavior	(10,000)	
288.4(a)(2)	**P**		**16–2–3**	**Arranging to meet with minor for purposes of engaging in certain lewd or lascivious behavior + prior specified sex conviction**	**25,000**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
288.4(b)	P		2–3–4	Person described in (a) goes to arranged meeting place	50,000	
288.5	P		6–12–16	Continuous Sexual Abuse of Child -STRIKE: S- 6, 35; V- 16	500,000	
288.5(a)	P		6–12–16	Continuous Sexual Abuse of Child Under Age of 14 -STRIKE: S- 6, 35; V- 16	500,000	
288.7(a)	P		25 To Life	Person 18 years or older who engages in sexual intercourse or sodomy with child 10 years or younger -STRIKE: S- 6, 7; V- 7	1,000,000	
288.7(b)	P		15 To Life	Person18 years or older who engages in oral copulation or sexual penetration with child 10 years or under -STRIKE: S- 6, 7; V- 7	1,000,000	
288a(b)(1)*	P		16–2–3	Oral Copulation - If Victim under 18	10,000 (5,000)	
288a(b)(2)	P		16–2–3	Oral Copulation - If Victim under 16 & Def. Over 21	20,000	
288a(c)(1)	P		3–6–8	Oral Copulation - If Victim under 14 & Def. More than 10 Years Older than Victim -STRIKE: S- 6; V- 5 [NOTE: PC 292 crime.]	100,000	
288a(c)(2)(A)	P		3–6–8	Forcible oral copulation -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	100,000	
288a(c)(2)(B)	P		8–10–12	Forcible oral copulation with child < 14 years -STRIKE: S- 6, 5; V- 5; J- 7 [NOTE: PC 292 crime.]	300,000	
288a(c)(2)(C)	P		6–8–10	Forcible oral copulation with minor 14 years or older -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	200,000	
288a(c)(3)	P		3–6–8	Oral Copulation - By Threat of Retaliation -STRIKE: V- 5; J- 7 [NOTE: PC 292 crime.]	100,000	
288a(d)(1)	P		5–7–9	Oral Copulation - If in Concert with Force and Violence, etc. -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	125,000	
288a(d)(1)(1)	P		5–7–9	Oral Copulation - in Concert -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	125,000	
288a(d)(1)(2)	P		5–7–9	Oral Copulation - Threaten retaliation -STRIKE: V- 5; J- 7 [NOTE: PC 292 crime.]	125,000	
288a(d)(1)(3)	P		5–7–9	Oral Copulation - in Concert with V who is unable to legally consent - -STRIKE: S- 6; V- 5; [NOTE: PC 292 crime.]	125,000	
288a(d)(2)	P		10–12–14	Forcible oral copulation with child < 14 years, in concert -STRIKE: S- 6; V- 5; J- 7 [NOTE: PC 292 crime.]	500,000	
288a(d)(3)	P		8–10–12	Forcible oral copulation with minor 14 years or older, in concert -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	300,000	
288a(e)*	P		16–2–3	Oral Copulation - If Committed in S.P. or C.J.	50,000 (20,000)	
288a(f)	P		3–6–8	Oral Copulation - If Victim Unconscious of Nature of Act	100,000	
288a(g)	P		3–6–8	Oral Copulation - If Victim Incompetent	100,000	
288a(h)*	P		16–2–3	Oral Copulation - If Victim Incompetent, Both Confined for Mental Disorder	50,000 (20,000)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
288a(i)	P		3–6–8	Oral Copulation - If Victim Overcome by Intoxicant	100,000	
288a(j)	P		3–6–8	Oral Copulation - By Victim's Belief That Accused is Spouse	100,000	
288a(k)	P		3–6–8	Oral Copulation - By Threat to Use Authority of Public Official	100,000	
289(a)(1)(A)	P		3–6–8	Forcible Penetration by Foreign Object -STRIKE: S- 25; V- 11; J- 8 [NOTE: PC 292 crime.]	100,000	
289(a)(1)(B)	P		8–10–12	Forcible sexual penetration of child < 14 years -STRIKE: S- 25, 6; V- 11; J- 8 [NOTE: PC 292 crime.]	300,000	
289(a)(1)(C)	P		6–8–10	Forcible sexual penetration of minor 14 years or older -STRIKE: S- 25; V- 11; J- 8 [NOTE: PC 292 crime.]	200,000	
289(a)(2)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object by Threat of Retaliation -STRIKE: S- 25; V- 11; J- 8 [NOTE: PC 292 crime.]	100,000	
289(b)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim Incompetent	100,000	
289(c)*	P		16–2–3	Sexual Penetration w/Foreign or Unknown Object, Victim Incompetent, Both Confined for Mental Disorder	50,000 (20,000)	
289(d)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim Unconscious	100,000	
289(e)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim Overcome by Intoxicant	100,000	
289(f)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, by Victim's Belief That Accused Is Spouse	100,000	
289(g)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, by Threat to Use Authority of Public Official	100,000	
289(h)*	P		16–2–3	Sexual Penetration w/Foreign or Unknown Object, Victim under 18	50,000 (20,000)	
289(i)	P		16–2–3	Sexual Penetration w/Foreign or Unknown Object, Victim under 16, Def over 21	100,000	
289(j)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim under 14, Def 10 Years Older - STRIKE: S- 6; V- 11	100,000	
289.5(d)	P	ENH	2 years	Commission of Designated Felony Sex Offense Committed after Fleeing to California to Avoid Prosecution for Sex Offense in Another State	20,000	
289.6(a)(1)**	P		6 Months	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) *[Felony bail only if the **APE** applies]*	
289.6(a)(1) [APE]	P	APE	16–2–3	Prior conviction re - Employee of Public Health Facility Engaging in Unaggravated Sexual Activity (per subd. (g)]		

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
289.6(a)(2)**	**P**		**6 Months**	**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)** *[Felony bail only if an **APE** applies]*	
289.6(a)(2) [APE]	**P**	**APE**	**16–2–3**	**Aggravated Sexual Conduct or Prior Conviction re - Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate**		
289.6(a)(3) **	**P**		**6 Months**	**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)** *[Felony bail only if an **APE** applies]*	
289.6(a)(3) [APE]	**P**	**APE**	**16–2–3**	**Aggravated Sexual Conduct or Prior Conviction re - Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate**		
290.018(a)			1 year	Failing to register based upon misdemeanor conviction or juvenile adjudication.	(10,000)	
290.018(b)	**P**	**APE**	**16–2–3**	**Failing to register based upon felony conviction or juvenile adjudication, OR with a prior conviction for failing to register**	**10,000**	
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 APE Crime. 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)** *[Felony bail only if the **APE** applies]*	
290.018(d) [APE]	**P**	**APE**	**1 year**	**Failing to register based as an MDSO or found NGI of registrable offense with prior conviction of 290.018**		
290.018(f)*	**P**	**APE**	**16–2–3**	**Failing to register as a sexually violent predator**	**20,000 (10,000)**	
290.018(g)**			**6 months**	**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 APE Crime. . 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)** *[Felony bail only if the **APE** applies]*	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
290.018(g) [APE]	**P**	**APE**	**16–2–3**	**Transient who fails to register per 290.011 based upon registrable conviction (other than as an SVP) or juvenile adjudication with two prior convictions**		
290.4(c)(1)	H	ENH	5 years	Use of registration information to commit a felony	40,000	
290.45(e)(1)	H	ENH	5 years	Use of DOJ 290 Information to Commit Felony	40,000	
290.46(j)(2)	H	ENH	5 years	Use of registration information on the Internet to commit a felony	40,000	
298.2	**P**		**2–3–4**	**Tampering with DNA Samples**	**30,000**	
311.1(a)*	**P**		**16–2–3**	**Sale or Distribution of Obscene Material Depicting Minors**	**15,000 (7,500)**	
311.2(b)	**P**		**2–3–6**	**Sends or imports into the state, possesses, duplicates or distributes child pornography for commercial purposes**	**100,000**	
311.2(c)*	**P**		**16–2–3**	**Sale or Distribution of Obscene to Adult of Material Depicting Sexual Conduct by Minor**	**15,000 (7,500)**	
311.2(d)	**P**		**16–2–3**	**Sale or Distribution of Obscene to Minor of Material Depicting Sexual Conduct by Minor**	**15,000**	
311.3(a)**	**P**		**1 year**	**Sexual Exploitation of Minor under 18** **[APE = Prior 311.3 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.]**	**100,000** (10,000)** *[Felony bail only if the **APE** applies]*	
311.4(a)*	**P**		**16–2–3**	**Knowingly uses minor to assist in distribution of child porn or any act described in § 311.2**	**10,000 (5,000)**	
311.4(b)	**P**		**3–6–8**	**Involving Minor under 18 in Obscene Film or Performance**	**100,000**	
311.4(c)	**P**		**16–2–3**	**Involving Minor under Age 18 in Posing or Modeling Involving Sexual Conduct**	**15,000**	
311.9(a)	H		16–2–3	Violation of PC §311.2(a), (c), (d), or §311.5 with Prior Conviction of PC§313.1	50,000	
311.9(b)	H		16–2–3	Violation of PC§311.4 with Prior Conviction of PC§311.3 or §311.4	15,000	
311.10(a)*	**P**		**2–3–4**	**Advertising or Distributing Obscene Material Depicting Minor under 18**	**30,000 (10,000)**	
311.11(a)*	**P**		**16–2–3**	**Possession of Matter Depicting Sexual Conduct of Child under 18**	**20,000**	
311.11(b)	**P**	**APE**	**2–4–6**	**Possession of Matter Depicting Sexual Conduct of Child under 18 with Prior Conviction**	**50,000**	
314.1**	**P**		**6 months**	**Indecent Exposure** **APE 1: Defendant has a prior 288 or 314(1) conviction. (Felony: Not wobbler; 16–2–3)** **APE 2: Defendant enters house without consent to commit 314, (Felony: Wobbler; 16–2–3/ 1 year)** **[NOTE: This is an <u>APE Crime</u>. Bail must be set at the misdemeanor amount unless an APE applies. If either APE applies, bail must be set at the felony amount.]**	**10,000** (5,000)** *[Felony bail only if any **APE** applies]*	

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314.2 (Misdo)			6 Months	Procure or Encourage Indecent Exposure	(5,000)	
337	**P**		**16–2–3**	**Receiving "protection money" or granting privileges to carry one or conduct any game prohibited by § 330**	**10,000**	
337a*	**P**		**16–2–3**	**Bookmaking [- Generic allegation - should choose specific subsection]**	**5,000 (3,500)**	
337a(1)*	**P**		**16–2–3**	**Bookmaking**	**5,000 (3,500)**	
337a(2)*	**P**		**16–2–3**	**Bookmaking**	**5,000 (3,500)**	
337a(3)*	**P**		**16–2–3**	**Bookmaking**	**5,000 (3,500)**	
337a(4)*	**P**		**16–2–3**	**Bookmaking**	**5,000 (3,500)**	
337a(5)*	**P**		**16–2–3**	**Bookmaking**	**5,000 (3,500)**	
337a(6)*	**P**		**16–2–3**	**Bookmaking**	**5,000 (3,500)**	
347(a)(1)	**P**		**2–4–5**	**Willful Contamination of Food/Drink/Medicine, etc.**	**40,000**	
347(a)(2)	**H**	**ENH**	**3 years**	**Using Poison or Harmful Substance That May Cause Death or Does Cause Great Bodily Injury**	**50,000**	
347(b)*	**P**		**16–2–3**	**Falsely Reporting Contamination of Food/Drink/Medicine, etc.**	**10,000 (5,000)**	
367f(a)	H		3–4–5	Receive, Sell, Promote Transfer Of Or Transfer Human Organs for Transplantation for Profit	40,000	
367f(b)	H		3–4–5	Removal of Human Organs for Transplantation for Profit	40,000	
367g(a)	H		3–4–5	Unauthorized Use or Implantation of Sperm, Ova, or Embryos in Assisted Reproduction Technology	40,000	
367g(b)	H		3–4–5	Unauthorized Use or Implantation of Sperm, Ova, or Embryos in Assisted Reproduction Technology	40,000	
368(b)(1)*	**P**		**2–3–4**	**Willful Causing Dependent Adult Pain or Suffering**	**30,000 (10,000)**	
368(b)(2)(A)	**P**	**ENH**	**3 years**	**Elder or Dependent Adult Abuse Resulting in Great Bodily Injury**	**50,000**	
368(b)(2)(B)	**P**	**ENH**	**5 years**	**Elder or Dependent Adult Abuse Resulting in Great Bodily Injury**	**50,000**	
368(b)(3)(A)	**P**	**ENH**	**5 years**	**Elder or Dependent Adult Abuse Resulting in Death**	**100,000**	
368(b)(3)(B)	**P**	**ENH**	**7 years**	**Elder or Dependent Adult Abuse Resulting in Death**	**100,000**	
368(c) (Misdo)			6 months	Elder Abuse - Physical [NOTE: This is a misdemeanor APE Crime. No effect on bail. APE 1: Prior conviction. (Misdemeanor 1 year)]	(7,500)	
368(d)(1)*	H		2–3–4	Theft or Embezzlement > $950 of Dependent Adult	20,000 (10,000)	
368(d)(2) (Misdo)	H		1 year	Theft or Embezzlement not < $951 of Dependent Adult	(7,500)	
368(e)(1)*	H		2–3–4	Theft or Embezzlement > $950 by Caretaker of Dependent Adult	20,000 (7,500)	
368(e)(2) (Misdo)	H		2–3–4	Theft or Embezzlement not < $951 by Caretaker of Dependent Adult	(7,500)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
374.2(d)**	H		1 year	Malicious Discharge of Harmful Materials into Public Sewer with Prior Conviction APE 1: Defendant has a prior conviction. (Felony: Wobbler; 16–2–3/ 1year) [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.]	20,000** (10,000) *[Felony bail only if any **APE** applies]*	
374.8(b)*	H		16–2–3	Unauthorized Deposit of Hazardous Substances	10,000 (5,000)	
375(d)	H		16–2–3	Release Harmful Substance in Public Place Which May Result in Serious Illness or Permanent Injury	10,000	
386(a)	H		2–3–4	Construction or maintenance of knowingly inoperable fire protection system	20,000	
386(b)	H		5–6–7	Construction or maintenance of knowingly inoperable fire protection system resulting in death or GBI	40,000	
399(a)	**P**		**16–2–3**	**Allowing Vicious Animals at Large Resulting in Death**	**10,000**	
399(b)*	**P**		**16–2–3**	**Allowing Vicious Animals at Large Resulting in SBI**	**10,000 (5,000)**	
399.5(a)*	H		2–3–4	Failure of Owner to Exercise Ordinary Care with Dog that Bites Person	20,000 (7,500)	
401	**P**		**16–2–3**	**Aid/Abet Suicide**	**10,000**	
403 (Misdo)			6 Months	Disturbing an Assembly	(3,500)	
404 (Misdo)			1 Year	Riot	(5,000)	
404.6 (Misdo)			1 Year	Incitement to Riot	(5,000)	
404.6(c)*	H		16–2–3	Inciting Riot in State Prison or County Jail Resulting in Serious Bodily Injury	10,000 (5,000)	
405b	H		2–3–4	Lynching	30,000	
406 (Misdo)			6 Months	Rout	(3,500)	
417(a)(1) (Misdo)			6 Months	Brandishing Weapons Not a Firearm	(5,000)	
417(a)(2)(A) (Misdo)			1 year s	Brandishing a Concealable Firearm in Public Place	(7,500)	
417(a)(2)(B) (Misdo)			6 Month	Other Brandishing of a Firearm	(7,500)	
417(b)*	**P**		**16–2–3**	**Brandishes loaded firearm on the grounds of any day care or recreation center -STRIKE: S- 8; J- 18**	**50,000 (25,000)**	
417(c)*	**H**		**16–2–3**	**Draw/Exhibit Firearm in a Threatening Manner in Presence of Police -STRIKE: S- 8; J- 18**	**20,000 (10,000)**	
417.3	H		**16–2–3**	**Draw/Exhibit Firearm to Person in Motor Vehicle -STRIKE: S- 8; J- 18**	**15,000**	
417.6(a)*	**P**		**16–2–3**	**Inflict Serious Bodily Injury During Violation of §417, §417.1, or §417.8 -STRIKE: S- 8, 23; J- 18**	**30,000 (10,000)**	
417.8	**P**		**2–3–4**	**Draw/Exhibit Deadly Weapon with Intent to Resist Arrest -STRIKE: S- 8, 23**	**30,000**	
422(a)*	**P**		**16–2–3**	**Terrorist Threats of G.B.I. or Death -STRIKE: S- 38**	**15,000 (7,500)**	

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Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
422.7	H		16–2–3	Hate Crime [Generic - select subdivision]	10,000	
422.7(a)	H		16–2–3	Hate Crime- Ability to injure or injury	10,000	
422.7(b)	H		16–2–3	Hate Crime - >$950 damage	10,000	
422.7(c)	H		16–2–3	Hate Crime - Prior conviction	10,000	
422.75(a)	**P**	**ENH**	**1–2–3**	**Committing Felony / Attempting Felony that is Hate Crime**	**20,000**	
422.75(b)	**P**	**ENH**	**2–3–4**	**Acting in Concert with Another/Aiding or Abetting Felony Hate Crime**	**50,000**	
422.75(c)	**P**	**AGGF**		**Hate Crime with Personal Use of Firearm**	**50,000**	
422.75(d)	**P**	**ENH**	**1 year per conviction**	**Prior Conviction of Felony Hate Crime with Current Conviction of Felony Hate Crime**	**50,000**	
424	**P**		**2–3–4**	**Embezzlement or Falsification of Accounts by Public Officers**	**20,000**	
451(a)	**P**		**5–7–9**	**Arson Causing G.B.I. -STRIKE: S- 14; V- 10; J- 2**	**100,000**	
451(b)	**P**		**3–5–8**	**Arson, Inhabited Structure -STRIKE: S- 14; V- 10; J- 2**	**100,000**	
451(c)	**P**		**2–4–6**	**Arson, Structure or Forest Land -STRIKE: S- 14**	**50,000**	
451(d)	**P**		**16–2–3**	**Arson, Other Property -STRIKE: S- 14**	**15,000**	
451.1(a)	**P**	**ENH**	**3–4–5**	**Conviction of Arson under PC§451 and Designated Circumstance (PC§451.1(a)(1)-(5)) Found True -STRIKE: S- 14**	**40,000**	
451.1(a)(1)	**P**	**ENH**	**3–4–5**	**PC§451 Conviction with prior 451 or 452 conviction -STRIKE: S- 14**	**40,000**	
451.1(a)(2)	**P**	**ENH**	**3–4–5**	**PC§451 Conviction with GBI to emergency personnel -STRIKE: S- 14**	**40,000**	
451.1(a)(3)	**P**	**ENH**	**3–4–5**	**PC§451 Conviction with GBI to more than one V -STRIKE: S- 14**	**40,000**	
451.1(a)(4)	**P**	**ENH**	**3–4–5**	**PC§451 Conviction with multiple structures -STRIKE: S- 14**	**40,000**	
451.1(a)(5)	**P**	**ENH**	**3–4–5**	**PC§451 Conviction with device designed to accelerate fire or delay ignition -STRIKE: S- 14**	**40,000**	
451.5	**P**		**10 to Life**	**Aggravated Arson -STRIKE: S- 7, 14; V- 7**	**1,000,000**	
452(a)*	**P**		**2–4–6**	**Recklessly Causing Fire with G.B.I. -STRIKE: S- 8**	**50,000 (15,000)**	
452(b)*	**P**		**2–3–4**	**Recklessly Causing Fire, Inhabited Structure**	**30,000 (15,000)**	
452(c)*	**P**		**16–2–3**	**Recklessly Causing Fire, Structure or Forest Land**	**10,000 (5,000)**	
452.1(a)	**P**	**ENH**	**1–2–3**	**Felony Conviction of Unlawfully Causing of Fire under PC§452 and Designated Circumstance**	**40,000**	
452.1(a)(1)	**P**	**ENH**	**1–2–3**	**Felony Conviction PC§452 & Prior Conviction of 451 or 452**	**40,000**	
452.1(a)(2)	**P**	**ENH**	**1–2–3**	**Felony Conviction PC§452 & Emergency Person Suffers GBI**	**40,000**	
452.1(a)(3)	**P**	**ENH**	**1–2–3**	**Felony Conviction PC§452 & Multiple GBI Victims**	**40,000**	

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452.1(a)(4)	**P**	**ENH**	**1–2–3**	**Felony Conviction PC§452 & Multiple Structures**	**40,000**	
453(a)*	H		16–2–3	Explosives, Flammable Matter, Possession	15,000 (7,500)	
454(b)	**P**		**5–7–9**	**Arson by 451(a), (b), or (c) During State of Emergency -STRIKE: S- 14**	**100,000**	
454(b) (other)	**P**		**3–5–7**	**Arson by 451(d), or 452(a), (b), or (c) During State of Emergency -STRIKE: S- 14**	**60,000**	
455(a)	**P**		**16–2–3**	**Attempted Arson -STRIKE: S- 39**	**20,000**	
459 [2nd Degree]*	H		16–2–3	Burglary - All Others (PC 461(b))	10,000 (5,000)	
459 [1st Degree]	**P**		**2–4–6**	**Burglary - Residential or Other 1st Degree Burglary (PC 461(a)) -STRIKE: S- 18**	**50,000**	
463(a)*	H		16–2–3	Looting - Burglary Second Degree During Emergency Resulting from Earthquake, Flood, Fire, Riot, or Other Natural or Manmade Disaster	10,000 (7,500)	
463(b)*	H		16–2–3	Looting - Grand Theft, Other Than of Firearm, During Emergency Resulting from Earthquake, Flood, Fire, Riot, or Other Natural or Unnatural Disaster [No change effected by Prop 47; section defines looting, not grand theft. Cf., robbery per 211.]	10,000 (7,500)	
463(b)* (Firearm)	**P**		**16–2–3**	**Looting - Grand Theft of Firearm, During Emergency Resulting from Earthquake, Flood, Fire, Riot, or Other Natural or Unnatural Disaster** [No change effected by Prop 47; section defines looting, not grand theft. Cf., robbery per 211.]	**10,000 (7,500)**	
464	H		3–5–7	Burglary with Explosives	60,000	
470a*	H		16–2–3	Forgery or Counterfeiting Driver's License or I.D. Card (Unaffected by Prop 47.)	10,000 (5,000)	
470b*	H		16–2–3	Displaying or Possessing Forged Driver's License or I.D. Card w/Intent to Accomplish a Forgery (Unaffected by Prop 47.)	10,000 (5,000)	
477	H		2–3–4	Counterfeiting gold or silver coin, bullion, bars, lumps, pieces, or nuggets	20,000	
478	H		2–3–4	Counterfeiting: punishment	20,000	
479	H		2–3–4	Counterfeiting of Coin	20,000	
480	H		2–3–4	Making or possessing counterfeit die or apparatus, including computers	20,000	
481*	H		16–2–3	Counterfeiting, forging or altering transportation fare media	10,000 (5,000)	
481.1(a)*	**P**		**16–2–3**	**Counterfeiting, forging or altering public transportation fare media**	**10,000 (5,000)**	
483.5(a)*	H		16–2–3	Manufacture, Sale, or Transport of Deceptive Identification Document for Fraudulent Use	10,000 (5,000)	
483.5(b) (Misdo)			16–2–3	Manufacture, Sale, or Transport of Deceptive Identification Document for Fraudulent Use	(5,000)	
484c*	H		16–2–3	Embezzlement of Funds for Construction- > $950	10,000 (5,000)	
484c [Public Funds]	**P**	**APE**	**16–2–3**	**Embezzlement of Public Funds for Construction- > $950**	**10,000**	
484e(a)*	H		16–2–3	Fraudulent acquisition, use, or transfer of access cards	10,000 (5,000)	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
484e(b)*	H		16–2–3	Fraudulent acquisition, use, or transfer of access cards	10,000 (5,000)	
484e(d)*	H		16–2–3	Fraudulent acquisition, use, or transfer of access cards	10,000 (5,000)	
484f(a)*	H		16–2–3	Counterfeit access card	10,000 (5,000)	
484f(b)*	H		16–2–3	Signs Name Without Cardholder Consent	10,000 (5,000)	
484g*	H		16–2–3	Credit Card Obtained in Violation of PC 484(e) or Forged Card; Used for Obtaining Anything of Value (If Value of Goods, etc., Received > $950 in Consecutive 6 Month Period)	10,000 (5,000)	
484h(a)*	H		16–2–3	Credit Card, Fraudulent - Merchant Furnishing Goods w/Knowledge (If Payment Received > $950 in Consecutive 6 Month Period)	10,000 (5,000)	
484h(b)*	H		16–2–3	Credit Card Issuer - Merchant Fraudulently Receiving Payment (If Payment Received for Goods etc., Not Furnished Goods > $950 in Consecutive 6 Month Period)	10,000 (5,000)	
484i(b)*	H		16–2–3	Altering Access Card Without Consent	10,000 (7,500)	
484i(c)*	H		16–2–3	Possession of Access Card Equipment With Intent to Counterfeit	10,000 (7,500)	
487(a)*	H		16–2–3	Grand Theft (> $950)	10,000 (5,000)	
487(b)(3)*	H		16–2–3	Grand Theft (Embezzle > $950 During 12-Month Consecutive Period)	10,000 (5,000)	
487(c)**	H		16–2–3	Grand Theft from Person [As misdo it is punishable up to 6 months per § 490.2.] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. The value of the item obtained > $950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > $950 or 2. Prior super strike or 3. Mandatory 290 registrant.] The felony is a wobbler.]	10,000** (10,000) *[Felony bail only if any **APE** applies]*	
487(d)(1)**	H		16–2–3	Grand Theft of Auto or Listed Farm Animal [As misdo it is punishable up to 6 months per § 490.2.] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. The value of the item obtained > $950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > $950 or 2. Prior super strike or 3. Mandatory 290 registrant.] The felony is a wobbler.]	10,000** (10,000) *[Felony bail only if any **APE** applies]*	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
487(d)(2)**	P		16–2–3	Grand Theft of Firearm [As misdo it is punishable up to 6 months per § 490.2.]-As a felony it is a STRIKE: S- 26 and therefore prison eligible. [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. The value of the item obtained > $950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > $950 or 2. Prior super strike or 3. Mandatory 290 registrant. The felony is a 6-month wobbler EXCEPT when gun value is > $950 in which case crime is straight felony unaffected by Prop 47.] **NOTE: This is a straight felony if the value of the gun is > $950 as Prop 47 then has no effect.**	20,000** (10,000) *[Felony bail only if any **APE** applies]*	
487j*	H		16–2–3	Grand Theft Copper, - Value > $950	10,000 (5,000)	
489(a)	**P**		**16–2–3**	**Grand Theft Firearm - punishment -STRIKE: S- 26 [See 487(d)(2) above.)**	**[See 487(d)(2) above.)**	
496(a)**			16–2–3	Receiving Stolen Property [As misdo it is punishable up to 1 year per § 496(a) [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. The value of the item obtained > $950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > $950 or 2. Prior super strike or 3. Mandatory 290 registrant.] The felony is a 1-year wobbler.]	10,000** (5,000) *[Felony bail only if any **APE** applies]*	
496(b)*	H		16–2–3	Negligent Receipt By Swap-Meet Vendor or Pawn Broker of Stolen Property If Value > $950 (No change by Prop 47.)	10,000 (5,000)	
496(d)*	H		16–2–3	Attempted 496 (No change by Prop 47.)	10,000 (5,000)	
496d(a)*	H		16–2–3	Buying or receiving stolen vehicle or equipment (No change by Prop 47.)	10,000 (5,000)	
499c*	H		16–2–3	Theft of Trade Secrets	10,000 (5,000)	
499d*	H		16–2–3	Theft of Aircraft	10,000 (5,000)	
502(d)(1)*	H		16–2–3	Malicious Alteration/Destruction of Computer Program/Data	10,000 (5,000)	
502.7(a)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(a)(1)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(a)(2)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(a)(3)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(a)(4)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(a)(5)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	

MONTEREY COUNTY BAIL SCHEDULE
2014

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
502.7(b)(1)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(b)(2)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.7(c) (Misdo)			6 months	Fraudulently obtaining telephone or telegraph service	(5,000)	
502.7(d)*	**P**		**16–2–3**	**Fraudulently obtaining telephone or telegraph service**	**10,000 (5,000)**	
502.8(c)*	**P**		**16–2–3**	**Possess / Use illegal telecommunications equipment to avoid payment w/ prior 502.8(b) conviction**	**10,000**	
502.8(d)*	**P**		**16–2–3**	**Possession for sale of illegal telecommunications equipment**	**10,000 (5,000)**	
502.8(e)	**P**		**16–2–3**	**Possession for sale of 10 or more items of illegal telecommunications equipment**	**10,000**	
502.8(f)	**P**		**16–2–3**	**Mfg for sale of 10 or more items of illegal telecommunications equipment**	**10,000**	
503*	H		16–2–3	Embezzlement - Value > $950 or Theft of Item Embezzled Would Constitute Grand Theft	10,000 (5,000)	
504*	**P**		**16–2–3**	**Embezzlement, Misappropriation by Public Officers**	**10,000 (5,000)**	
504a*	H		16–2–3	Embezzlement, Disposal of Personal Property under Lease - Value > $950	10,000 (5,000)	
504b*	H		16–2–3	Embezzlement of Proceeds of Sale of Secured Property - Value > $950	10,000 (5,000)	
505*	H		16–2–3	Embezzlement by Carrier - Value > $950	10,000 (5,000)	
505 [Public Funds]	**P**	**APE**	**16–2–3**	**Embezzlement by Carrier -Public Funds- Value > $950**	**10,000**	
506*	H		16–2–3	Embezzlement, Misappropriation by Trustee, Contractor - Value > $950	10,000 (5,000)	
506 [Public Funds]	P	APE	16–2–3	Embezzlement, Public Funds Misappropriation by Trustee, Contractor - Value > $950	10,000	
514*	H		16–2–3	Embezzlement Penalties	10,000 (5,000)	
514 [Public Funds]	**P**	**APE**	**16–2–3**	**Embezzlement of Public Funds**	**10,000**	
518	H		2–3–4	Extortion - Punish per § 520	20,000	
522	H		2–3–4	Extortion, Obtaining Signature by Threats	30,000	
523	H		2–3–4	Extortion, Threatening Letters	30,000	
524*	**P**		**16–2–3**	**Attempt or threat to extort**	**10,000 (5,000)**	
528	**P**		**16–2–3**	**Marriage by false personation**	**10,000**	
529(a)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529(a)(1)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529(a)(2)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529(a)(3)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529.5 (Misdo)			1 Year	Manufacturing, Selling or Offering for Sale False Govt. Issued I.D.	(7,500)	
530*	H		16–2–3	Receiving Money/Property in Assumed Character	10,000 (5,000)	

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Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
530.5(a)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(c)(1) (Misdo)	H		1 year	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	(5,000)	
530.5(c)(2)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(c)(3)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(d)(1)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(d)(2)	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000	
530.5(e) (Misdo)	H		1 year	Mail Theft	(5,000)	
532(a)*	H		16–2–3	Obtaining Money/Credit by False Pretenses Where Value Exceeds $950 or, Theft of Item Would Otherwise Constitute Grand Theft	10,000 (5,000)	
532a(4)*	H		16–2–3	Making False Financial Statement	10,000 (5,000)	
534	**P**		**16–2–3**	**Spouse Selling Land/Property by False Pretense**	**10,000**	
537(a)(2)*	**P**		**16–2–3**	**Defrauding Innkeeper of More than $950**	**5,000 (3,500)**	
537e(a)(3)*	H		16–2–3	Purchase/Possess/Sell Integrated Circuit with Removed/Altered ID/Serial No. Value > $950	5,000 (3,500)	
538.5*	H		16–2–3	Fraudulent Use of Wire, Radio, or TV Transmissions	7,500 (5,000)	
548(a)	H		2–3–5	Defrauding Insurer	40,000	
548(b)	H	ENH	2 years	Current 548 Conviction With Prior Defrauding Insurer Related Conviction	40,000	
549*	H		16–2–3	Soliciting Fraudulent Insurance Claims	10,000 (5,000)	
550(a)(1)	H		2–3–5	Insurance Fraud - (False Claim)	40,000	
550(a)(2)	H		2–3–5	Insurance Fraud - (Multiple Claims to Multiple Insurers)	40,000	
550(a)(3)	H		2–3–5	Insurance Fraud - (Participate in False Accident)	40,000	
550(a)(4)	H		2–3–5	Insurance Fraud - (False Claim re Theft, Damage of Vehicle or Contents)	40,000	
550(a)(5)	H		2–3–5	Insurance Fraud - (Make, Prepare, or Subscribe to Any False Written Claim)	40,000	
550(a)(6)*	H		2–3–5	Insurance Fraud > $950 - (Make False Claim for Health Care Benefit)	40,000 (10,000)	
550(a)(7)*	H		2–3–5	Insurance Fraud > $950 - (Health Care Claim Not Used For Claimant)	40,000 (10,000)	
550(a)(8)*	H		2–3–5	Insurance Fraud > $950 - (Multiple Claims For Same Health Care Benefit)	40,000 (10,000)	
550(a)(9)*	H		2–3–5	Insurance Fraud > $950 - (Failing to Concurrently Present Overcharges for Health Care Benefits When Submitting Undercharges)	40,000 (10,000)	
550(a)(10)	H		2–3–5	Insurance Fraud - ("Claim or Claim For Payment of a Health Care Benefit" Also Means "Claim or Claim for Payment Submitted By or On Behalf of Any Workers Comp Health Care Benefits" per Labor Code)	40,000	

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Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
550(b)(1)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Present or Cause to Be Presented Any Oral or Written Materially False Statement re Insurance Policy Claim)	40,000 (10,000)	
550(b)(2)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Prepare or Make Any Oral or Written Materially False Statement Intended to Be Presented re Insurance Policy Claim)	40,000 (10,000)	
550(b)(3)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Conceal or Not Disclose Material Fact)	40,000 (10,000)	
550(b)(4)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Prepare or Make Any False Oral or Written Statement re Domicile of Person Domiciled Out of State Seeking Vehicle Insurance)	40,000 (10,000)	
550(c)(1)	H		2–3–5	Filing Fraudulent or Multiple Insurance Claims	40,000	
550(c)(2)(A)*	H		2–3–5	Filing Fraudulent or Multiple Insurance Claims	40,000 (10,000)	
550(c)(3)*	H		2–3–5	Filing Fraudulent or Multiple Insurance Claims	40,000 (10,000)	
550(g)	H	**ENH**	**2 Years/Person**	**Per Person Who Suffer GBI In Accident for Purpose of False Insurance Claim -STRIKE: S- 8**	**20,000**	
551(d)*	H		16–2–3	Offering Consideration for Referrals to Auto Repair Dealer or Contractor with Prior Conviction	7,500 (5,000)	
593a(b)	**P**	**ENH**	**3 Years**	**Spiking Tree Causing Bodily Injury**	**50,000**	
594(b)(1)*	H		16–2–3	Vandalism of $400 or More	7,500 (3,500)	
594.3(a)*	H		16–2–3	Church Vandalism or Cemetery	10,000 (5,000)	
594.3(b)	H		16–2–3	Vandalism of Place of Worship or Cemetery Committed for Purpose of Deterring Free Exercise of Religious Beliefs	10,000	
594.7*	**P**	**APE**	**16–2–3**	**Vandalism - Two Prior Convictions for P.C. 594**	**15,000 (7,500)**	
594.35*	H		16–2–3	Generic: Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (a)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (b)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (c)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (d)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.4(a)*	H		16–2–3	Defacing, Damaging, or Contaminating Property with Noxious or Caustic Chemical or Substance	10,000 (5,000)	
597(a)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597(b)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597(c)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597(d)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597b(c)*	**P**	**APE**	**16–2–3**	**Animal fighting or cock fighting, with prior conviction**	**10,000 (5,000)**	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
598c(c)	**P**		**16–2–3**	**Own, sell, or buy horse for human consumption**	**10,000**	
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 APE Crime. 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 included whether or not the specific APE section is alleged]	0** (10,000) [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]	(0) [See Note]	
598d(c)	**P**	**APE**	**2 to 5 years**	**Sale of horsemeat for human consumption with prior (Indeterminate term: 2 to 5 years)**	**20,000**	
600(a)*	H		16–2–3	Inflicting Serious Injury on Police Horse or Dog	10,000 (5,000)	
600(d)	**P**	**ENH**	**2 years**	**Violates 600(a) and intentionally inflicts GBI on any person -STRIKE: S- 8; V- 8**	**50,000**	
601(a)*	H		16–2–3	Trespass Consisting of Credible Threat to Cause Serious Bodily Injury and Unlawful Entry Into Residence or Onto Contiguous Property Within 30 Days of the Threat With Intent to Execute Threat	10,000 (5,000)	
602.5(b) (Misdo)	H		1 year	Aggravated Trespass	(5,000)	
625b(b)*	H		16–2–3	Tampering with Aircraft	10,000 (5,000)	
625c	**P**		**16–2–3**	**Tampering with Transit Vehicle with Intent to Cause GBI**	**50,000**	
626.9(b)	H		2–3–5	Possess Firearm In "School Zone" (On or Within 1000 Feet of School Grounds) [NOTE: This is a 1-yeqr wobbler only if punished under 626.9(f)(2)(B)*]	40,000	
626.9(d)	H		**3–5–7**	**Discharging or Attempted Discharge of Firearm with Reckless Disregard of Safety of Others In "School Zone" (On or Within 1,000 Feet of School Grounds) -STRIKE: S- 8, 39**	**60,000**	
626.9(f)(1)	H		2–3–5	Possess Firearm on School Grounds	40,000	
626.9(f)(2)(A)(i)	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - Prior Conviction for Felony or Firearms Offense Listed in 16580	40,000	
626.9(f)(2)(A)(ii)	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - Prohibited Persons	40,000	
626.9(f)(2)(A)(iii)	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - Concealable Firearm	40,000	
626.9(f)(2)(B)*	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - If Not Punished Under 626.9(f)(2)(A)	40,000 (15,000)	
626.9(f)(3)	H		**3–5–7**	**Discharging or Attempted Discharge of Firearm with Reckless Disregard of Safety of Others In "School Zone" (On or Within 1,000 Feet of School Grounds) -STRIKE: S- 8, 39**	**60,000**	
626.9(h)	H		2–3–4	Bring or Possess Loaded Firearm on Public or Private College Grounds	30,000	
626.9(i)	H		1–2–3	Bring or Possesses Firearm on Public or Private College Grounds	30,000	

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Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
626.95(a)*	H		1–2–3	Violates PC §§ 417(a)(2) or (b), 12015 [25400] or 12031 [25850] Upon a Playground or Youth Center	20,000 (10,000)	
626.10(a)(1)*	H		16–2–3	Bring/Possess Weapon (not Firearm) on Public or Private School Grounds	10,000 (7,500)	
626.10(b)*	H		16–2–3	Bring/Possess Weapon (not Firearm) on Public/Private College Grounds	10,000 (7,500)	
631(a)*	H		16–2–3	Wiretapping	10,000 (5,000)	
632(a)*	**P**		**16–2–3**	**Eavesdropping or Recording Confidential Communication**	**10,000 (5,000)**	
632.5(a)*	**P**		**16–2–3**	**Unlawful Interception of Cellular Radio Telephone Communication**	**10,000 (5,000)**	
632.6(a)*	**P**		**16–2–3**	**Unlawful Interception of Cordless Telephone Communication**	**10,000 (5,000)**	
632.7(a)*	**P**		**16–2–3**	**Unlawful Interception of and Recording of Cellular Radio or Cordless Telephone Communication**	**10,000 (5,000)**	
636(a)	H		16–2–3	Electronic Eavesdropping on Privileged Conversation	10,000	
636(b)*	H		16–2–3	Non-Electronic Eavesdropping on Privileged Conversation	10,000 (7,500)	
646.9(a)*	**P**		**16–2–3**	**Stalking**	**50,000 (15,000)**	
646.9(b)	**P**		**2–3–4**	**Stalking in Violation of Temporary Restraining Order**	**75,000**	
646.9(c)(1)*	**P**		**2–3–5**	**Stalking after felony conviction for 273.5, 273.6, or 422**	**100,000 (25,000)**	
646.9(c)(2)	**P**		**2–3–5**	**Stalking after felony conviction for 646.9**	**250,000**	
647.6(b)*	P		16–2–3	Child Molestation after Entering Inhabited Dwelling Without Consent	15,000 (10,000)	
647.6(c)(1)	P		16–2–3	Child Molestation - 2nd Conviction	25,000	
647.6(c)(2)	P		2–4–6	Child Molestation - Prior Conviction Was 288 PC or 311.4 Involving Minor under Age of 14, or felony conviction under Section 261, 264.1, 269, 285, 286, 288a, 288.5, or 289, any of which involved a minor under 16 years of age, or felony 647.6(c) conviction	100,000	
653f(a)*	H		16–2–3	Solicit Specific Criminal Acts	20,000 (10,000)	
653f(b)	**P**		**3–6–9**	**Solicit Murder**	**100,000**	
653f(c)	P		2–3–4	Solicit Sexual Acts	50,000	
653h(b)*	H		2–3–5	"Pirated" sound recordings re >1,000 articles	20,000 (7,500)	
653j(a)	H		3–5–7	Solicitation of Minor to Commit Certain Felonies	60,000	
653s(g)	H		2–3–5	Transport of "pirated" recordings of live performance for financial gain re >1,000 articles	20,000	
653w(b)(1)*	H		2–3–5	Offers, sells, resells, rents, manufactures, possesses items . 100 articles	20,000 (10,000)	
664(a)/	*U*			*Attempt to Commit Crime - Generally*	*1/2 Bail for Target Offense*	
664(a)/187 (1st)	**P**		**Life**	**Attempted 1st Degree Premeditated Murder per PC189 -STRIKE: S- 7, 9, 39; V- 7, 12; J- 12**	**1,000,000**	
664(a)/187 (2nd)	**P**		**5–7–9**	**Attempted 2nd Degree Murder -STRIKE: S- 9, V- 12; J- 12**	**500,000**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
664(a)/(Life Crime)	**P**		**5–7–9**	**Attempted Other Crime Punishable by Life or Death -STRIKE: S- 22**	**500,000**	
664(a)/ (Serious Felony)	**P**			**Attempt to Commit Serious Felony -STRIKE: S- 39**	**Same as Target Offense**	
664(a)/ (Violent Felony)	**P**			**Attempt to Commit Violent Felony -STRIKE: S- 39**	**Same as Target Offense**	
664(e)	**P**		**Life**	**Attempted 2nd Degree Murder of Peace Ofc, Firefighter, or Custodial Ofc. -STRIKE: S- 7, 9, 39; V- 7, 12; J- 12**	**1,000,000**	
664(f)	**P**		**15 to Life**	**Attempted 1st Degree Premeditated Murder of Peace Ofc, Firefighter, or Custodial Ofc. - STRIKE: S- 7, 9, 39; V- 7, 12; J- 12**	**1,000,000**	
666*	**P**			**Petty Theft with Prior Conviction for Theft-Related Crime on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368**	**10,000 (5,000)**	
666(a)*	**P**			**Petty Theft with Prior Conviction for Theft on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368**	**10,000 (5,000)**	
666(a)/484(a)*	**P**			**Petty Theft with Prior Conviction for Theft on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368**	**10,000 (5,000)**	
666(b)*	**P**			**Petty Theft with Prior Conviction for Theft-Related Crime on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368**	**10,000** (5,000)	
666.5(a)	H	APE	2–3–4	Vehicle Theft with Grand Theft Vehicle Prior (Felony prior and current convictions for any combination of 10851, 487(d), or 496d.)	30,000	
667(a)	**P**	**SPAL**	**5 years**	**Prior Conviction of Serious Felony with Current Conviction of Serious Felony**	**50,000**	
667(a)(1)	**P**	**SPAL**	**5 years**	**Prior Conviction of Serious Felony with Current Conviction of Serious Felony**	**50,000**	
667(e)(1)	**P**	**SPAL**	**Double**	**1 Prior Strike = Double term**	**50,000**	
667(e)(2)	**P**	**SPAL**	**25 to life**	**2 Prior Strikes = 25 to life minimum -STRIKE: S- 7**	**1,000,000**	
667.5(a)	**P**	**SPAL**	**3 years**	**Prior Prison Term for Violent Felony with Current Conviction of Violent Felony**	**30,000**	
667.5(a)	**P**	**SPAL**	**3 years**	**Prior Prison Term for Violent Felony with Current Conviction of Violent Felony**	**30,000**	
667.5(b)	*U*	*SPAL*	*1 year*	*Prior Prison or Jail Commitment for Felony with Current Felony Conviction*	*10,000*	
667.5(c)(all)	**P**	**AGGF**		**Strike authority - "Violent Felony"**	**0**	

M O N T E R E Y C O U N T Y B A I L S C H E D U L E
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
667.51(a)	P	SPAL	5 years	Prior Conviction of 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5, or 289, with Current Conviction of PC § 288 or 288.5 (Lewd Acts with Child) - STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	50,000	
667.51(c)	P	APE	15 to Life	Two Prior Convictions of 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5, or 289, with Current Conviction of PC § 288 or 288.5 (Lewd Acts with Child)-STRIKE: S- 7; V- *(See underlying felony)*	1,000,000	
667.6(a)	P	SPAL	5 years	Prior Conviction of Specified Sex Offense with Current Conviction of Specified Sex Offense - STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	50,000	
667.6(b)	P	SPAL	10 years	Two or More Prior Prison Terms for Specified Sex Offense with Current Conviction of Specified Sex Offense - STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	200,000	
667.61(a)	P	APE	25 to Life	Aggravated Sex Offense(s) -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.61(b)	P	APE	15 to Life	Aggravated Sex Offense(s) -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.61(j)	P	APE	Life w/o Parole	Aggravated Sex Offense(s); Victim < ? & Defendant is adult -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony) [This is generic - need to specify subdivision (1) or (2)]*	1,000,000	
667.61(j)(1)	P	APE	Life w/o Parole	Aggravated Sex Offense(s); Victim < 14 & Defendant is adult -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	No Bail	
667.61(j)(1)	P	APE	25 to Life	Aggravated Sex Offense(s) ; Victim < 14 & Defendant < 18 -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.61(j)(2)	P	APE	25 to Life	Aggravated Sex Offense(s); Victim < 14 -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.61(l)	P	APE	Life w/o Parole	Aggravated Sex Offense(s) with minor 14 or older & Defendant is adult -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	No Bail	
667.61(l)	P	APE	25 to Life	Aggravated Sex Offense(s) with minor 14 or older & Defendant < 18 -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.61(m)	P	APE	25 to Life	Aggravated Sex Offense(s) with minor 14 or older -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.7(a)(1)	P	APE	20 to Life	Habitual Offender Who Inflicts GBI -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	1,000,000	
667.7(a)(2)	P	APE	Life w/o Parole	Habitual Offender Who Inflicts GBI w/ priors -STRIKE: S- 7, *(See underlying felony)*; V- 7, *(See underlying felony)*	No Bail	
667.71(a)	P	APE	25 to Life	Habitual Sexual Offender -STRIKE: S- 7; V- 7	1,000,000	
667.71(b)	P	APE	25 to Life	Habitual Sexual Offender -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(1)	P	APE	25 to Life	Habitual Sexual Offender - 261(a)(2) or (6) -STRIKE: S- 7; V- 7	1,000,000	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
667.71(c)(2)	P	APE	25 to Life	Habitual Sexual Offender - 262(a) (1) or (4) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(3)	P	APE	25 to Life	Habitual Sexual Offender - 264.1 -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(4)	P	APE	25 to Life	Habitual Sexual Offender - 288(a) or (b) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(5)	P	APE	25 to Life	Habitual Sexual Offender - 289(a) or (j) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(6)	P	APE	25 to Life	Habitual Sexual Offender - 288.5 -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(7)	P	APE	25 to Life	Habitual Sexual Offender - 286(c) or (d) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(8)	P	APE	25 to Life	Habitual Sexual Offender - 288a(c) or (d) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(9)	P	APE	25 to Life	Habitual Sexual Offender - 207(b) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(10)	P	APE	25 to Life	Habitual Sexual Offender - former 208(d) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(11)	P	APE	25 to Life	Habitual Sexual Offender - 209(b) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(12)	P	APE	25 to Life	Habitual Sexual Offender - 269 -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(13)	P	APE	25 to Life	Habitual Sexual Offender - Out of State crime as above -STRIKE: S- 7; V- 7	1,000,000	
667.75	P	APE	Life	Habitual Drug Dealing With Minors (Section 11353, 11353.5, 11361, 11380, or 11380.5) - STRIKE: S- 7; V- 7	1,000,000	
667.8(a)	P	ENH	9 years	Kidnapping Victim for Purpose of Committing Sex Offense -STRIKE: S- 20; V- 14	100,000	
667.8(b)	P	ENH	15 years	Kidnapping Child-Victim for Purpose of Committing Sex Offense -STRIKE: S- 20; V- 14	250,000	
667.85	P	ENH	5 years	Kidnapping to Permanently Deprive Parent of Custody of Child -STRIKE: S- 20; V- 14	40,000	
667.9(a)	P	ENH	1 year	Committing Certain Offenses Against Disabled, Elderly, or Child Victim	20,000	
667.9(b)	P	ENH	2 years	Prior Conviction of Certain Offenses Committed Against Disabled, Elderly, or Child Victim with Current Conviction of Those Offenses	20,000	
667.10	P	ENH	2 years	Prior Conviction of PC§289 with Current Conviction of Same Offense Committed Against Disabled, Elderly, or Child Victim	20,000	
667.15(a)	P	ENH	1 year	Showing Child Pornography to Minor Prior to or During Commission of Lewd Act on the Minor in Violation of PC§288	20,000	
667.15(b)	P	ENH	2 years	Showing Child Pornography to Minor Prior to or During Commission of Sexual Conduct with That Minor in Violation of PC§288.5	20,000	
674(a)	P	ENH	2 years	Sexual abuse of minor by daycare provider	20,000	
674(b)	P	ENH	3 years	Commission of (a) while acting in concert with another	50,000	
836.6(c)*	P		2–3–4	Escape after Being Lawfully Arrested or Remanded to Custody Causing Serious Bodily Injury to Police Officer -STRIKE: S- 8	50,000 (20,000)	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
1170(h)(1)	H	AGGF		Felony Punishable Per 1170(h) With No Term Specified Punishable for 16-2-3 in Jail	0	
1170(h)(2)	H	AGGF		Felony Punishable Per 1170(h) Punishable for Term Specified in Jail	0	
1170(h)(3)	**P**	**AGGF**		**Exclusion From 1170(h) Treatment: Prior or Current Strike, 290 Registrant, or 186.11 Enhancement Proven or Admitted**	**0**	
1170.12(c)(1)	**P**	**SPAL**	**Double**	**Prior Strike Conviction**	**50,000**	
1170.12(c)(2)	**P**	**SPAL**	**Life**	**2 Prior Strike Convictions -STRIKE: S- 7; V- 7**	**1,000,000**	
1170.7	**P**	**AGGF**		**Robbery for purpose of obtaining controlled substance**	**20,000**	
1170.71	*U*	*AGGF*		*Use of pornography to induce minor to engage in lewd or lascivious acts*	*20,000*	
1170.72	*U*	*AGGF*		*Controlled substance offenses involving minor younger than 11*	*50,000*	
1170.73	*U*	*AGGF*		*Excessive quantity of controlled substance*	*50,000*	
1170.74	*U*	*AGGF*		*Drug offense involving crystal meth.*	*50,000*	
1170.76	*U*	*AGGF*		*Commission of sex offense on relative or member of household*	*20,000*	
1170.78	**P**	**AGGF**		**Arson committed in retaliation against owner or occupant of property**	**35,000**	
1170.8(a)	*U*	*AGGF*		*Robbery or ADW committed against victim while victim is in house of worship*	*35,000*	
1170.8(b)	*U*	*AGGF*		*Burning religious symbol in connection with PC 451 or 453*	*35,000*	
1170.81	**P**	**AGGF**		**Attempted life term crime against peace officer**	**100,000**	
1170.82	*U*	*AGGF*		*Providing controlled substance to pregnant woman*	*20,000*	
1170.84	**P**	**AGGF**		**Tying, binding or confining victim in connection with commission of serious felony**	**50,000**	
1170.85(a)	*U*	*AGGF*		*Felony assault or battery against informant*	*50,000*	
1170.85(b)	*U*	*AGGF*		*Where victim is vulnerable due to age or disability*	*75,000*	
1170.86	*U*	*AGGF*		*Commission of felony within safe school zone*	*25,000*	
1170.89	**P**	**AGGF**		**Commission of certain firearm offenses with knowledge that firearm was stolen**	**25,000**	
1192.7(c)(all)	**P**	**AGGF**		**Strike authority - "Serious Felony"**	**0**	
1192.8(all)	**P**	**AGGF**		**Strike authority - "Serious Felony"**	**0**	
1203.2 (Misdo)				Probation Violation - Misdemeanor - [Note: Bail shall be set at 7,500, except bail is $20,000 in misdemeanor probation violation cases where 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.")]	(7,500) [See Note]	
1203.2(a)	*U*			*Probation Violation - Felony*	*No Bail*	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
1203.045(a)	*U*	*AGGF*		*Denial of Probation: Theft > $100,000*	*25,000*	
1203.046(a)	H	AGGF		Denial of Probation: Using / Soliciting Minor to Commit 653j	25,000	
1203.048(a)	*U*	*AGGF*		*Denial of Probation: Specified computer crimes- Loss > $100,000*	*25,000*	
1203.049(a)	*U*	*AGGF*		*Denial of Probation: Electronic transfer of CalFresh benefits > $100,00 (W&I 10980(f) or(g))*	*25,000*	
1203.06(a)(all)	**P**	**AGGF**		**Denial of Probation: Personal Use of Firearm in specified crimes; Armed during commission of a felony, or at time of arrest therefor, with prior specified convictions. [Bail applies to all subsections]**	**30,000**	
1203.065(a)	**P**	**AGGF**		**Denial of Probation: Specified Sex Crimes**	**30,000**	
1203.065(b)(1)	**P**	**AGGF**		**Denial of Probation: Specified Sex Crimes**	**30,000**	
1203.066(all)	**P**	**AGGF**		**Denial of Probation: 288 or 288.5 with specified aggravating factors. [Bail applies to all subsections]**	**30,000**	
1203.07(a)(all)	*U*	*AGGF*		*Denial of Probation: Specified Drug Offenses.* ***[Bail applies to all subsections]***	*25,000*	
1203.073(a)	*U*	*AGGF*		*Denial of Probation: Specified Drug Offenses.*	*25,000*	
1203.073(b)(all)	*U*	*AGGF*		*Denial of Probation: Specified Drug Offenses.* ***[Bail applies to all subsections]***	*25,000*	
1203.074(a)	H	AGGF		Denial of Probation: Violate 11366.6	25,000	
1203.074(b)	H	AGGF		Denial of Probation: Violate 11366.6	25,000	
1203.075(a)(all)	**P**	**AGGF**		**Denial of Probation: GBI inflicted during commission of specified crimes. [Bail applies to all subsections]**	**30,000**	
1203.08(a)	**P**	**AGGF**		**Denial of Probation: 2+ prior felony convictions for any felony specified in Section 187, 192, 207, 209, 209.5, 211, 215, 217, 245, 288, or paragraph (2), (6), or (7) of Section 261(a), paragraph (1), (4), or (5) of Section 262(a), Section 460(a), or when great bodily injury occurs in perpetration of an assault to commit robbery, mayhem, or rape, as defined in Section 220.**	**25,000**	
1203.085(a)	**P**	**AGGF**		**Denial of Probation: Violent-crime parolee commits state prison crime not a wobbler**	**30,000**	
1203.085(b)	**P**	**AGGF**		**Denial of Probation: Parolee commits violent or serious felony**	**30,000**	
1203.09(all)	**P**	**AGGF**		**Denial of Probation: Specified crimes against elderly or handicapped [Bail applies to all subsections]**	**25,000**	
1320(b)*	H		16–2–3	Willful Failure to Appear Felony Hearing, When Released on OR	20,000 (10,000)	
1320.5*	H		16–2–3	Willful Failure to Appear Felony Hearing, When Released on Bail	20,000 (10,000)	
1370.5(a)*	**P**		**1 yr & 1 day**	**Escape from Mental Health Facility**	**10,000 (5,000)**	
1551				Fugitive From Justice - Interstate	No Bail or Same as Out-of-State Warrant	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
4131.5*	H		16–2–3	Battery on Non-Inmate by County Jail Prisoner	10,000 (5,000)	
4133*	**P**		**16–2–3**	**Escape from Industrial Farm**	**25,000 (10,000)**	
4500	**P**		**Life / Death**	**Aggravated assault by life prisoner -STRIKE: S- 7; V- 7**	**No Bail**	
4501	**P**		**2–4–6**	**Aggravated assault by prison inmate -STRIKE: S- 13**	**50,000**	
4501.1(a)*	**P**		**2–3–4**	**Gassing by a state prisoner (but not one confined in county jail) on a peace officer**	**20,000 (10,000)**	
4501.5	**P**		**2–3–4**	**Battery on Non-Inmate by Prison Inmate**	**30,000**	
4502(a)	H		2–3–4	Prisoner Possessing Deadly Weapon	30,000	
4502(b)	H		16–2–3	Mfg or attempt to mfg dangerous weapon by prison inmate	15,000	
4503	**P**		**3–5–7**	**Holding of Hostages by Prison Inmate -STRIKE: S- 21**	**60,000**	
4530(a)	**P**		**2–4–6**	**Escape, Attempted Escape from Prison with Force or Violence**	**100,000**	
4530(b)	**P**		**16–2–3**	**Escape, Attempted Escape from Prison Without Force or Violence**	**50,000**	
4532(a)(1)*	**P**		**1 yr & 1 day**	**Escape or attempt after a detention or commitment based upon a misdemeanor**	**15,000 (7,500)**	
4532(a)(2)*	**P**		**2–4–6**	**Escape or attempt by force or violence based on a misdemeanor detention or commitment**	**100,000 (30,000)**	
4532(b)(1)*	**P**		**16–2–3**	**Escape or attempt by force or violence based on a misdemeanor detention or commitment**	**25,000 (10,000)**	
4532(b)(2)*	**P**		**2–4–6**	**Escape or attempt by force or violence based on a felony detention or commitment**	**100,000 (30,000)**	
4532(e)*	**P**		**1 yr & 1 day**	**Failure of Misdemeanant to Return to Jail Subsequent to Temporary Release**	**10,000 (5,000)**	
4532(e)*	**P**	**APE**	**16–2–3**	**Failure of Felon to Return to Jail Subsequent to Temporary Release**	**25,000 (10,000)**	
4535	**P**		**16–2–3**	**Carries or send into prison or jail anything useful for an escape with intent to facilitate escape**	**50,000**	
4550(a)	H		2–3–4	Rescuing or attempting to rescue a felon convicted of a felony punishable by death, from lawful custody	20,000	
4550(b)*	H		16–2–3	Rescuing or attempting to rescue a felon from lawful custody	10,000 (5,000)	
4571	**P**		**16–2–3**	**Unauthorized entry on prison or jail grounds by ex-convict**	**10,000**	
4573(a)	H		2–3–4	Smuggling Drugs/Drug Device/Alcohol into Prison / Jail	30,000	
4573.5	**P**		**16–2–3**	**Bringing Drugs/Paraphernalia into Prison/Jail**	**10,000**	
4573.6	H		2–3–4	Possessing Controlled Substances/Drug Device Where Prisoners Are Kept	30,000	
4573.8	**P**		**16–2–3**	**Possessing Drugs/Drug Device/Alcohol Where Prisoners Are Kept**	**10,000**	
4573.9	H		2–4–6	Sale of Controlled Substances to Prisoner	50,000	
4574(a)	H		2–3–4	Bring/Send Firearms/Deadly Weapons/Explosives into Prison	50,000	
4574(b)	H		2–3–4	Smuggling Tear Gas into Prison or Jail Resulting in Release of Tear Gas	50,000	
4600(a)	H		16–2–3	Destruction of Prison or Jail, Damage Exceeds $400	10,000	

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MONTEREY COUNTY BAIL SCHEDULE
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
11411(c)*	H		16–2–3	Placing or Displaying Nazi Swastika or Other Symbol on Property of Another on 2 or More Occasions for Purpose of Terrorizing the Property Owner	10,000 (5,000)	
11411(d)*	H		16–2–3	Cross-Burning on Private Property of Another or School Property for Purpose of Terrorizing Property Owner, Student, or School Employee	10,000 (5,000)	
11412	**P**		**16–2–3**	**Religious Terrorism**	**20,000**	
11413(a)	H		3–5–7	Use of Explosives in Terrorism of Specified Places	60,000	
11418(a)(1)	H		4–8–12	Possession, Production, or Transfer of Weapons of Mass Destruction	500,000	
11418(a)(2)	H		5–10–15	Possession, Production, or Transfer of Weapons of Mass Destruction with Prior Conviction of Certain Offenses	250,000	
11418(b)(1)	**P**		**Life**	**Use of Weapon of Mass Destruction that May Cause Widespread , Disabling Illness or Injury to Humans -STRIKE: S- 7, 41; V- 7, 23**	**1,000,000**	
11418(b)(2)	**P**		**Life w/o Parole**	**Use of Weapon of Mass Destruction that May Cause Widespread , Disabling Illness or Injury to Humans Which in Fact Causes Death -STRIKE: S- 7, 41; V- 7, 23**	**No Bail**	
11418(b)(3)	**P**		**5–8–12**	**Use of Weapon of Mass Destruction to Damage and Disrupt Water or Food Supply -STRIKE: S- 41; V- 23**	**500,000**	
11418(b)(4)	**P**		**4–8–12**	**Use of Weapon of Mass Destruction to Cause Substantial Loss in the Value of Stock Animals or Crops -STRIKE: S- 41; V- 23**	**500,000**	
11418(c)	**P**		**3–4–6**	**Use of Weapon of Mass Destruction to Damage Public Natural Resources -STRIKE: S- 41; V- 23**	**500,000**	
11418(d)(1)	**P**		**4–8–12**	**Use of Recombinant Technology to Create New Pathogens for Specified Destructive Purposes**	**500,000**	
11418(d)(2)	**P**		**3–6–9**	**Use of Recombinant Technology to Create New Pathogens for Specified Destructive Purposes (Natural Resource Destruction)**	**100,000**	
11418.1*	**P**		**16–2–3**	**False or facsimile of weapon of mass destruction**	**10,000 (5,000)**	
11418.5(a)*	**P**		**3–4–6**	**Threat of Use of Weapon of Mass Destruction Resulting in Isolation, Quarantine, or Decontamination**	**50,000 (15,000)**	
11419(a)	H		4–8–12	Possession of Restricted Biological Agents	500,000	
12020(a)(1)*	**P**		**16–2–3**	**Dangerous Weapons, Manufacture, Sale, Possession; Carrying Explosive [*REPEALED - X-ref:* 19200(a)]**	**10,000 (5,000)**	
12020(a)(2)*	**P**		**16–2–3**	**Manufactures, Imports, Sells Large Capacity Ammunition [*REPEALED - X-ref:* 32310]**	**10,000 (5,000)**	
12020(a)(3)*	**P**		**16–2–3**	**Concealed Explosive or Ammunition [*REPEALED - X-ref:* 19100]**	**10,000 (5,000)**	
12020(a)(4)*	**P**		**16–2–3**	**Concealed Dirk or Dagger [*REPEALED - X-ref:* 21310]**	**10,000 (5,000)**	
12021(a)(1)*	**P**		**16–2–3**	**Concealable Firearms, Ownership or Possession by Felon, Addict [*REPEALED - X-ref:* 29800(a)(1)]**	**20,000 (10,000)**	

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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
12021(a)(2)*	**P**		**16–2–3**	**Concealable Firearms, Ownership or Possession by person with 2 or more 417(a)(2) priors [*REPEALED - X-ref:* 29800(a)(2)]**	**20,000 (10,000)**	
12021(b)*	**P**		**16–2–3**	**Concealable Firearms, Possession of firearm by minor previously convicted of felony as adult [*REPEALED - X-ref:* 29800(b)]**	**20,000 (10,000)**	
12021(c)(1)*	**P**		**16–2–3**	**Concealable Firearms, Owns, possesses, controls a firearm with specified prior [*REPEALED - X-ref:* 29805]**	**20,000 (10,000)**	
12021(d)(1)*	**P**		**16–2–3**	**Violation of an express condition of probation [*REPEALED - X-ref:* 29815(a)]**	**20,000 (10,000)**	
12021(e)(1)*	**P**		**16–2–3**	**Juvenile offenders of specified offenses; no firearms before 30 years of age [*REPEALED - X-ref:* 29820(b)]**	**20,000 (10,000)**	
12021(g)(1)*	**P**		**16–2–3**	**Purchasing/Receiving Firearm When Subject to Domestic Violence Restraining Order [*REPEALED - X-ref:* 29825(a)]**	**30,000 (15,000)**	
12021.1(a)	**P**		**16–2–3**	**Possession of Firearms by Felon Convicted of Violent Crimes [*REPEALED - X-ref:* 29900(a)(1)]**	**30,000**	
12021.1(c)	H		16–2–3	Possession of firearm with prior violent felony conviction in adult court per WIC 707 [*REPEALED - X-ref:* 29900(b)(1)]	30,000	
12021.5(a)	**P**	**ENH**	**1–2–3**	**Carrying Firearm While Committing Street Gang Crime**	**30,000**	
12021.5(b)	H	ENH	2–3–4	Carrying Firearm Together with Detachable Magazine While Committing Street Gang Crime	30,000	
12022(a)(1)	H	ENH	1 year	Being Armed with a Firearm	20,000	
12022(a)(2)	H	ENH	3 years	Being Armed with an Assault Weapon or Machine Gun	50,000	
12022(b)(1)	**P**	**ENH**	**1 year**	**Personally Using Deadly Weapon -STRIKE: S- 23**	**15,000**	
12022(b)(2)	**P**	**ENH**	**1–2–3**	**Personally Using Deadly Weapon in the Commission of Carjacking, or Personally Using Deadly Weapon in the Commission of Attempted Carjacking -STRIKE: S- 27; V- 17; J- 25**	**25,000**	
12022(c)	H	ENH	3–4–5	Being Personally Armed with a Firearm While Committing Drug Offenses	40,000	
12022(d)	H	ENH	1–2–3	Being a Principal, Knowing Another Principal Is Personally Armed with a Firearm, While Committing Drug Offenses	20,000	
12022.1(b)	*U*	*ENH*	*2 years*	*Committing Felony Offenses While Released on Bail or Own Recognizance*	*20,000*	
12022.2(a)	*U*	*ENH*	*3–4–10*	*Being Armed with a Firearm and Possessing Metal-Piercing Ammunition*	*200,000*	
12022.2(b)	*U*	*ENH*	*1–2–5*	*Wearing Bulletproof Body Vest in the Commission of Violent Felony*	*50,000*	
12022.3(a)	**P**	**ENH**	**3–4–10**	**Using Firearm or Deadly Weapon in Commission of 261, 262, 264.1, 286, 288, 288a, or 289 - STRIKE: S- 8, 23; V- 8; J- 18**	**200,000**	
12022.3(b)	**P**	**ENH**	**1–2–5**	**Being Armed with a Firearm or Deadly Weapon in Commission of 261, 262, 264.1, 286, 288, 288a, or 289**	**40,000**	
12022.4(a)	**P**	**ENH**	**1–2–3**	**Supplying Firearm for Commission of Felony**	**20,000**	

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Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
12022.5(a)	P	ENH	3–4–10	Personally Using Firearm -STRIKE: S- 8; V- 8; J- 17	200,000	
12022.5(b)	P	ENH	5–6–10	Personally Using Assault Weapon or Machine Gun -STRIKE: S- 8; V- 8, 22; J- 17	200,000	
12022.53(b)	P	ENH	10 years	Personally Using Firearm While Committing Felony Designated in PC§12022.53(a) -STRIKE: S- 8, 40; V- 22; J- 17	200,000	
12022.53(c)	P	ENH	20 years	Discharging Firearm While Committing Felony Designated in PC§12022.53(a) -STRIKE: S- 8, 40; V- 22; J- 17	250,000	
12022.53(d)	P	ENH	25 to Life	Discharging Firearm Causing GBI or Death While Committing Designated Felony -STRIKE: S- 7, 8, 40; V- 7; J- 17	1,000,000	
12022.55	P	ENH	5–6–10	Discharging Firearm from Vehicle Causing Great Bodily Injury or Death -STRIKE: S- 8; V- 8	500,000	
12022.6(a)(1)	*U*	*ENH*	*1 year*	*Taking of or Damage to Property over $65,000*	*10,000*	
12022.6(a)(2)	*U*	*ENH*	*2 years*	*Taking of or Damage to Property over $200,000*	*20,000*	
12022.6(a)(3)	*U*	*ENH*	*3 years*	*Taking of or Damage to Property over $1,300,000*	*30,000*	
12022.6(a)(4)	*U*	*ENH*	*4 years*	*Taking of or Damage to Property over $3,200,000*	*100,000*	
12022.7(a)	P	ENH	3 years	Personally Inflicting GBI -STRIKE: S- 8; V- 8	50,000	
12022.7(b)	P	ENH	5 years	Personally Inflicting GBI Resulting in Comatose Brain Injury or Permanent Paralysis of Victim -STRIKE: S- 8; V- 8	100,000	
12022.7(c)	P	ENH	5 years	Personally Inflicting GBI on Victim 70 Years of Age or Older -STRIKE: S- 8; V- 8	100,000	
12022.7(d)	P	ENH	4–5–6	Personally Inflicting GBI on Child under 5 Years of Age -STRIKE: S- 8; V- 8	100,000	
12022.7(e)	P	ENH	3–4–5	Personally Inflicting GBI During Commission of Domestic Violence Offense -STRIKE: S- 8; V- 8	50,000	
12022.75(a)	U	ENH	3 years	Administering Controlled Substance Against Victim's Will -STRIKE: S-24	50,000	
12022.75(b)(1)	P	ENH	5 years	Administration of drugs by force or fear to commit specified sex offenses -STRIKE: V- [See Crime]	50,000	
12022.8	P	ENH	5 years	Inflicting GBI in Commission of Sex Offense -STRIKE: S- 8; V- 8	250,000	
12022.85(a)	*U*	*ENH*	*3 years*	*Knowing Defendant Carries Aids Virus Committing Sex Offense - 261, 261.5, 262, 286, 288a*	*250,000*	
12022.9	P	ENH	5 years	Personally Inflicting Injury Causing Termination of Pregnancy -STRIKE: S- 8; V- 8	250,000	
12022.95	P	ENH	4 years	Conviction of 273a (Willful Cruelty to Child) Resulting in Death -STRIKE: S- 8	250,000	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
12025(a)**			1 year	Generic Concealed Weapon (Use this section if defendant is booked / charged with APE only under 12025(b).) [*REPEALED - X-ref:* 25400(a)(1)] [**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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
12025(a)(1)**			1 year	Concealed Weapon in Vehicle w/o License [*REPEALED - X-ref:* 25400(a)(1)] [**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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
12025(a)(2)**			1 year	Concealed Weapon on Person w/o License [*REPEALED - X-ref:* 25400(a)(2)] [**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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
12025(a)(3)**			1 year	Causes Concealed Weapon in Vehicle w/o License [*REPEALED - X-ref:* 25400(a)(3)] [**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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
12025(b)(1)	H	APE	16–2–3	Conv Felon-Carry Concealed Firearm *[REPEALED - X-ref: 25400(c)(1)]* [Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]	10,000	
12025(b)(2)	H	APE	16–2–3	Carry Concealed Stolen Weapon *[REPEALED - X-ref: 25400(c)(2)]* [Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]	10,000	
12025(b)(3)	**P**	**APE**	**16–2–3**	**Carry Concealed Weapon: Active Street Gang*[REPEALED - X-ref: 25400(c)(3)]*** **[Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]**	**20,000**	
12025(b)(4)	**P**	**APE**	**16–2–3**	**Carry Concealed Weapon: Prohibited Class/Unlaw *[REPEALED - X-ref: 25400(c)(4)]*** **[Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]**	**10,000**	

MONTEREY COUNTY BAIL SCHEDULE
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
12025(b)(5)*	H	APE	16–2–3	Carrying a concealed Weapon on Person w/Prior *[REPEALED - X-ref: 25400(c)(5)]* [Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]	0 (5,000)	
12025(b)(6)*	H	APE	16–2–3	Concealed Firearm-Not Registered Owner *[REPEALED - X-ref: 25400(c)(6)]* [Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]	0 (5,000)	
12025(b)(7) (Misdo)			1 Year	Concealed Firearm-Other than Above *[REPEALED - X-ref: 25400(c)(6)]*	(5,000)	
12031(a)(1)**			1 year	Carrying Loaded Firearm on Person or in Vehicle [*REPEALED - X-ref:* 25850(c)(1)] [**NOTE**: **This is an APE Crime.** 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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
12031(a)(2)(A)	**P**	**APE**	**16–2 -3**	**Carrying Loaded Firearm - Prior Felony Conviction [*REPEALED - X-ref:* 25850(c)(1)]** **[Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]**	**10,000**	
12031(a)(2)(B)	**P**	**APE**	**16–2–3**	**Carrying Loaded Firearm - Stolen Firearm [*REPEALED - X-ref:* 25850(c)(2)]** **[Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]**	**10,000**	
12031(a)(2)(C)	**P**	**APE**	**16–2–3**	**Carrying Loaded Firearm - Active Participant in Criminal Street Gang [*REPEALED - X-ref:* 25850(c)(3)]** **[Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]**	**20,000**	
12031(a)(2)(D)	**P**	**APE**	**16–2–3**	**Carrying Loaded Firearm- Prohibited Person [*REPEALED - X-ref:* 25850(c)(5)]** **[Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]**	**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 [*REPEALED - X-ref:* 25850(c)(5)]** **[Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]**	**0 (5,000)**	

MONTEREY COUNTY BAIL SCHEDULE
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
12031(a)(2)(F)*	**P**	**APE**	**16–2–3**	**Carrying Loaded Firearm - Not Registered Owner [*REPEALED - X-ref:* 25850(c)(6)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]**	**0 (5,000)**	
12034(b)*	**P**		**16–2–3**	**Permitting Another to Discharge Firearm from Motor Vehicle [*REPEALED - X-ref:* 26100(b)]**	**15,000 (7,500)**	
12034(c)	**P**		**3–5–7**	**Personally Shooting from Motor Vehicle -STRIKE: S- 36; J- 28 [*REPEALED - X-ref:* 26100(c)]**	**100,000**	
12034(d)*	**P**		**16–2–3**	**Discharging Firearm from Motor Vehicle -STRIKE: S- 36 [*REPEALED - X-ref:* 26100(d)]**	**15,000 (7,500)**	
12051(c)	**P**		**16–2–3**	**False Application for License to Carry a Concealed Weapon [*REPEALED - X-ref:* 26180(b)]**	**15,000**	
12072(g)(3)(all)*	H		16–2–3	Unlawful Firearm Transaction in Violation of PC§12072(a)(2) or (b) and Firearm Used in Felony [*REPEALED - X-ref:* 27590(b)(all)] [Bail applies to all subsections.]	20,000 (10,000)	
12090	**P**		**16–2–3**	**Altering or Effacing Identifying Marks on Firearm [*REPEALED - X-ref:* 23900]**	**15,000**	
12220(a)	H		16–2–3	Possession or Transport of Machine Gun [*REPEALED - X-ref:* 32625(a)]	50,000	
12220(b)	H		4–6–8	Conversion, Sale, or Manufacture of Machine Gun [*REPEALED - X-ref:* 32625(b)]	100,000	
12280(a)(1)	H		4–6–8	Manufacture, Transport, or Sale of Assault Weapon [*REPEALED - X-ref:* 30600(a)]	100,000	
12280(a)(2)	H	ENH	1 year	Selling or Giving Assault Weapon to a Minor [*REPEALED - X-ref:* 30600(b)]	50,000	
12280(b)*	H		16–2–3	Possession of Assault Weapon [*REPEALED - X-ref:* 30605(a)]	20,000 (10,000)	
12303*	**P**		**16–2–3**	**Possession of Destructive Device [*REPEALED - X-ref:* 18710(all)]**	**10,000 (5,000)**	
12303.1	**P**		**2–4–6**	**Carrying or Placing Explosive on Common Carrier [*REPEALED - X-ref:* 18725]**	**50,000**	
12303.1(a)	**P**		**2–4–6**	**Carrying or Placing Explosive on Common Carrier [*REPEALED - X-ref:* 18725]**	**50,000**	
12303.1(b)	**P**		**2–4–6**	**Carrying or Placing Explosive on Common Carrier [*REPEALED - X-ref:* 18725]**	**50,000**	
12303.1(c)	**P**		**2–4–6**	**Carrying or Placing Explosive on Common Carrier [*REPEALED - X-ref:* 18725]**	**50,000**	
12303.2	**P**		**2–4–6**	**Possession of Destructive Devices or Explosives in Public Places [*REPEALED - X-ref:* 18715(all)]**	**50,000**	
12303.3	**H**		**3–5–7**	**Possession of Exploding or Destructive Device or Explosive w/Intent to Injure -STRIKE: S- 15 [*REPEALED - X-ref:* 18740]**	**60,000**	
12303.6	H		2–3–4	Sale or Transportation of Destructive Device [*REPEALED - X-ref:* 18730]	20,000	
12308	**P**		**Life**	**Explosion of Destructive device with Intent to Murder -STRIKE: S- 7, 17, 39; V- 7, 13; J- 13, 29 [*REPEALED - X-ref:* 18745]**	**1,000,000**	
12309	**P**		**5–7–9**	**Unlawful Explosion Causing Bodily Injury -STRIKE: S- 16; V- 13; J- 13 [*REPEALED - X-ref:* 18750]**	**100,000**	
12310(a)	**P**		**Life w/o Parole**	**Unlawful Explosion Causing Death -STRIKE: S- 7, 16; V- 7, 13; J- 13 [*REPEALED - X-ref:* 18755(a)]**	**No Bail**	
12310(b)	**P**		**Life**	**Unlawful Explosion Causing Mayhem or GBI -STRIKE: S- 7, 16; V- 7, 13; J- 13**	**1,000,000**	

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MONTEREY COUNTY BAIL SCHEDULE
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Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
12312	H		2–3–4	Possession of Materials with Intent to Make Destructive Device or Explosive [*REPEALED - X-ref:* 18720]]	50,000	
12316(b)(1)*	**P**		**16–2–3**	**Possession of Ammunition or Reloaded Ammunition by Felon or Mental Patient [*REPEALED - X-ref:* 30305(a)(1)]**	**10,000 (5,000)**	
12370(a)	H		16–2–3	Unauthorized Possession of Body Armor by Person Convicted of Violent Felony [*REPEALED - X-ref:* 31360(a)]	50,000	
12403.7(a)*	H		16–2–3	Using Tear Gas Other than in Self-defense [*REPEALED - X-ref:* 22810(all)]	10,000 (5,000)	
12403.7(g)*	H		16–2–3	Using Tear Gas Against Peace Officer [*REPEALED - X-ref:* 22810(g)(2)]	25,000 (10,000)	
12520	H		16–2–3	Possession of Firearm Silencer [*REPEALED - X-ref:* 33410]	50,000	
14166*	**P**		**16–2–3**	**Money Laundering**	**10,000 (5,000)**	
18710(a)*	**P**		**16–2–3**	**Possession of destructive device [X-ref: 12303]**	**10,000 (5,000)**	
18715(a)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(1)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(2)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(3)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(4)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(5)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18720	H		2–3–4	Possess material-intent make destruct device [X-ref: 12312]	50,000	
18725	H		2–4–6	Placing destructive device-public transport [X-ref: 12303.1(all)]	50,000	
18730	H		2–3–4	Sell/ transport destructive device [X-ref: 12303.6]	20,000	
18735(c)*	H		16–2–3	2nd Conviction of §18745(a) - Possesses, sells, transports fixed ammo of > .60 caliber with prior [X-ref: 12304]	10,000 (5,000)	
18740	H		3–5–7	Possess explosive or destructive device with intent to injure [X-ref: 12303.3]	60,000	
18745	**P**		**Life**	**Exploding destructive device-intent to murder -STRIKE: S- 7, 17; V- 7, 13; J- 13, 29 [X-ref: 12308]**	**1,000,000**	
18750	**P**		**5–7–9**	**Exploding destructive device causing injury -STRIKE: S- 16; V- 13; J- 13 [X-ref: 12309]**	**100,000**	
18755(a)	**P**		**Life w/o Parole**	**Exploding destructive device causing death -STRIKE: S- 7, 16; V- 7, 13; J- 13 [X-ref: 12310(a)]**	**No Bail**	
18755(b)	**P**		**Life**	**Exploding destructive device causing GBI -STRIKE: S- 7, 16; V- 7, 13; J- 13 [X-ref: 12310(b)]**	**1,000,000**	
19100*	H		16–2–3	Carry concealed explosive [X-ref: 12020(a)(3)]	10,000 (5,000)	

Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
19200(a)*	H		16–2–3	Certain metal handgrenades-sell/possess/mfg -3rd offense [X-ref: 12020(a)(1)]	10,000 (5,000)	
20110(a)	H		2–3–5	Assembling booby trap/possession with intent [X-ref: 12355(a)]	40,000	
20110(b)*	H		16–2–3	Possession of device w/intent as booby trap [X-ref: 12355(b)]	10,000 (5,000)	
20310*	H		16–2–3	Air gauge knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20410*	H		16–2–3	Belt buckle knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20510*	H		16–2–3	Cane sword-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20610*	H		16–2–3	Lipstick case knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20710*	H		16–2–3	Shobi-zue-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20910*	H		16–2–3	Writing pen knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
21110*	H		16–2–3	Ballistic knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
21310*	H P		16–2–3	Dirk or dagger-sell/possess/mfg [X-ref: 12020(a)(4)]	10,000 (5,000)	
21810*	H		16–2–3	Metal knuckles-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
22010*	H		16–2–3	Nunchaku-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
22210*	H		16–2–3	Billy/blackjack/sandbag/sandclub/sap/slungshot [X-ref: 12020(a)(1)]	10,000 (5,000)	
22410*	H		16–2–3	Shuriken-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
22810(g)(1)*	H		16–2–3	Use of tear gas except self defense [X-ref: 12403.7(a)]	10,000 (5,000)	
22810(g)(2)	H		16–2–3	Using Tear Gas Against Peace Officer [X-ref: 12403.7(g)]	25,000	
22910(a)	H		16–2–3	Alter tear gas weapon serial #/manufacturer [X-ref: 12422]	10,000	
23900	H		16–2–3	Alter firearm serial number [X-ref: 12090]	15,000	
24310*	H		16–2–3	Camouflaging firearm container-sell/possess [X-ref: 12020(a)(1)]	10,000 (5,000)	
24410*	H		16–2–3	Cane gun-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
24510*	H		16–2–3	Firearm not recognizable as firearm [X-ref: 12020(a)(1)]	10,000 (5,000)	
24610*	H		16–2–3	Undetectable firearm-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
24710*	H		16–2–3	Wallet gun-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
25100(a)*	H		16–2–3	1st degree criminal storage of firearm - Negligence and Child causes GBI [X-ref: 12035(b)]	10,000 (5,000)	
25110(a)*	H		16–2–3	Penalty: 1st degree criminal storage of firearm (punishment) [X-ref: 12035(d)]	10,000 (5,000)	
25300(a)*	H		16–2–3	Public firearm possession while masked [X-ref: 12040]	15,000 (7,500)	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
25400(a)**			1 year	Generic - Carry Concealed Weapon (Use this section if defendant is booked / charged with APE only under 25400(c).) [X-ref: 12025(a)] [**NOTE**: This is an **APE Crime.** 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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
25400(a)(1)**			1 year	Carry Concealed Weapon In Vehicle [X-ref: 12025(a)(1)] [**NOTE**: This is an **APE Crime.** 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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
25400(a)(2)**			1 year	Carry Firearm Capable Of Being Concealed [X-ref: 12025(a)(2)] [**NOTE**: This is an **APE Crime.** 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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
25400(a)(3)**			1 year	Occupant Carry Concealable Weapon In Vehicle [X-ref: 12025(a)(3)] [**NOTE**: This is an **APE Crime.** 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. **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]	30,000** (5,000) *[Felony bail only if any **APE** applies]*	
25400(c)(1)	**P**	**APE**	**16–2–3**	**Conv Felon-Carry Concealed Firearm [X-ref: 12025(b)(all)]** **[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]**	**10,000**	
25400(c)(2)	**P**	**APE**	**16–2–3**	**Carry Concealed Stolen Weapon [X-ref: 12025(b)(all)]** **[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]**	**10,000**	
25400(c)(3)	**P**	**APE**	**16–2–3**	**Carry Concealed Weapon: Active Street Gang [X-ref: 12025(b)(all)]** **[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]**	**20,000**	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
25400(c)(4)	**P**	**APE**	**16–2–3**	**Carry Concealed Weapon: Prohibited Class/Unlaw [X-ref: 12025(b)(all)]** **[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]**	**10,000**	
25400(c)(5)	H	APE	16–2–3	Carrying a concealed Weapon on Person w/Prior [X-ref: 12025(b)(all)] [Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]	0 (5,000)	
25400(c)(6)	H	APE	16–2–3	Concealed Firearm-Not Registered Owner [X-ref: 12025(b)(all)] [Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]	0 (5,000)	
25400(c)(7) [Misdo]			1 year	Other Concealed Firearm = Misdemeanor	(0)	
25800(a)*	**P**		**16–2–3**	**Carry loaded firearm - intent to commit felony [X-ref: 12023]**	**15,000 (7,500)**	
25850(a)**			1 year	Carrying a Loaded Firearm [X-ref: 12031(a)(1)])] [**NOTE**: This is an **APE Crime.** 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.] **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]	*30,000** (5,000)* *[Felony bail only if any **APE** applies]*	
25850(c)(1)	**P**	APE	**16–2–3**	**Carry loaded firearm - prior felony conviction [X-ref: 12031(a)(2)(A)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**10,000**	
25850(c)(2)	**P**	APE	**16–2–3**	**Carry loaded firearm - stolen firearm [X-ref: 12031(a)(2)(B)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**10,000**	
25850(c)(3)	**P**	APE	**16–2–3**	**Carry loaded firearm - criminal street gang [X-ref: 12031(a)(2)(C)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**20,000**	
25850(c)(4)	**P**	APE	**16–2–3**	**Carry loaded firearm - prohibited person [X-ref: 12031(a)(2)(D)]** **[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]**	**10,000**	
25850(c)(5)*	H	APE	16–2–3	Carry a loaded firearm - prior conviction [X-ref: 12031(a)(2)(E)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	0 (5,000)	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
25850(c)(6)*	H	APE	16–2–3	Carry a loaded firearm - not registered owner [X-ref: 12031(a)(2)(F)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	0 (5,000)	
25850(c)(7) [Misdo]			1 year	Other Concealed Loaded Firearm = Misdemeanor	(0)	
26100(a) (Misdo)			6 months	Permit Other To Carry Firearm In Vehicle [X-ref: 12034(a)]	(7,500)	
26100(b)*	**P**		**16–2–3**	**Permit Other- Discharge Firearm from Vehicle [X-ref: 12034(b)]**	**15,000 (7,500)**	
26100(c)	**P**		**3–5–7**	**Maliciously Shoot From Vehicle At Person -STRIKE: S- 36 [X-ref: 12034(c)]**	**100,000**	
26100(d)*	**P**		**16–2–3**	**Maliciously Discharge Firearm From Vehicle -STRIKE: S- 36 [X-ref: 12034(d)]**	**15,000 (7,500)**	
26180(b)	**P**		**16–2–3**	**False statement-CCW permit application-felony [X-ref: 12051(c)]**	**15,000**	
27500(a)	H		2–3–4	Knowingly Sell/Give/Etc Firearm To Prohibited Person (Punish per 27590(b)(1)) [X-ref: 12072(a)]	20,000	
27500(b)*	H		16–2–3	"Having Cause to Believe" Person Prohibited, Sell/Give/Etc Firearm To Prohibited Person (Punish per 27590(c)(1)) [X-ref: 12072(a)]	20,000 (10,000)	
27505(a)**	H		1 year	Sale/transfer of firearm to person under 21 [X-ref: 12072(a)(3)(A)] [**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. **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 III]	20,000** (7,500) *[Felony bail only if any **APE** applies]*	
27510**	H		1 year	Licensed dealer providing hand gun to person under 21 or any firearm to minor- [X-ref: 12072(b)] [**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. **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 III]	20,000** (7,500) *[Felony bail only if any **APE** applies]*	
27515*	H		16–2–3	Sale/transfer to straw buyer (Punish per 27590(c)(1)) [X-ref: 12072(a)(4)]	10,000 (5,000)	
27515(a)*	H		16–2–3	Sale/transfer to straw buyer (Punish per 27590(c)(1)) [X-ref: 12072(a)(4)]	10,000 (5,000)	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
27515(b)*	H		16–2–3	Sale/transfer to straw buyer (Punish per 27590(c)(1)) [X-ref: 12072(a)(4)]	10,000 (5,000)	
27520*	H		16–2–3	Acquire firearm to sell illegally (Punish per 27590(c)(1)) [X-ref: 12072(a)(5)]	20,000 (7,500)	
27540**	H		1 year	Dealer firearm delivery restrictions [X-ref: 12072] [**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. **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 III]	20,000** (7,500) *[Felony bail only if any **APE** applies]*	
27545**	H		1 year	Non-Dealer firearm transaction restrictions [X-ref: 12072] [**NOTE**: This is an **APE Crime.** 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. **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]	20,000** (7,500) *[Felony bail only if any **APE** applies]*	
27590(b)(2)	H	APE	2–3–4	Gun crime - Specified prior conviction [X-ref: 12072(g)(3)] [Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]	20,000	
27590(b)(3)	H	APE	2–3–4	Gun crime - Specified prior conviction [X-ref: 12072(g)(3)] [Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]	20,000	
27590(b)(4)	H	APE	2–3–4	Gun crime - Prohibited class [X-ref: 12072(g)(3)] [Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]	20,000	
27590(b)(5)	H	APE	2–3–4	Gun crime - Active gang member [X-ref: 12072(g)(3)] [Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]	40,000	
27590(b)(6)	H	APE	2–3–4	Gun crime - Violate 27510 with knowledge transaction involves minor [X-ref: 12072(g)(3)] [Note: Book person once for underlying APE Crime - See 27510 & Section III of Schedule, above.]	20,000	

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
27590(c)(2)*	H	APE	16–2–3	Violation of 27505 involving handgun to minor [Note: Book person once for underlying APE Crime - See 27505 & Section III of Schedule, above.]	15,000 (7,500)	
27590(c)(3)*	H	APE	16–2–3	Violation of 27510 involving of handgun [Note: Book person once for underlying APE Crime - See 27510 & Section III of Schedule, above.]	15,000 (7,500)	
27590(c)(4)*	H	APE	16–2–3	Violation of 27540 (a), (c), (d), (e), or (f) involving a handgun [Note: Book person once for underlying APE Crime - See 27540, & Section III of Schedule, above.]	15,000 (7,500)	
27590(c)(5)*	H	APE	16–2–3	Violation of 27545 involving of handgun. [Note: Book person once for underlying APE Crime - See 27545 & Section III of Schedule, above.]	15,000 (7,500)	
27590(d)	H	ENH	1–2–3	Violation of 27510 or 27500(b) and, firearm subsequently used to commit felony	15,000	
29610*	H		16–2–3	Possession of concealable firearm by minor [X-ref: 12101(a)(1)]	10,000 (5,000)	
29650**	H		6 months	Possession of ammunition by minor [X-ref: 12101(b)(1)] [**NOTE**: This is an **APE Crime.** Violation of 29650 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (**APE**) under 29700 applies, bail must be set at the misdemeanor amount. If any of the **APEs** under 29700 apply, bail must be set at the felony amount ($10,000) for 29650 plus any additional bail for each applicable APE. See **APE** for wobbler status. **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]	10,000** (3,500)	
29700(a)(1)*	H	APE	16–2–3	Possession of ammunition by minor -Prior conviction "This chapter" [X-ref: 12101(b)(1)] [Note: Book person once for underlying APE Crime - See 29650 & Section III of Schedule, above.]	0 (1,500)	
29700(a)(2)*	H	APE	16–2–3	Possession of ammunition by minor -Prior conviction 29905, 32625, or 33410; or crime specified in 16590 [X-ref: 12101(b)(1)] [Note: Book person once for underlying APE Crime - See 29650 & Section III of Schedule, above.]	0 (1,500)	
29700(a)(3)*	H	APE	16–2–3	Possession of ammunition by minor -Prior conviction 29610 [X-ref: 12101(b)(1)] [Note: Book person once for underlying APE Crime - See 29650 & Section III of Schedule, above.]	0 (1,500)	
29800(a)(1)	**P**		**16–2–3**	**Felon in possession of firearm [X-ref: 12021(a)(1)]**	**20,000**	
29800(a)(2)	**P**		**16–2–3**	**Person who owns or has in possession any firearm and has 2 or more convictions for PC § 417(a)(2) [X-ref: 12021(a)(2)]**	**20,000**	
29800(b)	**P**		**16–2–3**	**Poss. firearm-adult court fel conv while minor [X-ref: 12021(b)]**	**10,000**	
29805*	**P**		**16–2–3**	**Violate 10-year firearm prohibition [X-ref: 12021(c)(1)]**	**10,000 (5,000)**	
29815(a)*	**P**		**16–2–3**	**Firearm possession - violation of probation [X-ref: 12021(d)(1)]**	**10,000 (5,000)**	

MONTEREY COUNTY BAIL SCHEDULE
2014

Penal Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
29820(b)*	**P**		**16–2–3**	**Firearm possession prohibited prior to age 30 [X-ref: 12021(e)(1)]**	**10,000 (5,000)**	
29825(a)*	**P**		**16–2–3**	**Purchase/receive firearm - restraining order [X-ref: 12021(g)(1)]**	**30,000 (15,000)**	
29825(b) (Misdo)			1 year	Own/possess firearm - restraining order [X-ref: 12021(g)(2)]	(10,000)	
29900(a)(1)	**P**		**16–2–3**	**Firearm possession - violent felon [X-ref: 12021.1(a)]**	**30,000**	
29900(b)(1)	**P**		**16–2–3**	**Possess firearm-juvenile ward-violent felony [X-ref: 12021.1(c)]**	**30,000**	
30210(a)*	H		16–2–3	Flechette dart-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
30210(b)*	H		16–2–3	Bullet with explosive agent-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
30305(a)(1)*	**P**		**16–2–3**	**Person Prohibited In Possession Of Ammunition [X-ref: 12316(b)(1)]**	**10,000 (5,000)**	
30305(b) (Misdo)	P		6 months	Possession of ammo by enjoined gang member [X-ref: 12316(b)(4)-(5)]	(10,000)	
30315*	H		16–2–3	Possess ammo designed to penetrate metal [X-ref: 12320]	10,000 (5,000)	
30320	**P**		**16–2–3**	**Sale/transport ammo to penetrate metal [X-ref: 12321]**	**10,000**	
30600(a)	H		4–6–8	Transport/sale of assault wpn/.50 BMG rifle [X-ref: 12280(a)(1)]	100,000	
30600(b)	H	ENH	1 year	Violates (a) and lends, sells or gives any assault weapon/ .50 BMG rifle to a minor [X-ref: 12280(a)(2)]	50,000	
30605(a)*	H		16–2–3	Possession of assault weapon [X-ref: 12280(b)]	20,000 (10,000)	
30725(b)*	H		16–2–3	Failure to comply with relinquishment of assault weapon requirements [X-ref: 12281(j)]	10,000 (5,000)	
31360(a)	H		16–2–3	Possess body armor-prior violent felony conv [X-ref: 12370(a)]	50,000	
31500*	H		16–2–3	Unconventional pistol-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
32310*	H		16–2–3	Large capacity magazine-sell/possess/mfg [X-ref: 12020(a)(2)]	10,000 (5,000)	
32625(a)	H		16–2–3	Possession of machinegun [X-ref: 12220(a)]	50,000	
32625(b)	H		4–6–8	Convert firearm to machinegun [X-ref: 12220(b)]	100,000	
32900*	H		16–2–3	Multi-burst trigger activator-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
33210*	H		16–2–3	Sell/possess Short-barreled rifle/shotgun [X-ref: 12020(a)(1)]	10,000 (5,000)	
33215*	H		16–2–3	Sell/possess Short-barreled rifle/shotgun [X-ref: 12020(a)(1)]	10,000 (5,000)	
33410	H		16–2–3	Possession of silencer [X-ref: 12520]	50,000	
33600*	H		16–2–3	Manufactures, imports, offers for sale, gives, lends, possess zip gun [X-ref: 12020(a)(1)]	10,000 (5,000)	

Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
1522.01(c)	H	ENH	5 years	Use of 290 Registration Information to Commit a Felony	40,000	
1621.5(a)	H		2–4–6	Donation of bodily fluids, organs, or tissue by person knowing he/she has AIDS or HIV	40,000	
7150.75*	**P**		**Not > 5 Years**	**Sale or purchase of human parts if removal of the part is to take place after death**	**20,000 (7,500)**	
11104(a)	**P**		**16–2–3**	**Transfer of Substance with Knowledge of Intent to Manufacture Controlled Substance**	**10,000**	
11106(j)*	**P**		**16–2–3**	**Transferring Controlled Substance Without Permit**	**10,000 (5,000)**	
11153(a)*	H		16–2–3	Issuing Prescription to Addict/Habitual User of Controlled Substance	10,000 (5,000)	
11162.5(a)*	H		16–2–3	Counterfeiting Prescription Blank	10,000 (5,000)	
11350(a)**	H		16–2–3	Illegal Possession of Certain Specific or Classified Controlled Substances [As misdo it is punishable up to 1 year per § 11350(a).] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. Defendant has a prior Super Strike or 2. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Prior super strike or 2. Mandatory 290 registrant.] The felony is not a wobbler.]	10,000** (5,000) *[Felony bail only if any **APE** applies]*	
11351	H		2–3–4	Possession or Purchase for Sale of Certain Specific or Classified Controlled Substances	30,000	
11351.5	H		3–4–5	Possession or Purchase for Sale of Cocaine Base	40,000	
11352(a) [Simple Transport only]	H		3–4–5	Illegal Transportation of Certain Specific or Classified Controlled Substances **[Note**: The default bail for 11352(a) is $10,000. This bail amount is to be applied unless the alleged violation involves more that an allegation of simple transportation. If the allegation involves more than simple transportation such as sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution, bail is to be set at $40,000.**]**	10,000	

* Felony/Misdemeanor /"Wobbler" – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as: **Serious** **Violent**

1170(h) = H **Prison-Eligible =** P *Unknown =* *U*

Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
11352(a) (Aggravated)	H		3–4–5	Sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution. of Certain Specific or Classified Controlled Substances	40,000	
11352(b)	H		3–6–9	Transportation for Sale Between Noncontiguous Counties	100,000	
11353	**P**		**3–6–9**	**Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances**	**100,000**	
11353(a)	**P**		**3–6–9**	**Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances**	**100,000**	
11353(a)(1)	**P**		**3–6–9**	**Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances**	**100,000**	
11353(a)(2)	**P**		**3–6–9**	**Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances**	**100,000**	
11353(b)	**P**		**3–6–9**	**Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances**	**100,000**	
11353(c)	**P**		**3–6–9**	**Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances**	**100,000**	
11353.1(a)(1)	**P**	**ENH**	**1 year**	**Using Minor for Drug Transactions Involving Heroin or Cocaine on Grounds of Church, Playground, Etc. - STRIKE: S-24**	**10,000**	
11353.1(a)(2)	**P**	**ENH**	**2 years**	**Using Minor for Drug Transactions Involving Heroin or Cocaine on or near School Grounds - STRIKE: S-24**	**20,000**	
11353.1(a)(3)	**P**	**ENH**	**1–2–3**	**Using Minor at Least Four Years Younger than Defendant for Drug Transactions**	**10,000**	
11353.4(a)	**P**	**ENH**	**1–2–3**	**Prior Conviction of Using Minor for Drug Transactions Involving Cocaine Base Resulting in Prison Sentence with Current Conviction of Same Offense - STRIKE: S-24**	**20,000**	
11353.4(b)	**P**	**ENH**	**1–2–3**	**Prior Conviction of Using Minor for Drug Transactions Involving Cocaine Base with Current Conviction of Using Minor 14 Years of Age or Younger for Drug Transactions Involving Cocaine Base - STRIKE: S-24**	**20,000**	
11353.5	H		3–7–9	Sale by Adult to Minor of Controlled Substance at School, Public Playground, Church, Synagogue, or Child Day Care Center	100,000	
11353.6(b)	H	ENH	3–4–5	Selling Drugs to Minor on or near School Grounds	50,000	
11353.6(c)	H	ENH	3–4–5	Selling Drugs to Minor at Least Four Years Younger than Defendant on or near School Grounds	50,000	
11353.7	**P**		**3–6–9**	**Adult sells or gives away to a minor > 14 years in a public park during park hours**	**100,000**	
11354	**P**		**16–2–3**	**Minor's employment of fellow minor for unlawful C/S transactions**	**10,000**	
11354(a)	**P**		**16–2–3**	**Minor's employment of fellow minor for unlawful C/S transactions**	**10,000**	
11354(a)(1)	**P**		**16–2–3**	**Minor's employment of fellow minor for unlawful C/S transactions**	**10,000**	

Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
11354(a)(2)	**P**		**16–2–3**	**Minor's employment of fellow minor for unlawful C/S transactions**	**10,000**	
11355*	H		16–2–3	Sale or Furnishing Substance Falsely Represented as Controlled Substance, with Respect to Certain Specific or Classified Controlled Substances	10,000 (5,000)	
11356.5(a)(1)	**P**	**ENH**	**1 year**	**Volume of Transaction > $500,000**	**100,000**	
11356.5(a)(2)	**P**	**ENH**	**2 years**	**Volume of Transaction > $2 Million**	**200,000**	
11356.5(a)(3)	**P**	**ENH**	**3 years**	**Volume of Transaction > $5 Million**	**500,000**	
11357(a)**	H		16–2–3	Possession of Concentrated Cannabis [As misdo it is punishable up to 1 year per § 11357(a).] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. Defendant has a prior Super Strike or 2. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Prior super strike or 2. Mandatory 290 registrant.] The felony is a 1-year wobbler.]	10,000** (5,000) *[Felony bail only if any **APE** applies]*	
11357(b) (Infrac)				Possession of Marijuana	(100)	
11358	H		16–2–3	Marijuana: Cultivate, Process	10,000	
11359	H		16–2–3	Marijuana, Possession for Sale	20,000	
11360(a)	H		2–3–4	Marijuana: Transportation, Sale, Furnishing	30,000	
11361(a)	**P**		**3–5–7**	**Marijuana: Adult Using Minor in Sale, Transportation, Giving to Minor**	**60,000**	
11361(b)	**P**		**3–4–5**	**Marijuana: Adult who furnishes, gives, administers MJ to a minor 14 years or older**	**20,000**	
11363*	**P**		**16–2–3**	**Peyote: Cultivating, Processing**	**10,000 (5,000)**	
11364.7(b)*	**P**		**16–2–3**	**Manufacturing drug paraphernalia**	**10,000 (5,000)**	
11366*	**P**		**16–2–3**	**Maintaining Place for Selling, Giving, Using of Certain Specific or Classified Controlled Substance**	**10,000 (5,000)**	
11366.5(a)*	H		16–2–3	Allowing Location to Be Used for Use or Sale of Drugs	10,000 (5,000)	
11366.5(b),(c)	H		2–3–4	Fortifying Location to Be Used for Use or Sale of Drugs; or with prior violation of (a).	20,000	
11366.6	H		3–4–5	Using Fortified Location for	40,000	
11366.7(b)*	**P**		**16–2–3**	**Sale of chemical, laboratory apparatus, or device for the unlawful manufacture of C/S**	**10,000 (5,000)**	
11368*	**P**		**16–2–3**	**Narcotic Drug: Forging, Altering Prescription**	**10,000 (5,000)**	
11370.1(a)	**P**		**2–3–4**	**Possession of Controlled Substance While Armed with a Loaded Operable Firearm**	**30,000**	
11370.2(a)	H	ENH	3 years	Prior Conviction of 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383 with Current Conviction of 11351, 11351.5, or 11352	30,000	

Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
11370.2(b)	H	ENH	3 years	Prior Conviction of 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383 with Current Conviction of 11378.5, 11379.5, 11379.6, 11380.5, or 11383	30,000	
11370.2(c)	H	ENH	3 years	Prior Conviction of 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383 with Current Conviction of 11378 or 11379	30,000	
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)	75,000	
11370.4(a)(3)	H	ENH	10 years	Amount > 10 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	200,000	
11370.4(a)(4)	H	ENH	15 years	Amount > 20 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	250,000	
11370.4(a)(5)	H	ENH	20 years	Amount > 40 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	400,000	
11370.4(a)(6)	H	ENH	25 years	Amount > 80 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	400,000	
11370.4(b)(1)	H	ENH	3 years	Amount > 30 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	50,000	
11370.4(b)(2)	H	ENH	5 years	Amount > 100 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	75,000	
11370.4(b)(3)	H	ENH	10 years	Amount > 200 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	200,000	
11370.4(b)(4)	H	ENH	15 years	Amount > 400 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	250,000	
11370.6*	H		2–3–4	Possession of Funds over $100,000 to Purchase Controlled Substance	20,000 (10,000)	
11370.9*	**P**		**2–3–4**	**Transaction involving proceeds in excess of $25,000 derived from C/S offense**	**20,000 (7,500)**	
11371*	H		16–2–3	Violate/Solicit Minor to Violate Controlled Substance Prescription Laws	10,000 (5,000)	
11371.1*	H		16–2–3	Violate/Solicit Minor to Violate Controlled Substance Laws	10,000 (5,000)	
11374.5(a)*	H		2–3–4	Unlawful Disposal of Hazardous Substance Used in Manufacturing Controlled Substance	50,000 (25,000)	
11375(b)(1)*	**P**		**16–2–3**	**Possession for Sale of Designated Controlled Substance**	**10,000 (5,000)**	
11377**	H		16–2–3	Possession of Controlled Substances [As misdo it is punishable up to 1 year per § 11377(a).] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. Defendant has a prior Super Strike or 2. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Prior super strike or 2. Mandatory 290 registrant.] The felony is a 1-year wobbler.]	10,000** (5,000) *[Felony bail only if any **APE** applies]*	
11378	H		16–2–3	Possession of Controlled Substances for Sale	20,000	
11378.5	H		3–4–5	Possession or Purchase for Sale of PCP	40,000	

MONTEREY COUNTY BAIL SCHEDULE
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Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
11379(a) [Simple Transport only]	H		2–3–4	Transportation of Certain Specific or Classified Controlled Substances **[Note**: The default bail for 11379(a) is $10,000. This bail amount is to be applied unless the alleged violation involves more that an allegation of simple transportation. If the allegation involves more than simple transportation such as sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution, bail is to be set at $40,000.**]**	10,000	
11379(a) (Aggravated)	H		2–3–4	Sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution- Specified Controlled Substances [Not simple transportation only]	40,000	
11379(b)	H		3–6–9	Transport for Sale of Controlled Substances Between Noncontiguous Counties	100,000	
11379.2*	**P**		**16–2–3**	**Sells or possesses for sale ketamine**	**10,000 (5,000)**	
11379.5(a) [Simple Transport only]	H		3–4–5	Simple Transportation Only of PCP **[Note**: The default bail for 11379.5(a) is $10,000. This bail amount is to be applied unless the alleged violation involves more that an allegation of simple transportation. If the allegation involves more than simple transportation such as sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution, bail is to be set at $40,000.**]**	10,000	
11379.5(a) (Aggravated)	H		3–4–5	Sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution- PCP- [Not simple transportation only]	40,000	
11379.5(b)	H		3–6–9	Transports for Sale PCP Between Noncontiguous Counties	100,000	
11379.6(a)	H		3–5–7	Manufacture or Process Controlled Substance	75,000	
11379.6(c)	H		3–4–5	Offer to Manufacture or Process Controlled Substance	40,000	
11379.7(a)	**P**	**ENH**	**2 years**	**Manufacturing or Possessing Precursors of Methamphetamine or PCP with Intent to Manufacture in Structure Where Minor under 16 Years of Age Present**	**20,000**	
11379.7(b)	**P**	**ENH**	**5 years**	**Manufacturing or Possessing Precursors of Methamphetamine or PCP with Intent to Manufacture and Causing GBI to Minor under 16 Years of Age -STRIKE: S- 8; V- 8**	**40,000**	**Y**
11379.8(a)(1)	H	ENH	3 Years	Substance exceeds three gallons of liquid by volume or one pound of solid substances by weight	30,000	
11379.8(a)(2)	H	ENH	5 Years	Substance exceeds ten gallons of liquid by volume or three pounds of solid substances by weight	50,000	
11379.8(a)(3)	H	ENH	10 Years	Substance exceeds twenty-five gallons of liquid by volume or ten pounds of solid substances by weight	200,000	
11379.8(a)(4)	H	ENH	15 Years	Substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substances by weight	500,000	
11379.9(a)	**P**	**ENH**	**1 year per death or injury**	**Manufacturing or Possessing Precursors of Methamphetamine or PCP with Intent to Manufacture and Causing Death or GBI (No limit to victim death enhancements) -STRIKE: S- 8**	**100,000**	**Y**
11380(a)	**P**		**3–6–9**	**Soliciting Minor Re: Controlled Substances**	**100,000**	
11380.1(a)(1)	**P**	**ENH**	**1 year**	**Using Minor for Drug Transactions Involving PCP, Methamphetamine or LSD on Grounds of Church, Playground, Etc.**	**10,000**	

Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
11380.1(a)(2)	**P**	**ENH**	**2 years**	**Using Minor for Drug Transactions Involving PCP, Methamphetamine, or LSD on or near School Grounds**	**20,000**	
11380.1(a)(3)	**P**	**ENH**	**1–2–3**	**Using Minor at Least 4 Years Younger than Defendant for Drug Transactions**	**10,000**	
11382*	H		16–2–3	Selling or Furnishing Substance Falsely Represented to Be Controlled Substance	10,000 (5,000)	
11383(a)	H		2–4–6	Possession of Precursors with Intent to Manufacture Methamphetamine	50,000	
11383(b)	H		2–4–6	Possession of Precursors with Intent to Manufacture PCP	50,000	
11383(c)	H		2–4–6	Possession of Materials with Intent to Manufacture Methamphetamine	50,000	
11383(d)	H		2–4–6	Possession of precursors to manufacture PCP	40,000	
11383.5(a)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(b)(1)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(b)(1)(all)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(b)(2)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)(1)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)(2)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)(3)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(d)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(e)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(f)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11390*	**P**		**16–2–3**	**Cultivating Mushrooms for Controlled Substance**	**10,000 (5,000)**	
11391*	**P**		**16–2–3**	**Sale or Transportation of Mushrooms for Controlled Substance**	**10,000 (5,000)**	
11550(e)*	**P**		**16–2–3**	**Under Influence of Controlled Substance While in Possession of Loaded Firearm**	**20,000 (5,000)**	
11550(f)	**P**		**2–3–4**	**Second or Subsequent Conviction of §11550(e)**	**20,000**	
12305	**P**		**16–2–3**	**Unlawful Possession of Explosive**	**10,000**	
12761*	**P**		**16–2–3**	**Use or possession of flame throwing device without a valid permit**	**10,000 (5,000)**	
25189.5(e)	H	Enh	1–2–3	Unauthorized Waste Disposal Causing GBI	20,000	
25189.6(b)	H		3–6–9	Recklessly treats, handles, transports, disposes or stores hazardous waste that causes or places another person in imminent danger of death or SBI	100,000	
115215(b)(2)	H		3–5–7	Disposes any radioactive material at unlicensed facility and is in violation of Ch. 8 (Radiation Control Law) or an regulation or order adopted pursuant thereto + caused GBI or probability of death	40,000	

Health & Safety	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
115215(c)(2)	H		3–5–7	Transports radioactive material + caused GBI/prob. Death	40,000	
116750(a)	H		3–4–5	Tampering with Public Water System	50,000	
116750(b)	H		16–2–3	Tampering or threaten to tamper with Public Water System	20,000	
120291(a)	**P**		**3–5–8**	**Willfully Infecting Another with HIV by Engaging in Unprotected Sex**	**250,000**	

MONTEREY COUNTY BAIL SCHEDULE
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Vehicle Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
2800.1 (Misdo)			1 Year	Evade Peace Officer	(5,000)	
2800.2(a)*	**P**		**16–2–3**	**Attempting to Evade Peace Officer While Driving Recklessly**	**30,000 (15,000)**	
2800.3(a)*	**P**		**3–4–7**	**Willful Flight Causing Serious Bodily Injury -STRIKE: S- 8, 23**	**100,000 (25,000)**	
2800.3(b)	**P**		**4–6–10**	**Willful Flight Causing Death -STRIKE: S- 8, 23**	**200,000**	
2800.4(a)*	H		16–2–3	Attempting to Evade Peace Officer While Driving Wrong Way	30,000 (15,000)	
4463(a)*	H		16–2–3	Ownership Certificate, License Forgery	10,000 (5,000)	
4463(a)(1)*	H		16–2–3	Ownership Certificate, License Forgery	10,000 (5,000)	
4463(a)(2)*	H		16–2–3	Ownership Certificate, License Forgery	10,000 (5,000)	
10801*	H		2–3–4	Owns or operates chop shop	30,000 (15,000)	
10803(a)*	H		2–4–6	Sells or transfers vehicle or parts knowing VIN altered, defaced, obliterated	40,000 (20,000)	
10851(a)*	H		16–2–3	Driving Car Without Consent of Owner	10,000 (5,000)	
10851(b)	H		2–3–4	Drives or takes ambulance, law enforcement vehicle, disabled person's vehicle: party, accessory or accomplice	30,000	
10851(e)	H		2–3–4	Vehicle Theft with Felony Prior Conviction	30,000	
14601(a) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended- Negligent Operator	(1,000) [+ 1,000 Per Each Charged Prior Conviction]	
14601.1(a) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended - Misc Reasons	(1,000) [+ 1,000 Per Each Charged Prior Conviction]	
14601.2(a)(Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended for DUI priors	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	

* Felony/Misdemeanor /"Wobbler" – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as: **Serious** **Violent**

1170(h) = H **Prison-Eligible =** P *Unknown =* *U*

MONTEREY COUNTY BAIL SCHEDULE
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Vehicle Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
14601.2(b) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Restricted for DUI priors	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	
14601.3(e)(3) (Misdo)			6 Months	14601.2 Violation by Habitual Driving Offender for DUI related crimes. [Requires 180 days/$2000 consec penalty.]	(20,000)	
14601.5(a) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended for Refusal	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	
14601.5(b) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Restricted for Refusal	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	
20001(a)*	**P**		**16–2–3**	**Hit and Run Driving With Injury (Punish per 20001(b)(1)) [Note: Book / charge for only 20001(a) or 20001(b)(1), but not for both]**	**10,000 (5,000)**	
20001(b)(1)*	**P**		**16–2–3**	**Hit and Run Driving With Injury - (Punishment for 20001(a)) [Note: Book / charge for only 20001(a) or 20001(b)(1), but not for both]**	**10,000 (5,000)**	
20001(b)(2)*	**P**		**2–3–4**	**Hit and Run Driving Causing Death or Permanent Serious Injury -STRIKE: S -8.**	**50,000 (15,000)**	
20001(c)	**P**	**ENH**	**5 years**	**Fleeing the Scene after Committing Vehicular Manslaughter under PC§191.5, 192(c)(1), 192(c)(3), 192.5(a), or 192.5(c)**	**50,000**	
23103(a) (Misdo)			90 Days	Reckless Driving	(3,500)	
23103(b) (Misdo)			90 Days	Reckless Driving	(3,500)	
23104(a) (Misdo)			6 Months	Reckless Driving Causing Bodily Injury	(5,000)	
23104(b)*	**H**		**16–2–3**	**Reckless Driving Causing Great Bodily Injury with Prior Conviction - Strike S- 8, 23**	**30,000 (15,000)**	
23105(a)*	**H**		**16–2–3**	**Reckless Driving Causing Specific Bodily Injury - Strike S- 8, 23**	**30,000 (15,000)**	
23109(a) (Misdo)			90 Days	Speed Contest	(5,000)	
23109(f)(3)*	**P**		**16–2–3**	**Speed Contest Causing Serious Bodily Injury with Prior Conviction - Strike S- 8, 23**	**30,000 (15,000)**	
23109.1(a)*	**H**		**16–2–3**	**Speed Contest Causing Specific Bodily Injury - Strike S- 8, 23**	**30,000 (15,000)**	
23110(a) (Misdo)			6 Months	Throwing Substance at Vehicle	(7,500)	
23110(b)	**P**		**16–2–3**	**Throwing Substance at Vehicle Capable of Causing Serious Bodily Injury**	**10,000**	

Vehicle Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
23152(a)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	0** (5,000)	
23152(b)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	0** (5,000)	
23153(a)*	**P**		**16–2–3**	**DUI alcohol/drugs w/ injury (per 23554)** **[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]** **APE: 1 prior DUI - 23560* - [+20k (+15k)]** **APE: 2 prior DUIs - 23566(a) - [+70k + (50k/ea. additional prior > 2)]** **APE: 2 prior DUIs or more with GBI - 23566 (b) & (c) - [+120k] + [50k/ea. additional prior > 2]]** **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	**30,000 (15,000)**	
23153(b)*	**P**		**16–2–3**	**DUI alcohol/drugs w/ injury (per 23554)** **[NOTE: For fresh arrests, bail for any felony violation of 23153(b) and all enhancements, special allegation, or aggravating factors is "$0.00"]** **[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]** **APE: Felony DUI related prior - 23550.5* - [+0 (+15k)] + [+0 (+50k)/ea. additional prior > 1]** **APE: 1 prior DUI - 23560* - [+0 (+15k)]**	**0 (15,000)**	
23222(b) (Infrac)			0-0-0	Marijuana in Vehicle	(100)	

MONTEREY COUNTY BAIL SCHEDULE
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Vehicle Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
23536(a) (Misdo)		APE	6 Months	23152 - 1st Offense in 10 years	(0)	
23540(a) (Misdo)		APE	1 Year	23152 - 1 Prior in 10 years	(5,000)	
23546(a) (Misdo)		APE	1 Year	23152 - 2 Priors in 10 years	(10,000)	
23550(a)*	H	APE	16–2–3	23152 - 3 Priors in 10 years	30,000 (15,000) [Add 50,000 (50,000) for each prior above the third]	
23550.5*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction.**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**	
23550.5(a)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**	
23550.5(a)(1)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with a prior Felony 23152 (23550) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**	
23550.5(a)(2)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with any prior Felony 23153 conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**	
23550.5(a)(3)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with a prior Felony 192(c)(1) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**	
23550.5(b)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior 192.5(a) or Felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**	
23554*	**P**	**APE**	**16–2–3**	**23153 - 1st Offense in 10 years**	**0 (0)**	
23558	**P**	**ENH**	**1 Year/Vict**	**23153 Causing Bodily Injury or Death to Multiple Victims.**	**50,000 [per Victim]**	
23560*	**P**	APE	**16–2–3**	**23153 - 1 Prior in 10 years.**	**20,000 (15,000)**	
23566(a)	**P**	APE	**2–3–4**	**23153 - 2 Priors in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**70,000 [Add 50,000 for each prior above the second]**	
23566(b)	**P**	APE	**2–3–4**	**23153 with GBI with 2 Priors or More Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**120,000** [Add 50,000 for each prior above the second]	

Vehicle Code	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
23566(c)	**P**	ENH	**3 years**	**23153 with GBI convicted under 23566(b) with 4+ Priors Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000** [Add 50,000 for each prior above the fourth]	
38318(b)	**H**		**16–2–3**	**With GBI intent, Discharges firearm at off-road vehicle or throws item capable of doing GBI- Strike: S- 8, 23**	**10,000**	

Business & Professions	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
729*	H		16–2–3	Sexual Exploitation by Physician, Psychotherapist, or Alcohol and Drug Abuse Counselor Involving Two or More Victims	20,000 (10,000)	
1282.3(b)(1)*	H		16–2–3	Improper Collection, Storage, or Labeling of Biological Specimen with Willful or Wanton Disregard for Safety	10,000 (5,000)	
1282.3(b)(2)	H		2–4–6	Improper Collection, Storage, or Labeling of Biological Specimen with Willful or Wanton Disregard for Safety with Prior Conviction	50,000	
2052*	H		16–2–3	Practice Medicine Without License/Certificate	10,000 (5,000)	
4324(a)*	H		16–2–3	Forgery of Prescription	10,000 (5,000)	
7027.3*	**P**		**16–2–3**	**Fraudulent Use of Contractor's License Number**	**10,000 (5,000)**	
21653*	**P**		**16–2–3**	**Junk dealer reselling item > $950**	**10,000 (5,000)**	
25603	**P**		**16–2–3**	**Bring Alcohol into Prison/Jail, Etc.**	**10,000**	

Fish & Game	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
3009	**P**		**16–2–3**	**Failure to Render Aid After Shooting Person While Hunting - Strike: S- 8, 23**	**10,000**	
12001	**P**		**16–2–3**	**Hunting with Revoked/Suspended License**	**10,000**	
12004(b)*	H		16–2–3	Illegal Hunting, Possession, or Sale of Specified Fish with Prior Conviction	10,000 (5,000)	

* Felony/Misdemeanor /"Wobbler" – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as: **Serious** **Violent**

1170(h) = H **Prison-Eligible =** **P** *Unknown =* *U*

Harbors & Navigation	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
668(g)*	H		16–2–3	Operating Vessel under the Influence and Causing Bodily Injury	10,000 (5,000)	
668(k)	**P**	**ENH**	**5 Years**	**Vessel hit and run per § 192.5(a),(b), or (c)**	**50,000**	

Insurance Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
1871.4(a)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(1)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(2)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(3)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(4)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(5)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(6)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(c)	H	ENH	2 years	Worker's Compensation Fraud - Prior Felony Enhancement	20,000	
11760(a)*	H		2–3–5	False or fraudulent statement to reduce cost of workers' compensation insurance	20,000 (7,500)	
11760(b)	H	ENH	2 years	Worker's Compensation Fraud - Prior Felony Enhancement	20,000	
11880(a)*	H		2–3–5	False or fraudulent statement for purpose of reducing premium, rate, or cost of workers' compensation insurance from the State Compensation Insurance Fund	20,000 (7,500)	
11880(b)	H	ENH	2 years	Worker's Compensation Fraud - Prior Felony Enhancement	20,000	

Water Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
13387(d)(1)	H		5–10–15	Discharge Contaminant Into State Waters Knowingly Causing Risk of GBI	250,000	
13387(d)(1) [w/ prior]	H	APE	10–20–30	Discharge Contaminant Into State Waters Knowingly Causing Risk of GBI (with prior conviction)	1,000,000	

Welfare & Institutions	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
707(d)		SPAL		Fitness - Juvenile over specified age.	0	
707(d)(1)		SPAL		Fitness - Juvenile over 15.	0	

MONTEREY COUNTY BAIL SCHEDULE
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Welfare & Institutions	*Prison*	*ENH****	*Penalty*	*Description – Strike Authority – Related Sections*	*Presumptive Bail*	*OR*
707(d)(2)		SPAL		Fitness - Juvenile over 13.	0	
707(d)(3)		SPAL		Fitness - Juvenile over 15 with prior specified offense.	0	
1768.7(a)*	H		16–2–3	Escape or attempt from CYA or while in CYA custody without force or violence.	10,000 (5,000)	
1768.7(b)*	**P**		**2–4–6**	**Force or violence used to escape or attempt from CYA or while in CYA custody.** **[Note:** "Without force" is punishable as wobbler (1 year) and per 1170h (16-2-3.**)]**	**100,000 (30,000)**	
1768.8(b)	**P**		**2–4–6**	**Assault with a DW or instrument, or by any means of force likely to produce great bodily injury on a person not confined therein**	**40,000**	
1768.85(a)*	H		2–3–4	Battery by gassing upon a peace officer or CYA employee	30,000 (10,000)	
10980(f)	**P**		**16–2–3**	**Welfare fraud involving use of electronic transfer (Embezzlement of Public Funds)**	**10,000**	
10980(h)(1)(A)	H	ENH	1 year	Amount > $50,000	10,000	
10980(h)(1)(B)	H	ENH	2 years	Amount > $150,000	20,000	
10980(h)(1)(C)	H	ENH	3 years	Amount > $1 million	75,000	
10980(h)(1)(D)	*U*	*ENH*	*4 years*	*Amount > $2.5 million*	*100,000*	
14107(a)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(b)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(b)(1)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(b)(2)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(b)(3)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(b)(4)(A)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(b)(4)(B)*	**P**		**2–3–5**	**Fraudulent welfare claim**	**40,000 (15,000)**	
14107(d)	*U*	*ENH*	*4 years per victim*	*Fraudulent Welfare Scheme Likely to Cause or Causing GBI or Serious Bodily Harm to More than one victim*	*20,000*	
15656(a)*	**P**		**2–3–4**	**Willfully causing pain or suffering to elder or dependent person under circumstances likely to produced great bodily harm or death**	**50,000 (25,000)**	
15656(c)*	**P**		**2–3–4**	**Elder or dependent person abuse (theft or embezzlement) by caretaker & value > $950**	**20,000 (7,500)**	

STRIKE STATUTES
- PC §§667.5(C), 1192.7(C), 1192.8; W&I §707(B) -

Penal Code Section 667.5(c) states:

(c) For the purpose of this section, "violent felony" shall mean any of the following:

(1) Murder or voluntary manslaughter.
(2) Mayhem.
(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
(4) Sodomy as defined in subdivision (c) or (d) of Section 286.
(5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
(6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
(7) Any felony punishable by death or imprisonment in the state prison for life.
(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
(9) Any robbery.
(10) Arson, in violation of subdivision (a) or (b) of Section 451.
(11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
(12) Attempted murder.
(13) A violation of Section 18745, 18750, or 18755 [formerly 12308, 12309, and 12310.]
(14) Kidnapping.
(15) Assault with the intent to commit a specified felony, in violation of Section 220.
(16) Continuous sexual abuse of a child, in violation of Section 288.5.
(17) Carjacking, as defined in subdivision (a) of Section 215.
(18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
(19) Extortion, as defined in Section 518, which would constitute a felony violation of *Section 186.22 of the Penal Code*.
(20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of *Section 186.22 of the Penal Code*.
(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
(22) Any violation of Section 12022.53.
(23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

Penal Code Section 1192.7(c) states:

(c) As used in this section, "serious felony" means any of the following:

(1) Murder or voluntary manslaughter;
(2) Mayhem;
(3) Rape;
(4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
(5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
(6) Lewd or lascivious act on a child under 14 years of age;
(7) Any felony punishable by death or imprisonment in the state prison for life;
(8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
(9) Attempted murder;
(10) Assault with intent to commit rape or robbery;
(11) Assault with a deadly weapon or instrument on a peace officer;
(12) Assault by a life prisoner on a noninmate;

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(13) Assault with a deadly weapon by an inmate;
(14) Arson;
(15) Exploding a destructive device or any explosive with intent to injure;
(16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
(17) Exploding a destructive device or any explosive with intent to murder;
(18) Any burglary of the first degree;
(19) Robbery or bank robbery;
(20) Kidnapping;
(21) Holding of a hostage by a person confined in a state prison;
(22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
(23) Any felony in which the defendant personally used a dangerous or deadly weapon;
(24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of *Section 11055 of the Health and Safety Code*, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of *Section 11100 of the Health and Safety Code*;
(25) Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
(26) Grand theft involving a firearm;
(27) Carjacking;
(28) Any felony offense, which would also constitute a felony violation of Section 186.22;
(29) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
(30) Throwing acid or flammable substances, in violation of Section 244;
(31) Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
(32) Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
(33) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
(34) Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
(35) Continuous sexual abuse of a child, in violation of Section 288.5;
(36) Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100 [formerly 12034] ;
(37) Intimidation of victims or witnesses, in violation of Section 136.1;
(38) Criminal threats, in violation of Section 422;
(39) Any attempt to commit a crime listed in this subdivision other than an assault;
(40) Any violation of Section 12022.53;
(41) A violation of subdivision (b) or (c) of Section 11418; and
(42) Any conspiracy to commit an offense described in this subdivision.

Penal Code § 1192.8 - Serious felony further defined:

(a) For purposes of subdivision (c) of Section 1192.7, "serious felony" also means any violation of Section 191.5, paragraph (1) of subdivision (c) of Section 192, subdivision (a), (b), or (c) of Section 192.5 of this code, or Section 2800.3, subdivision (b) of Section 23104, or Section 23153 of the Vehicle Code, when any of these offenses involve the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon, within the meaning of paragraph (8) or (23) of subdivision (c) of Section 1192.7.

(b) It is the intent of the Legislature, in enacting subdivision (a), to codify the court decisions of People v. Gonzales, 29 Cal. App. 4th 1684, and People v. Bow, 13 Cal. App. 4th 1551, and to clarify that the crimes specified in subdivision (a) have always been, and continue to be, serious felonies within the meaning of subdivision (c) of Section 1192.7.

Welfare & Institutions Section 707(b) states:

(b) Subdivision (c) shall be applicable in any case in which a minor is alleged to be a person described in Section 602 by reason of the violation of one of the following offenses:
(1) Murder.

(2) Arson, as provided in subdivision (a) or (b) of *Section 451 of the Penal Code.*
(3) Robbery.
(4) Rape with force, violence, or threat of great bodily harm.
(5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
(6) A lewd or lascivious act as provided in subdivision (b) of *Section 288 of the Penal Code*.
(7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
(8) An offense specified in subdivision (a) of *Section 289 of the Penal Code*.
(9) Kidnapping for ransom.
(10) Kidnapping for purposes of robbery.
(11) Kidnapping with bodily harm.
(12) Attempted murder.
(13) Assault with a firearm or destructive device.
(14) Assault by any means of force likely to produce great bodily injury.
(15) Discharge of a firearm into an inhabited or occupied building.
(16) An offense described in *Section 1203.09 of the Penal Code.*
(17) An offense described in *Section 12022.5 or 12022.53 of the Penal Code*.
(18) A felony offense in which the minor personally used a weapon described in any provision listed in *Section 16590 of the Penal Code*.
(19) A felony offense described in *Section 136.1 or 137 of the Penal Code*.
(20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of *Section 11055 of the Health and Safety Code.*
(21) A violent felony, as defined in subdivision (c) of *Section 667.5 of the Penal Code*, which also would constitute a felony violation of subdivision (b) of *Section 186.22 of the Penal Code*.
(22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
(23) Torture as described in *Sections 206 and 206.1 of the Penal Code*.
(24) Aggravated mayhem, as described in *Section 205 of the Penal Code*.
(25) Carjacking, as described in *Section 215 of the Penal Code*, while armed with a dangerous or deadly weapon.
(26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of *Section 209 of the Penal Code*.
(27) Kidnapping as punishable in *Section 209.5 of the Penal Code*.
(28) The offense described in subdivision (c) of *Section 26100* [formerly 12034] *of the Penal Code*.
(29) The offense described in *Section 18745* [formerly 12308] *of the Penal Code*.
(30) Voluntary manslaughter, as described in subdivision (a) of *Section 192 of the Penal Code*.

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

240 Church Street· Salinas, California· 93901 • (831) 775-5400
Judge Russell D. Scott
scottr@monterey.courts.ca.gov

1170(h) Quick Reference Guide

CRIMES PUNISHABLE BY JAIL PER 1170(H), OR PRISON

This **1170(h) Quick Reference Guide** is intended to provide a comprehensive resource to those interested in identifying whether a crime is punishable pursuant to PC § 1170(h) or is **Prison-Eligible**. It assumes an individual has been charged with a felony offense. It is not intended to identify whether or not a crime is in fact a felony. Please email any corrections or additions to Judge Russell Scott at scottr@monterey.courts.ca.gov.

Subsections:

The table lists each code section identifying relevant subsections. If a code section includes several subsections, the section is listed first, followed by each applicable subsection separated by commas (e.g., 148(b),(c),(d)(all).) If a subsection has several sub-subsections, those sub-subsections appear in parentheses next to the subsection as reflected by "(all)" in the preceding example.

"(All)" means that all relevant subsections or sub-subsections are included. If a subsection or sub-subsection is treated differently, it is given a separate listing.

Designations - Prison-Eligible or 1170(h)

Color coding is used to distinguish **Prison-Eligible** and 1170(h) crimes. **Prison-Eligible** crimes are in **RED text**; 1170(h) crimes are in GREEN text. For those who print in B&W, **Prison-Eligible** crimes are underlined and in bold font. When the proper designation is *Unknown* either because more information is required or because the law is unclear, it is designated in *blue text.* For B&W printing, *Unknown* is designated by *italic text.*

General Rules

Prison-Eligible crimes are those felonies not punishable pursuant to 1170(h) (PC § 18(a)), unless it is a Vehicle Code felony with no punishment specified, in which case it is punishable by commitment to jail (VC § 42000.)

P.C. § 1170(h)(3) further provides that **prison** is to be imposed if any of the following apply:

1. Conviction of a current or prior serious or violent felony conviction listed in sections 667.5(c) or 1192.7(c),
2. When the defendant is required to register as a sex offender under section 290; or
3. When the defendant is convicted and sentenced for aggravated theft under the provisions of section 186.11.

Mixed 1170(h) & **Prison-Eligible Sentences**:

If sentenced to **prison** for any charge in any case, the entire sentence is to be served in **prison**, whether the sentences are **consecutive (§ 1170(a)) or concurrent (§ 669(d).)** See *P v. Torres* (2013) 213 Cal. App. 4th 1151.

Enhancements

Enhancements sometimes specify "prison" (e.g., 12022.4.) It is unclear whether or not the enhancement would affect if the sentence is to be served in prison when attached to an 1170(h) crime. 1170.1(a) provides that if either the principal or subordinate term is prison-eligible, the entire sentence is to be served in prison. It says nothing about enhancements.

Thanks to:

Judge Richard Couzens and Justice Tricia A. Bigelow, as well as the Honorable Gale Kaneshiro, Judge of the Superior Court, County of San Diego.

Post Script

This table in modified form is now included as Appendix I of *Felony Sentencing After Realignment* by Judge Richard Couzens and Justice Tricia A. Bigelow, (http://www.courts.ca.gov/partners/documents/felony_sentencing.pdf) beginning at p. 119.

Business &	**Professions**	580	581	582	583

584
585
601
650(all)
654.1
655.5(all)
729(b)(3),(4),(5)
1282.3(b)(1),(2)
1701(all)
1701.1(all)
1960(all)
2052(all)
2273
2315(b)
2417.5
4324(a),(b)
5536.5
6126(b),(c)
6152
6153
6788
7027.3
7028.16
7502.3
7565
7587.13
7592.6
7735
7738
7739
10238.6(all)
11010
11010.1
11010.8
11013.1
11013.2
11013.4
11018.2
11018.7
11019
11020(all)
11022
11023
11226(all)
11227
11234
11244(all)
11245
11283
11286(all)
11287
11320
14491
16721
16721.5
16727
16755(a)(2)
17511.9(all)
17550.14(all)
17550.15(b),(c)
17550.19(b),(c)
19437
19439
21653
22430(a),(d)
23301
25372
25603
25618

Civil

892(a),(b)
1695.6
1695.8
1812.116(b),(c)(all)
1812.125
1812.217
2945.4
2945.7
2985.2
2985.3

Corporations

2255(all)
2256
6811
6812(all)
6813(all)
6814
8812
8813(all)
8814(all)
8815
12672
12673(all)
12674(all)
12675
14085(all)
14086
14087
22001
22002(a),(b),(c)
25110
25120(a)
25130
25164(b)
25166
25210(all)
25214
25216(all)
25218
25230
25232.2
25234(a)
25235
25238
25243
25243.5
25244
25245
25246
25300(a)
25400
25401
25402
25403
25404(all)
25540(a),(b),(c)
25541(a),(b)
27201
27202
28800
28801
28802
28821
28880
29100
29101
29102
29520
29535(all)
29536
29538(all)
29550(a),(b)
31110
31200
31201
31202
31203
31204(all)
31210
31410
31411
35301

Education

7054(a)(c)
17312
81144

Election

14240
18002
18100(a),(b)
18101
18102
18106
18110(c)
18200
18201
18203
18204
18205
18310
18311(a),(b)
18400
18403
18500
18501
18502
18520(a),(b),(c)
18521(a),(b),(c),(d)(1-4)
18522(a)(1-3),(b)(1-4)
18523
18524
18540(a),(b)
18541(all)
18543(all)
18544(a)
18545
18560(a),(b),(c)
18561(a),(b)
18564(all)
18564(if abettor)
18565(all)
18566(all)
18566(if abettor)
18567
18567(if abettor)
18568(all)
18568(if abett)
18569
18573
18575(a-b)
18578
18611
18613
18614
18620
18621
18640
18660
18661
18680

Finance

236
752
753
754
761
765
768
787
971
1591
1810
1867(all)
3510
3531
3532
5300
5302(a),(b)
5303
5304(all)
5305
5306
5307
5308
6525.5(all)
10004
12102
12200
12200.3
14150
14752
14753
14754
14755
14756
14758
14759
14764
14765
14766
14767
14768
17200
17414(a)(all)
17700
17702
17703(all)
18349.5(all)
18435
18436
18445
18446
18447
18448
18453
18454
18454.5
18457
22100
22169
22170(all)
22753
22755
22780
31800
31801
31802
31822
31823
31825
31826
31827
31828
31829
31880
50500

Fish & Game

3009
4758
8685.5
8685.6
8685.7
8688
12001
12004(b)
12005(a)(2)

Food & Ag

6306
10786
12996(b)
17551(all)
17701
18841
18842
18843
18844
18845
18846
18847
18848
18849
18850
18851
18852
18853
18854
18855
18856
18857
18932
18933
19240
19260
19280
19300
19300.5
19306
19310
19313.5
19320
19340
19360
19363
19403
19440
19441
35283(all)
80072
80073
80111
80114
80151
80152
80174
18313,8

Government

1026
1090
1090.1(all)
1091(all)
1093
1094
1097
1195
1368
1369
1855(all)
3108
3109
5503(all)
5951
5954
6200(all)
6201
6254.21(b)
8214.2
8227.3
8670.64(a),(c)
8920(all)
8924
8925
8926
9050
9052
9053
9054
9056
9130.5
27443(all)
51012.3
51013
51013.5(all)
51014
51014.3
51014.5
51014.6
51015
51015.05
51015.2
51015.4
51015.5
51017.1 (all)
51017.2
51018
51018.7(a)
81004

RED (Underlined) text crimes are prison eligible; *BLUE (Italicized) text* crimes are unknown or depend on other information

91002

Harbors & Navigation

264(all)
302
304
305
306
310
655(f)
656.2
656.3
668(c)(1),(g)
668(k)

Health & Safety

1349
1390
1522.01(c)
1621.5(a)
7051
7051.5
7150.75
8113.5(b)(2),(3)
8785
11100(f)(2)
11100.1(b)(2)
11104
11105(all)
11106(j)
11153(all)
11153.5(a-b)
11154(all)
11155
11156(all)
11162.5(a)
11173(all)
11174
11350(a),(b)
11351
11351.5
11352(all)
11353(all)
11353.1(all)
11353.4(all)
11353.5
11353.6(b)
11353.6(c)
11353.7
11354
11355
11356.5(all)
11357(a)
11358
11359
11360(a)
11361(all)
11363
11364.7(b)
11366
11366.5(all)
11366.6
11366.7(all)
11366.8(a),(b)
11368
11370.1(all)
11370.2(all)
11370.4(all)
11370.6(a)
11370.9(all)
11371
11371.1
11374.5(a)
11375(b)(1)
11377(a)
11378
11378.5
11379(all)
11379.2
11379.5(all)
11379.6(a),(c)
11379.7(all)
11379.8(all)
11379.9(a)
11380(a)
11380.1(a)(all)
11380.7(a)
11382
11383(all)
11383.5(all)
11383.6(all)
11383.7(all)
11390
11391
11550(e),(f)
12305
12401
12700(b)(3),(4)
12761
17061(b)
18124.5
25160(all)
25161(all)
25162(all)
25163(a)
25180.7(c)
25186.5(all)
25189.5(all)
25189.6(all)
25189.7(b),(c)
25190(b)
25191(all felonies)
25395.13(b)
25507
25515(a)
25541
42400.3(c)
44209
100895(all felonies)
103800
109335
109370
115215(b)(1-2),(c)(1-2)
116730(all felonies)
116750(all)
118340(c),(d)
120291(a)
131130(b)

Insurance

700(b)
750(b)
827
828
829
830
833(all)
844
845
853
900.9
1043
1215.10(d),(e)
1760.5
1761
1763
1764
1764.1
1764.2
1764.3
1764.4
1764.7
1765.1
1765.2
1767
1780
1800
1800.75
1802.1
1810.7
1814
1871.4(all)
10192.165(e)
11160
11161
11162(all)
11163
11760(all)
11880(all)
12660
12815
12830
12835
12845
14080
15053

Labor

227
1778
3215
3218
3219(all)
6425(a),(b)
6425(b)
6425(c)
7770
7771

Military & Vets

145
421
616
1318
1670
1671
1672(a)
1672(b)
1673(a)

Penal Code

32
33
37(a)
38
67
67.5(b)
68(all)
69
71(all)
72
72.5(all)
76(all)
85
86
92(all)
93(all)
95(all)
95.1
96
99
100
107
109
110
113
114
115(all)
115.1(all)
115.5(b)
116
117
118
118a
118.1
126
127
128
129
132
134
136.1(all)
136.2(d)(3)
136.5
136.7
137(a)
137(b)
138(all)
139(a)
139(b)
140(all)
141(b)
142(a)
146a(b)(all)
146e(b)
148(b),(c),(d)(all)
148.1(all)
148.3(b)
148.4(b)(all)
148.10(a)
149
151(a)(2)
153(1),(2)
154(b)
155(b)
155.5(b)
156
157
165
166(c)(4)
166(d)(1)
168(all)
171b(a)(all)
171c(a)(1)
171d(all)
181
182(all felonies)
182.5
186.10(all)
186.11(all)
186.22(all)
186.26(all)
186.28(all)
186.33(b)(all)
187(all)
189(all)
190(all)
191.5(a)
191.5(b)
191.5(c)(1)
191.5(c)(2)
191.5(d)
192(a)
192(b)
192(c)(1),(3)
192.5(a),(c)
192.5(b)
192.5(e)
193(a)
193(b)
193(c)(1),(3)
193.5(a),(c)
193.5(b)
203
204
205
206
206.1
207(all)
208(all)
209(all)
209.5(all)
210
210.5
211
212.5(all)
213(all)
214
215(all)
217.1(a)
217.1(b)
218
218.1
219
219.1
219.2
220(all)
222
236
236.1(a),(b),(c)(all)
236.4(b),(c)
237(a),(b)
241.1
241.4
241.7
243(c)(all),(d)
243.1
243.3
243.4(a),(b),(c),(d),(j)
243.6
243.7
243.9(a)
244
244.5(all)
245(a)(all)
245(b)
245(c)
245(d)(all)
245.2
245.3
245.5(all)
245.6(d)
246
246.3(a)
247(a),(b)
247.5
261(a)(all)
261.5(c),(d)
262(all)
264(all)
264.1(all)
265
266
266a
266b
266c
266d
266e
266f
266g
266h(all)
266i(all)
266j
267
269(all)
270
271
271a
273(c),(d),(e)
273a(a)
273ab(all)
273d(all)
273.4(a)
273.5(all)
273.6(d),(e)
273.6(g)(1)
273.65(d),(e)
278
278.5(a)
280(b)
281(all)
283
284
285
286(all)
288(all)
288a(all)
288.2(all)
288.3(all)
288.4(a)(2),(b)
288.5(all)

RED (Underlined) text crimes are prison eligible; *BLUE (Italicized) text* crimes are unknown or depend on other information

288.7(all)
289(all)
289.5(d)
289.6(all felonies)
290.018(all felonies)
290.4(c)(1)
290.45(e)(1)
290.46(j)(2)
298.2(all)
299.5(all)
311.1(all)
311.2(a)
311.2(b),(c),(d)
311.3(all)
311.4(all)
311.5
311.7
311.9(all)
311.10(all)
311.11(all)
313.4
314(1)
327
332(a)
334(a)
337
337a(all)
337b
337c
337d
337e
337f(all)
337i
337j
337.3
337.4
337.7
347(all)
350(a)(2),(b),(c)
367f(all)
367g(all)
368(b)(all)
368(d),(e),(f)
374.2(all)
374.8(b)
375(d)
382.5
382.6
386(all)
387(all)
399(all)
399.5(a)
401
404.6(c)
405a
405b
417(b),(c)
417.3
417.6(a)
417.8
422(a)
422.7(all)
422.75(all)
424
425
432
451(all)
451.1(all)
451.5(all)
452(a),(b),(c)
452.1(all)
453(all)
454
455(a)
459 1st
459 2nd
461(a)
461(b)
463(a)
463(b)
463(b)[Gun]
464
470(all)
470a
470b
471
472
473
474
475
476
476a(all)
477
478
479
480(all)
481
481.1(a)
483.5(a),(f)
484b
484c
484c(Public funds)
484e(a),(b),(d)
484f(all)
484g
484h(all)
484i(b),(c)
484.1(a)
485
487(all, except (d)(2))
487(d)(2)
487a(all)
487b
487d
487e
487g
487h(all)
487i
487j
489(a)
489(b)
496(all)
496a(all)
496c
496d(all)
497
497 (Public funds)
498(any felony)
499(all)
499c(c)
499d
500(a)(all),(b)(2)
502(c)(1),(2),(4),(5)
502(c)(3)
502(c)(6),(7)
502(c)(8)
502(d)(1),(2)(B),(3)(C),(4)(502.5
502.7(a)(all),(b)(all),(d),(g)
502.8(c) thru (f)
503
504/514 (Public funds)
504a
504b
505
505 (Public funds)
506
506 (Public funds)
506b
507
508
514(except "public funds")
514(Public funds)
520
522
523
524
528
529(all)
529a
530
530.5(a),(c)(2),(3),(d)(all)
532(all)
532a(4)
532f(all)
533
534
535
537(a)(2)
537e(a)(3)
538
538.5
548(all)
549
550(all felonies)
550(c)(1),(2)(A),(3)
551(c),(d)
560
560.4
566
570
571
577
578
580
581
587
587.1(b)
588a
591
592(b)
593
593a(all)
593c
593d(b),(d)(2)(A),(B)
594(b)(1)
594.3(all)
594.35(all)
594.4(a)(all)
594.7
597(all)
597b(c)
597.5(a)(all)
598c(all)
598d(c)
600(a),(c)
600(d)
601(all)
607
610
617
620
621
625b(b)
625c
626.9(f)(all),(h),(i)
626.95(all)
626.10(a)(1),(b)
629.84
631(all)
632(all)
632.5(all)
632.6(all)
632.7(all)
634
635
636(all)
637
637.1
639
639a
641
641.3(all)
642
646.9(all)
647f
647.6(b),(c)(all)
648
653f(a),(d)(all),(e)
653f(b),(c)
653h(all felonies)
653j(all)
653s(all)
653t(all felonies)
653u(all felonies)
653w(b)(1),(3)
664(a)(all)
664(e),(f)
666(a)
666(b)(all)
666.5(all)
667(a)
667.5(a)
667.5(b)
667.51(all)
667.6(all)
667.61(all)
667.7(all)
667.71(all)
667.75
667.8(all)
667.85
667.9(all)
667.10(all)
667.15(all)
667.16(all)
667.17
670(all)
674(all)
675(all)
836.6(c)
1320(b)
1320.5
1370.5(all)
2042
2772
2790
4011.7
4131.5
4133
4500
4501
4501.1(all)
4501.5
4502(all)
4503
4530(all)
4532(all)
4533
4534
4535
4536(all)
4550(all)
4571
4573(all)
4573.5
4573.6(all)
4573.8
4573.9(all)
4574(a),(b)
4600(all)
11411(c),(d)
11412
11413(all)
11418(a)(1),(2)
11418(b)(all),(c),(d)(all)
11418.1
11418.5(a)
11419(all)
12020(all)
12021(a)(all),(b),(g)(1)
12021.1(all)
12021.5(a)
12021.5(b)
12022(a)(1),(2)
12022(b)(all)
12022(c),(d)
12022.1(all)
12022.2(all)
12022.3(all)
12022.4(all)
12022.5(all)
12022.53(all)
12022.55
12022.6(all)
12022.7(all)
12022.75(a)
12022.75(b)(all)
12022.8
12022.85(all)
12022.9
12022.95
12023(all)
12025(a)(all)
12025(b)(1),(2),(5),(6)(all)
12025(b)(3),(4)
12031(a)(all)
12034(b),(c),(d)
12035(b)(1),(d)(1)
12040
12051(c)(all)
12072(g)(2)(all),(3)(all)
12072(g)(4)(all)
12076(b)(1),(c)(1)
12090
12101(all felonies)
12220(all)
12280(a)(all),(b)
12281(all)
12303
12303.1(all)
12303.2
12303.3
12303.6
12304
12308
12309
12310(all)
12312
12316(b)(1)
12320
12321
12355(all)
12370(all)
12403.7(g)
12422
12520
14166(all)
18710(all)
18715(all)
18720
18725(all)
18730
18735(all)
18740
18745
18750
18755(all)
19100
19200(all)
20110(all)
20310
20410
20510
20610
20710
20910
21110
21310
21810
22010
22210

RED (Underlined) text crimes are prison eligible; *BLUE (Italicized) text* crimes are unknown or depend on other information

22410
22810(all)
22910(all)
23900
24310
24410
24510
24610
24710
25100(a)
25110(a)
25300(all)
25400(a)(all)
25400(c)(1),(2),(3),(4)
25400(c)(5),(6)
25800(all)
25850(a)(all)
25850(c)(1),(2),(3),(4)
25850(c)(5),(6)
26100(b),(c),(d)
26180(b)(all)
27500(a),(b)
27505(all felonies)
27510
27515(all)
27520(all)
27540(a),(c),(d),(e),(f)
27545
27550(all)
27590(b),(c),(d)
28250(b)
29610
29650
29700(a)(all)
29800(all)
29805
29815(all)
29820(all)
29825(a)
29900(all)
30210(all)
30305(a)(all)
30315
30320
30600(all)
30605(a)
30615
30720
30725(b)
31360(all)
31500
32310
32625(all)
32900
33210
33215
33410
33600

Probate

2253

Public Contract

10280
10281
10282
10283
10422
10423
10522
10523
10870
10871
10872
10873

Public Resource

5097.99(b),(c)
5190
14591(b)(2)
25205(g)
48650.5(d)
48680(b)(1)

Public Utilities

827(all)
2114
7676
7679
7680
7724(all)
7903
8285(a)
21407.6(b)

Revenue & Tax

7093.6(j),(n)
7153.5
8103
9278(j),(n)
9354.5
14251
16910
18631.7(d)(2)
19542.3
19705(all)
19706
19708
19721(all)
30459.15(p)(all)
30473
30475
30480
32471.5(p)(all)
32552
32553
32555
38800(l)(all)
40187
40211.5(l)(all)
41143.4
41171.5(p)(all)
43522.5
43604
43606
45867.5(l)(all)
45953
45955
46628(p)(all)
46703
46705
50156.18(n)
55332.5(p)
55363
60106.3
60503.2
60637(p)
60707

Streets & Hwys

2101
2101.5
2101.6
2102
2103
2104
2105
2106
2107
2108
2109
2110
2110.3
2110.5
2110.7
2111
2112
2114
2115
2116(all)
2117.5
2118.5
2119
2120
2121
2122

Vehicle Code

1808.4(d)
2470
2472
2474
2476
2478(b)
2800.2(all)
2800.3(all)
2800.4
4463(a)(all)
10501(b)
10752(all)
10801
10802
10803(all)
10851(all)
20001(all)
21464(all felonies)
21651(c)
23104(b)
23105(all)
23109(f)(3)
23109.1(all)
23110(b)
23152(all)
23152(.per 23550.5)
23153(all)
23550(all)
23550.5(a),(b)
23554
23558
23560
23566(all)
38318(b)
38318.5(b)
42000

Water Code

13375
13376
13387(all)

Welfare & Institutions

871(b)
871.5(a)
871.5(b)
1001.5(a)
1001.5(b)
1152(b)
1768.7(all)w/o force
1768.7(all)with force
1768.8(b)
1768.85(a)
3002
6330
7326
8100(a),(b),(g)
8101(a),(b)
8103(i)
10980(all except (f))
10980(f)
11054
11482.5
11483
11483.5
14014
14025(all)
14107(a)
14107(all felonies)
14107.2(a)(2),(b)(2)
14107.3(all)
14107.4(all)
15656(a),(c)
17410

RED (Underlined) text crimes are prison eligible; *BLUE (Italicized) text* crimes are unknown or depend on other information

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	**NO. _____**
PLAINTIFF	)	
	)	**REQUEST FOR ORDER & DECLARATION IN**
VS.	)	**SUPPORT OF SETTING BAIL IN EXCESS OF**
,	)	**SCHEDULED AMOUNT AND/OR REFUSAL OF**
	)	**FELONIOUSLY OBTAINED BAIL**
DEFENDANT	)	
_____	)	**(PENAL CODE §§ 1275.1 AND/OR 1269(C)/1270.1(e))**

Current Bail per Countywide Bail Schedule is: $_____.

[Check the appropriate box for the order that is being requested]

☐ **1269c/1270.1(e) Request for Order increasing bail to: $_____.**

☐ **1275.1 Request for Order prohibiting release and acceptance of bail pending further Court Order.**

The undersigned hereby declares that he/she is a sworn police officer and, upon information and belief, that:

- **The defendant named herein has been booked for the following crime(s):**

_____

- **The defendant committed said offense(s) in the manner and means set forth below and as further described in any listed documents, which documents are attached hereto and incorporated herein by reference as though fully set forth:**

_____

_____

_____

_____

_____

_____

[Justification for Penal Code Section 1275.1 Request]

I have probable cause to believe that the source of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution on behalf of the defendant was, or will be, feloniously obtained as set forth below:

_____

_____

_____

_____

_____

_____

_____

[Justification for Penal Code Section 1269(c)/1270.1(e) Request]

I have reasonable cause to believe that the amount of bail set forth in the bail schedule for the above offense(s) is insufficient to assure the defendant's appearance and/or adequately protect public safety as set forth below:

_____

_____

_____

_____

I believe the defendant's criminal history indicates ☐ a strong likelihood that the defendant will fail to appear at the trial or hearing, ☐ demonstrates a public safety risk:

- ☐ **The number of times the defendant has failed to appear in previous cases;**
- ☐ **The defendant is on misdemeanor or felony probation;**
- ☐ **The defendant is on parole;**
- ☐ **The defendant has a criminal record that would make a state prison sentence mandatory if convicted of the present offense;**
- ☐ _____

The documents referred to by me were prepared in the ordinary course of business and pursuant to the sworn duty of the officer(s) subscribing same, and that the declarant believes the contents thereof to be true.

[Orders:]

On _____, at _____, I personally contacted Judge _____,
(Date) (Time) (Name)

The content of this declaration was discussed with the judge who then ordered that

☐ **Pursuant to §1269c/1270.1, bail is set in the amount of: $ _____**

☐ **Pursuant to §1275.1, the defendant shall not be released nor bail accepted pending further Court Order**

Executed on _____, in Monterey County, California.

I DECLARE UNDER PENALTY OF PERJURY AND THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

_____
Officer's Signature

Distribution (NO LATER THAN THE NEXT BUSINESS MORNING):

Original	**- -**	**Court (with any supporting documents)**
Copy	**- - - -**	**County Jail**
Copy	**- - - -**	**Arresting Agency**
Copy	**- - - -**	**District Attorney**

Jail Own Recognizance (O.R.) Policy

April 2, 2012*

1107.23 *Own Recognizance (O.R.) Policy*

A. Inmates who qualify under subsections B through H, below, that meet the following requirements shall be released on their own recognizance (O.R.) after booking.

   1. Able to understand the conditions of the O.R. release and agree to sign the agreement to appear in court.
   2. Provide formal identification (i.e., State ID card, Driver's License, Matrícula Consular card, Military ID) or if jail employees are able to establish identification through a prior booking photograph, personal recognition or positive identification from the DOJ fingerprint identification printout.
   3. Able to provide a residence address in the State of California.

B. All misdemeanor fresh and misdemeanor warrant arrests shall be O.R'd except for the following:

   1. Penal Code Sections 166(c)(1) or 166(c)(2), 243(e)(1), 273.5, 273.61, 646.9, and 647.6.
   2. Persons arrested for charges 23152(a) and 23152(b) with one or more priors.

C. The following felony fresh arrests shall be considered for release on their own recognizance:

   1. Penal Code Sections 459 (2nd Degree only), 470, 475, 476, 470b, 496a, and 594.
   2. Health & Safety Code Sections 11350 (a), 11377(A), and 11357(A).
   3. To be released on O.R. with felony charges the inmates must have a residence address within Monterey County and meet the identification guidelines above.
   4. No felony warrant arrests shall be O.R'd.

D. Intoxicated inmates shall remain in custody until sober unless there is a responsible adult to whom the inmate can be released.

E. Probation Violations:

   1. Misdemeanors: Bail/O.R. determinations for individuals arrested for violating probation shall be based on the same criteria used for misdemeanors generally.
   2. Felonies: Individuals arrested for violation of felony probation shall be held on a "NO BAIL" status unless a bail amount has been set by warrant or other court order.

F. Criminal History Check: The booking person shall complete a criminal history check, using "*The Involved Persons Display*"/CJIS and a RAP Sheet, to determine if there are past Felony strikes within the meaning of PC Sections 667.5, 1192.7 and 1192.8. Persons who have a strike prior shall not be released on O.R.

G. *Multiple or "NO O.R." Warrants*: No subject shall be released O.R. when arrested on three or more warrants. No inmate shall be released O.R. when the warrant states "NO O.R."

H. *Dangerous and Non-Dangerous Defendants*: Notwithstanding the above, whenever the booking officer or other jail staff has information suggesting the defendant presents a danger to the community, before releasing the defendant on his/her O.R., a supervisor shall contact the on-duty judge for consideration of O.R. release unless the supervisor determines not to O.R. the subject.

I. *O.R. Dates to Appear:* Inmates who are eligible to be released on their own recognizance shall be given a court appearance date within five (5) to ten (10) court business days from the date of release. The booking agency shall be responsible for scheduling appearances to avoid excessive numbers of inmates being arraigned on the same date.

**As approved by Judges, July 14, 2004. Revised March 7, 2007 RDS.*
Revised by Presiding Judge Timothy P. Roberts April 2, 2012.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

IN THE MATTER OF CONTINUED DETENTION OF JAIL INMATES WHO HAVE OUT-OF-COUNTY HOLDS	)	**ORDER 16-13** **ORDER DIRECTING CONTINUED DETENTION OF JAIL INMATES WHO HAVE OUT-OF-COUNTY HOLDS**

Pursuant to Penal Code sections 1318 and 1320, a defendant ordered released from jail on his or her own recognizance [OR] is not to be so released if the Sheriff determines that the defendant has an out-of-county hold based on an outstanding warrant, a parole hold, a military hold, a 1551 out-of-state extradition hold or a U.S. Marshal's Office hold, unless the release was ordered by the Court specifically notwithstanding said hold.

When the Sheriff determines that an inmate with an out-of-county hold has been ordered released on his or her own recognizance, and the order for OR release does not address any existing out-of-county hold, the Sheriff will immediately make reasonable efforts to contact the judge who ordered the OR release to determine what action the Court wishes to take. If the judge indicates that, in view of the hold, the matter needs to be re-evaluated, the Court will arrange to have the matter placed back on calendar within a reasonable time, and shall cause counsel for the parties to be so notified.

If the case has been assigned for all purposes to a different judge following the OR release, any hearing re-evaluating the OR release shall be heard before the judge assigned for all purposes.

If, after the exercise of reasonable diligence, the Sheriff is unable to contact the judge ordering the OR release, the Sheriff shall contact the Presiding Judge, or his or her designee, to determine what action to take. In any event, the matter should be calendared expeditiously for re-evaluation.

This Order is made in accordance with the consensus of members of the Court Executive Committee at the April 13, 2016 meeting and provided as an informational update to all judges attending the judges' meeting on the same date. It is further made in accord with the principles set out in *People* v. *Alberto* (2002) 102 Cal.App.4th 421.

IT IS HEREBY ORDERED, effective April 13, 2016, jail inmates who have out-of-county holds will continue to be detained in accordance with the procedures included in this Order. This Order hereby rescinds Order 05-02 dated May 27, 2005 and shall remain in effect until modified or rescinded.

Dated: April 13, 2016

Mark E. Hood

Hon. Mark E. Hood
Presiding Judge

BAIL SCHEDULE - SOME RELEVANT STATUTES

CALIFORNIA CONSTITUTION

***Art. I § 12* (2012)**

§ 12. Bail; Release on own recognizance

A person shall be released on bail by sufficient sureties, except for:

(a) Capital crimes when the facts are evident or the presumption great;

(b) Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds 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

(c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration 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.

A person may be released on his or her own recognizance in the court's discretion.

***Art. I § 28(f)(3)* (2012)**

(3) Public Safety Bail. A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. 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.

A person may be released on his or her own recognizance in the court's discretion, subject to the same factors considered in setting bail.

Before any person arrested for a serious felony may be released on bail, a hearing may be held before the magistrate or judge, and the prosecuting attorney and the victim shall be given notice and reasonable opportunity to be heard on the matter.

When a judge or magistrate grants or denies bail or release on a person's own recognizance, the reasons for that decision shall be stated in the record and included in the court's minutes.

CODE OF CIVIL PROCEDURE

§ 1993. Issuance of warrant to arrest witness; Failure to appear notice

(a)

(1) As an alternative to issuing a warrant for contempt pursuant to paragraph (5) or (9) of subdivision (a) of Section 1209, the court may issue a warrant for the arrest of a witness who failed to appear pursuant to a subpoena or a person who failed to appear pursuant to a court order. The court, upon proof of the service of the subpoena or order, may issue a warrant to the sheriff of the county in which the witness or person may be located and the sheriff shall, upon payment of fees as provided in *Section 26744.5 of the Government Code*, arrest the witness or person and bring him or her before the court.

(2) Before issuing a warrant for a failure to appear pursuant to a subpoena pursuant to this section, the court shall issue a "failure to appear" notice informing the person subject to the subpoena that a failure to appear in response to the notice may result in the issuance of a warrant. This notice requirement may be omitted only upon a showing that the appearance of the person subject to the subpoena is material to the case and that urgency dictates the person's immediate appearance.

(b) The warrant shall contain all of the following:

(1) The title and case number of the action.

(2) The name and physical description of the person to be arrested.

(3) The last known address of the person to be arrested.

(4) The date of issuance and county in which it is issued.

(5) The signature or name of the judicial officer issuing the warrant, the title of his or her office, and the name of the court.

(6) A command to arrest the person for failing to appear pursuant to the subpoena or court order, and specifying the date of service of the subpoena or court order.

(7) A command to bring the person to be arrested before the issuing court, or the nearest court if in session, for the setting of bail in the amount of the warrant or to release on the person's own recognizance. Any person so arrested shall be released from custody if he or she cannot be brought before the court within 12 hours of arrest, and the person shall not be arrested if the court will not be in session during the 12-hour period following the arrest.

(8) A statement indicating the expiration date of the warrant as determined by the court.

(9) The amount of bail.

(10) An endorsement for nighttime service if good cause is shown, as provided in *Section 840 of the Penal Code*.

(11) A statement indicating whether the person may be released upon a promise to appear, as provided by Section 1993.1. The court shall permit release upon a promise to appear, unless it makes a written finding that the urgency and materiality of the person's appearance in court precludes use of the promise to appear process.

(12) The date and time to appear in court if arrested and released pursuant to paragraph (11).

PENAL CODE

§ 292. Sex offenses deemed to involve violence and great bodily harm under constitutional bail provisions

It is the intention of the Legislature in enacting this section to clarify that for the purposes of subdivisions (b) and (c) of Section 12 of Article I of the California Constitution, a violation of paragraph (2) or (6) of subdivision (a) of Section 261, paragraph (1) or (4) of subdivision (a) of Section 262, Section 264.1, subdivision (c) or (d) of Section 286, subdivision (b) of Section 288, subdivision (c) or (d) of Section 288a, or subdivision (a) of Section 289, shall be deemed to be a felony offense involving an act of violence and a felony offense involving great bodily harm.

§ 810. Designation of on call magistrate

(a) The presiding judge of the superior court in a county shall, as often as is necessary, designate on a schedule not less than one judge of the court to be reasonably available on call as a magistrate for the setting of orders for discharge from actual custody upon bail, the issuance of search warrants, and for such other matters as may by the magistrate be deemed appropriate, at all times when a court is not in session in the county.

(b) The officer in charge of a jail, or a person the officer designates, in which an arrested person is held in custody shall assist the arrested person or the arrested person's attorney in contacting the magistrate on call as soon as possible for the purpose of obtaining release on bail.

(c) Any telephone call made pursuant to this section by an arrested person while in custody or by such person's attorney shall not count or be considered as a telephone call for purposes of *Section 851.5 of the Penal Code*.

§ 815a. Amount of bail

At the time of issuing a warrant of arrest, the magistrate shall fix the amount of bail which in his judgment in accordance with the provisions of section 1275 will be reasonable and sufficient for the appearance of the defendant following his arrest, if the offense is bailable, and said magistrate shall indorse upon said warrant a statement signed by him, with the name of his office, dated at the county, city or town where it is made to the following effect "The defendant is to be admitted to bail in the sum of _____ dollars" (stating the amount).

§ 875. Order for commitment for bailable offense

If the offense is bailable, and the defendant is admitted to bail, the following words must be added to the order, "and that he be admitted to bail in the sum of _____ dollars, and is committed to the sheriff of the county of _____ until he gives such bail."

§ 978.5. Bench warrant of arrest

(a) A bench warrant of arrest may be issued whenever a defendant fails to appear in court as required by law including, but not limited to, the following situations:

(1) If the defendant is ordered by a judge or magistrate to personally appear in court at a specific time and place.

(2) If the defendant is released from custody on bail and is ordered by a judge or magistrate, or other person authorized to accept bail, to personally appear in court at a specific time and place.

(3) If the defendant is released from custody on his own recognizance and promises to personally appear in court at a specific time and place.

(4) If the defendant is released from custody or arrest upon citation by a peace officer or other person authorized to issue citations and the defendant has signed a promise to personally appear in court at a specific time and place.

(5) If a defendant is authorized to appear by counsel and the court or magistrate orders that the defendant personally appear in court at a specific time and place.

(6) If an information or indictment has been filed in the superior court and the court has fixed the date and place for the defendant personally to appear for arraignment.

(b) The bench warrant may be served in any county in the same manner as a warrant of arrest.

§ 979. Bench warrant for person on bail

If the defendant has been discharged on bail or has deposited money or other property instead thereof, and does not appear to be arraigned when his personal presence is necessary, the court, in addition to the forfeiture of the undertaking of bail or of the money or other property deposited, may order the issuance of a bench warrant for his arrest.

§ 985. Ordering defendant charged with felony into custody unless increased bail is given

When the information or indictment is for a felony, and the defendant, before the filing thereof, has given bail for his appearance to answer the charge, the court to which the indictment or information is presented, or in which it is pending, may order the defendant to be committed to actual custody, unless he gives bail in an increased amount, to be specified in the order.

§ 986. Defendant, if present when order made, to be committed; if not, bench-warrant to issue

If the defendant is present when the order is made, he must be forthwith committed. If he is not present, a bench-warrant must be issued and proceeded upon in the manner provided in this chapter.

§ 1129. Commitment to custody of defendant on bail

When a defendant who has given bail appears for trial, the court may, in its discretion, at any time after his appearance for trial, order him to be committed to the custody of the proper officer of the county, to abide the judgment or further order of the court, and he must be committed and held in custody accordingly.

§ 1166. Proceedings upon general verdict of conviction or special verdict; Remand or commitment; Bail

If a general verdict is rendered against the defendant, or a special verdict is given, he or she must be remanded, if in custody, or if on bail he or she shall be committed to the proper officer of the county to await the judgment of the court upon the verdict, unless, upon considering the protection of the public, the seriousness of the offense charged and proven, the previous criminal record of the defendant, the probability of the defendant failing to appear for the judgment of the court upon the verdict, and public safety, the court concludes the evidence supports its decision to allow the defendant to remain out on bail. When committed, his or her bail is exonerated, or if money is deposited instead of bail it must be refunded to the defendant or to the person or persons found by the court to have deposited said money on behalf of said defendant.

§ 1195. Failure of defendant to appear after release on bail or deposit; Forfeiture; Issuance of bench warrant; Exoneration of bail or return of deposit where defendant appears

If the defendant has been released on bail, or has deposited money or property instead thereof, and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money or property deposited, must, on application of the prosecuting attorney, direct the issuance of a bench warrant for the arrest of the defendant.

If the defendant, who is on bail, does appear for judgment and judgment is pronounced upon him or probation is granted to him, then the bail shall be exonerated or, if money or property has been deposited instead of bail, it must be returned to the defendant or to the person or persons found by the court to have deposited said money or property on behalf of said defendant.

§ 1269b. Persons authorized to approve and accept bail; Adoption of uniform countywide schedule of bail; Criteria; Transmittal of money and surety bonds; Failure to appear

(a) The officer in charge of a jail in which an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or is employed at a fixed police or sheriff's facility and is acting under an agreement with the agency that keeps the jail in which an arrested person is held in custody, an employee of a sheriff's department or police department of a city who is assigned by the department to collect bail, the clerk of the superior court of the county in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending may approve and accept bail in the amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail in cash or surety

bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof.

(b) If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information, the bail shall be in the amount fixed by the judge at the time of the appearance. If that appearance has not been made, the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to the uniform countywide schedule of bail for the county in which the defendant is required to appear, previously fixed and approved as provided in subdivisions (c) and (d).

(c) It is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with *Section 40310 of the Vehicle Code.*

(d) A court may, by local rule, prescribe the procedure by which the uniform countywide schedule of bail is prepared, adopted, and annually revised by the judges. If a court does not adopt a local rule, the uniform countywide schedule of bail shall be prepared, adopted, and annually revised by a majority of the judges.

(e) In adopting a uniform countywide schedule of bail for all bailable felony offenses the judges shall consider the seriousness of the offense charged. In considering the seriousness of the offense charged the judges shall assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, including, but not limited to, additional bail for charges alleging facts that would bring a person within any of the following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or *Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.*

In considering offenses in which a violation of Chapter 6 (commencing with *Section 11350) of Division 10 of the Health and Safety Code* is alleged, the judge shall assign an additional amount of required bail for offenses involving large quantities of controlled substances.

(f) The countywide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the judges of the county determine to be appropriate for all the offenses not specifically listed in the schedule. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each city jail within the county, to each superior court judge and commissioner in the county, and to the Judicial Council.

(g) Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court.

(h) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his or her release from custody, Sections 1305 and 1306 apply.

§ 1269c. 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 of bail for that offense is insufficient to ensure the defendant's appearance or to ensure 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 his or her belief and file it with a magistrate, as defined in Section 808, or his or her commissioner, in the county in which the offense is alleged to have been committed or having personal jurisdiction over the defendant, requesting an order setting a higher bail. Except where the defendant is charged with an offense listed in subdivision (a) of Section 1270.1, the defendant, either personally or through his or her attorney, friend, or family member, also may make application to the magistrate for release on bail lower than that provided in the schedule of bail or on his or her own recognizance. The magistrate or commissioner to whom the application is made is authorized to set bail in an amount that he or she deems sufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, and to set bail on the terms and conditions that he or she, in his or her discretion, deems appropriate, or he or she may authorize the defendant's release on his or her own recognizance. If, after the application is made, no order changing the amount of bail is issued within eight hours after booking, the defendant shall be entitled to be released on posting the amount of bail set forth in the applicable bail schedule.

BAIL SCHEDULE - SOME RELEVANT STATUTES

§ 1270.1. Hearing prior to bail for person arrested for serious or violent felony or for certain other offenses including domestic violence or violation of domestic violence protective order; Reasons for departure from bail schedule; Departure from schedule without hearing

(a) Except as provided in subdivision (e), before any person who is arrested for any of the following crimes may be released on bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense, or may be released on his or her own recognizance, a hearing shall be held in open court before the magistrate or judge:

(1) A serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5, but not including a violation of subdivision (a) of Section 460 (residential burglary).

(2) A violation of Section 136.1 where punishment is imposed pursuant to subdivision (c) of Section 136.1, Section 262, 273.5, or 422 where the offense is punished as a felony, or Section 646.9.

(3) A violation of paragraph (1) of subdivision (e) of Section 243.

(4) A violation of 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.

(b) The prosecuting attorney and defense attorney shall be given a two-court-day written notice and an opportunity to be heard on the matter. If the detained person does not have counsel, the court shall appoint counsel for purposes of this section only. The hearing required by this section shall be held within the time period prescribed in Section 825.

(c) At the hearing, the court shall consider evidence of past court appearances of the detained person, the maximum potential sentence that could be imposed, and the danger that may be posed to other persons if the detained person is released. In making the determination whether to release the detained person on his or her own recognizance, the court shall consider the potential danger to other persons, including threats that have been made by the detained person and any past acts of violence. The court shall also consider any evidence offered by the detained person regarding his or her ties to the community and his or her ability to post bond.

(d) If the judge or magistrate sets the bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense, the judge or magistrate shall state the reasons for that decision and shall address the issue of threats made against the victim or witness, if they were made, in the record. This statement shall be included in the record.

(e) Notwithstanding subdivision (a), a judge or magistrate, pursuant to Section 1269c, may, with respect to a bailable felony offense or a misdemeanor offense of violating a domestic violence order, increase bail to an amount exceeding that set forth in the bail schedule without a hearing, provided an oral or written declaration of facts justifying the increase is presented under penalty of perjury by a sworn peace officer.

§ 1272. Admission to bail on application for probation or on appeal

After conviction of an offense not punishable with death, a defendant who has made application for probation or who has appealed may be admitted to bail:

1. As a matter of right, before judgment is pronounced pending application for probation in cases of misdemeanors, or when the appeal is from a judgment imposing a fine only.

2. As a matter of right, before judgment is pronounced pending application for probation in cases of misdemeanors, or when the appeal is from a judgment imposing imprisonment in cases of misdemeanors.

3. As a matter of discretion in all other cases, except that a person convicted of an offense subject to this subdivision, who makes a motion for release on bail subsequent to a sentencing hearing, shall provide notice of the hearing on the bail motion to the prosecuting attorney at least five court days prior to the hearing.

§ 1274. When bail is matter of discretion, notice of application must be given to district attorney

When the admission to bail is a matter of discretion, the court or officer to whom the application is made must require reasonable notice thereof to be given to the district attorney of the county.

§ 1275. Matters considered in fixing amount of bail; Reduction of bail below approved schedule

(a) In setting, reducing, or denying bail, the judge or magistrate shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or hearing of the case. The public safety shall be the primary consideration.

In considering the seriousness of the offense charged, the judge or magistrate shall include consideration of the alleged injury to the victim, and alleged threats to the victim or a witness to the crime charged, the alleged use of a firearm or other deadly weapon in the commission of the crime charged, and the alleged use or possession of controlled substances by the defendant.

(b) In considering offenses wherein a violation of Chapter 6 (commencing with *Section 11350) of Division 10 of the Health and Safety Code* is alleged, the judge or magistrate shall consider the following: (1) the alleged amounts of controlled substances involved in the

commission of the offense, and (2) whether the defendant is currently released on bail for an alleged violation of Chapter 6 (commencing with *Section 11350) of Division 10 of the Health and Safety Code.*

(c) Before a court reduces bail below the amount established by the bail schedule approved for the county, in accordance with subdivisions (b) and (c) of Section 1269b, for a person charged with a serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5, the court shall make a finding of unusual circumstances and shall set forth those facts on the record. For purposes of this subdivision, "unusual circumstances" does not include the fact that the defendant has made all prior court appearances or has not committed any new offenses.

§ 1275.1. Feloniously obtained bail

(a) Bail, pursuant to this chapter, shall not be accepted unless a judge or magistrate finds that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.

(b) A hold on the release of a defendant from custody shall only be ordered by a magistrate or judge if any of the following occurs:

(1) A peace officer, as defined in Section 830, files a declaration executed under penalty of perjury setting forth probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.

(2) A prosecutor files a declaration executed under penalty of perjury setting forth probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained. A prosecutor shall have absolute civil immunity for executing a declaration pursuant to this paragraph.

(3) The magistrate or judge has probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.

(c) Once a magistrate or judge has determined that probable cause exists, as provided in subdivision (b), a defendant bears the burden by a preponderance of the evidence to show that no part of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was obtained by felonious means. Once a defendant has met such burden, the magistrate or judge shall release the hold previously ordered and the defendant shall be released under the authorized amount of bail.

(d) The defendant and his or her attorney shall be provided with a copy of the declaration of probable cause filed under subdivision (b) no later than the date set forth in Section 825.

(e) Nothing in this section shall prohibit a defendant from obtaining a loan of money so long as the loan will be funded and repaid with funds not feloniously obtained.

(f) At the request of any person providing any portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution, the magistrate or judge, at an evidentiary hearing to determine the source of the funds, may close it to the general public to protect the person's right to privacy in his or her financial affairs.

(g) If the declaration, having been filed with a magistrate or judge, is not acted on within 24 hours, the defendant shall be released from custody upon posting of the amount of bail set.

(h) Nothing in this code shall deny the right of the defendant, either personally or through his or her attorney, bail agent licensed by the Department of Insurance, admitted surety insurer licensed by the Department of Insurance, friend, or member of his or her family from making an application to the magistrate or judge for the release of the defendant on bail.

(i) The bail of any defendant found to have willfully misled the court regarding the source of bail may be increased as a result of the willful misrepresentation. The misrepresentation may be a factor considered in any subsequent bail hearing.

(j) If a defendant has met the burden under subdivision (c), and a defendant will be released from custody upon the issuance of a bail bond issued pursuant to authority of Section 1269 or 1269b by any admitted surety insurer or any bail agent, approved by the Insurance Commissioner, the magistrate or judge shall vacate the holding order imposed under subdivision (b) upon the condition that the consideration for the bail bond is approved by the court.
(k) As used in this section, "feloniously obtained" means any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution which is possessed, received, or obtained through an unlawful act, transaction, or occurrence constituting a felony.

§ 1277. What magistrates may admit to bail

When the defendant has been held to answer upon an examination for a public offense, the admission to bail may be by the magistrate by whom he is so held, or by any magistrate who has power to issue the writ of habeas corpus.

§ 1284. When offense not capital

When the offense charged is not punishable with death, the officer serving the bench warrant must, if required, take the defendant before a magistrate in the county in which it is issued, or in which he is arrested, for the purpose of giving bail. If the defendant appears before such magistrate without the bench warrent having been served upon him, the magistrate shall deliver him into the custody of the sheriff for the purpose of immediate booking and the recording of identification data, whereupon the sheriff shall deliver the defendant back before the magistrate for the purpose of giving bail.

§ 1289. Increase or reduction of bail

After a defendant has been admitted to bail upon an indictment or information, the Court in which the charge is pending may, upon good cause shown, either increase or reduce the amount of bail. If the amount be increased, the Court may order the defendant to be committed to actual custody, unless he give bail in such increased amount. If application be made by the defendant for a reduction of the amount, notice of the application must be served upon the District Attorney.

§ 1319. Violent felonies; Requirement of hearing prior to own recognizance release

(a) No person arrested for a violent felony, as described in subdivision (c) of Section 667.5, may be released on his or her own recognizance until a hearing is held in open court before the magistrate or judge, and until the prosecuting attorney is given notice and a reasonable opportunity to be heard on the matter. In all cases, these provisions shall be implemented in a manner consistent with the defendant's right to be taken before a magistrate or judge without unreasonable delay pursuant to Section 825.

(b) A defendant charged with a violent felony, as described in subdivision (c) of Section 667.5, shall not be released on his or her own recognizance where it appears, by clear and convincing evidence, that he or she previously has been charged with a felony offense and has willfully and without excuse from the court failed to appear in court as required while that charge was pending. In all other cases, in making the determination as to whether or not to grant release under this section, the court shall consider all of the following:

(1) The existence of any outstanding felony warrants on the defendant.

(2) Any other information presented in the report prepared pursuant to Section 1318.1. The fact that the court has not received the report required by Section 1318.1, at the time of the hearing to decide whether to release the defendant on his or her own recognizance, shall not preclude that release.

(3) Any other information presented by the prosecuting attorney.

(c) The judge or magistrate who, pursuant to this section, grants or denies release on a person's own recognizance, within the time period prescribed in Section 825, shall state the reasons for that decision in the record. This statement shall be included in the court's minutes. The report prepared by the investigative staff pursuant to subdivision (b) of Section 1318.1 shall be placed in the court file for that particular matter.

MONTEREY COUNTY DUI BAIL TABLE

NOTE: To bail amounts in the table, add any amount for applicable enhancements, special allegations and aggravating factors.[Bail upon arrest for violation of probation: Misdemeanor VOP - Double bail amount in table; Felony VOP - NO BAIL]

Crime	0 priors	1 prior	2 priors	3 priors	4 priors	5 priors	Each Additional prior
23152(a)**	**0** (5,000)** **[23536(a)] Misdo**	**0** (10,000)** **[23540(a)] Misdo**	**0** (15,000)** **[23546(a)] Misdo**	**30,000 (20,000)** **[23550(a)]***	**80,000 (70,000)** [23550 +50K]*	**130,000 (120,000)** [23550 + 100K]*	**50,000 (50,000)** [23550]*
23152(b)**	**0** (5,000)** **[23536] Misdo**	**0** (10,000)** **[23540] Misdo**	**0** (15,000)** **[23546] Misdo**	**30,000 (20,000)** **[23550]***	**80,000 (70,000)** [23550 +50K]*	**130,000 (120,000)** [23550 + 100K]*	**50,000 (50,000)** [23550]*
23152(a)* or (b)* w/ "felony" DUI-related prior [23550.5(all)]	N/A	**50,000 (25,000)** **[23550.5]*** [Felony DUI- related prior]	**100,000 (75,000)** [23550.5 +50k]* [Any other prior]	**150,000 (125,000)** [23550.5 +100k]* [Any other prior]	**200,000 (175,000)** [23550.5 +150k]* [Any other prior]	**250,000 (225,000)** [23550.5 +200k]* [Any other prior]	**50,000 (50,000)** [23550.5(all)]*
23153(a)*	**30,000 (15,000)** **[23554]***	**50,000 (30,000)** **[23560]***	**100,000** **[23566(a)]**	**150,000** [23566(a) + 50k]	**200,000** [23566(a) + 100k]	**250,000** [23566(a) + 60k]	**50,000** [23566(a)]
23153(b)*	**0 (15,000)** **[23554]***	**0 (30,000)** **[23560]***	**0** **[23566(a)]**	**0** [23566(a)]	**0** [23566(a)]	**0** [23566(a)]	**0** [23566(a)]
23153(a)*w/ "felony" DUI-related prior [23550.5(all)]	N/A	**80,000 (35,000)** **[23550.5]*** [Felony DUI- related prior]	**130,000 (85,000)** [23550.5 +50k]* [Any other prior]	**180,000 (135,000)** [23550.5 +100k]* [Any other prior]	**230,000 (185,000)** [23550.5 +150k]* [Any other prior]	**280,000 (235,000)** [23550.5 +200k]* [Any other prior]	**50,000 (50,000)** [23550.5(all)]*
23153(b)* w/ "felony" DUI-related prior [23550.5(a)(all)]	N/A	**0 (35,000)** **[23550.5]*** [Felony DUI- related prior]	**0 (85,000)** [23550.5 +50k]* [Any other prior]	**0 (135,000)** [23550.5 +100k]* [Any other prior]	**0 (185,000)** [23550.5 +150k]* [Any other prior]	**0 (235,000)** [23550.5 +200k]* [Any other prior]	**0 (50,000)** [23550.5(all)]*
23153(a) w/ GBI and 2 or more priors [23566(b) & (c)]	N/A	N/A	**150,000** **[23566(b)]**	**200,000** [23566(b)+50k]	**300,000** **[23566**(b) & **(c)]**	**400,000** [23566(b)&(c)+100k]	**100,000** [23566(b) & (c)]
23153(b) w/ GBI and 2 or more priors [23566(b) & (c)]	N/A	N/A	**0** **[23566(b)]**	**0** [23566(b)]	**0** **[23566(c)]**	**0** [23566(c)]	**0** [23566(b) & (c)]

* = Wobbler	** = APE Crime	"Misdo" = Misdemeanor Only	Misdo Bail in (Parentheses)	Felony Bail not in Parentheses

DUI BAIL TABLE - RELATED BAIL SCHEDULE SECTIONS

23152(a)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	0** (5,000)
23152(b)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	0** (5,000)
23153(a)*	**P**		**16–2–3**	**DUI alcohol/drugs w/ injury (per 23554)** **[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]** **APE: 1 prior DUI - 23560* - [+20k (+15k)]** **APE: 2 prior DUIs - 23566(a) - [+70k + (50k/ea. additional prior > 2)]** **APE: 2 prior DUIs or more with GBI - 23566 (b) & (c) - [+120k] + [50k/ea. additional prior > 2]]** **APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]**	**30,000 (15,000)**
23153(b)*	**P**		**16–2–3**	**DUI alcohol/drugs w/ injury (per 23554)** **[NOTE: For fresh arrests, bail for any felony violation of 23153(b) and all enhancements, special allegation, or aggravating factors is "$0.00"]** **[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]** **APE: Felony DUI related prior - 23550.5* - [+0 (+15k)] + [+0 (+50k)/ea. additional prior > 1]** **APE: 1 prior DUI - 23560* - [+0 (+15k)]**	**0 (15,000)**
23536(a) (Misdo)		APE	6 Months	23152 - 1st Offense in 10 years	(0)
23540(a) (Misdo)		APE	1 Year	23152 - 1 Prior in 10 years	(5,000)
23546(a) (Misdo)		APE	1 Year	23152 - 2 Priors in 10 years	(10,000)

DUI BAIL TABLE - RELATED BAIL SCHEDULE SECTIONS

23550(a)*	H	APE	16–2–3	23152 - 3 Priors in 10 years	30,000 (15,000) [Add 50,000 (50,000) for each prior above the third]
23550.5*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**
23550.5(a)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**
23550.5(a)(1)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with a prior Felony 23152 (23550) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**
23550.5(a)(2)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with any prior Felony 23153 conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**
23550.5(a)(3)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with a prior Felony 192(c)(1) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**
23550.5(b)*	**P**	**APE**	**16–2–3**	**23152 or 23153 with either a prior 192.5(a) or Felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]**
23554*	**P**	**APE**	**16–2–3**	**23153 - 1st Offense in 10 years**	**0 (0)**
23558	**P**	**ENH**	**1 Year/Vict**	**23153 Causing Bodily Injury or Death to Multiple Victims.**	**50,000 [per Victim]**
23560*	**P**	APE	**16–2–3**	**23153 - 1 Prior in 10 years.**	**20,000 (15,000)**
23566(a)	**P**	APE	**2–3–4**	**23153 - 2 Priors in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**70,000 [Add 50,000 for each prior above the second]**
23566(b)	**P**	APE	**2–3–4**	**23153 with GBI with 2 Priors or More Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**120,000** [Add 50,000 for each prior above the second]
23566(c)	**P**	ENH	**3 years**	**23153 with GBI convicted under 23566(b) with 4+ Priors Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]**	**50,000** [Add 50,000 for each prior above the fourth]

191.5(a)	**P**		**4–6–10**	**Gross Vehicular Manslaughter while Intoxicated [Punish: §191.5(c)(1)] -STRIKE: S- 8, 23**	**200,000**
191.5(b)*	H		**16–2–4**	**"Ordinary" Vehicular manslaughter while intoxicated without gross negligence [Punish: §191.5(c)(2)] -STRIKE: S- 8**	**50,000 (25,000)**

DUI BAIL TABLE - RELATED BAIL SCHEDULE SECTIONS

191.5(c)(1)	**P**		**4–6–10**	**Penalty for 191.5(a) Gross Vehicular Manslaughter While Intoxicated unless 191.5(d) applies - STRIKE: S- 8, 23**	**200,000**
191.5(c)(2)*	H		**16–2–4**	**Penalty for 191.5(b) "Ordinary" Vehicular Manslaughter While Intoxicated. -STRIKE: S- 8**	**50,000 (25,000)**
191.5(d)	**P**	**APE**	**15 to Life**	**Penalty Gross Vehicular Manslaughter while Intoxicated (191.5(a)) with specified Prior Convictions -STRIKE: S- 7; V- 7**	**1,000,000**
192(a)	**P**		**3–6–11**	**Manslaughter - Voluntary [Punish: §193(a)] -STRIKE: S- 1; V- 1; J- 30**	**200,000**
192(b)	H		**2–3–4**	**Manslaughter - Involuntary - [Punish: §193(b) -1170(h)] -STRIKE: S- 8, 23**	**50,000**
192(c)(1)*	**P**		**2–4–6**	**Gross Vehicular Manslaughter [Punish: §193(c)(1)] -STRIKE: S- 8**	**50,000 (25,000)**
192(c)(2) (Misdo)			1 Year	"Ordinary" Vehicular Manslaughter - Driving Vehicle w/o Gross Negligence [Punish: §193(c)(2)]	(10,000)
192(c)(3)*	**P**		**4–6–10**	**Vehicular Manslaughter During Violation of PC 550 (Insurance Fraud) [Punish: §193(c)(3)] - STRIKE: S- 8, 23**	**200,000 (50,000)**
192.5(a)	**P**		**4–6–10**	**Gross Vessel Manslaughter While Intoxicated [Punish: §193.5(a)] -STRIKE: S- 8**	**200,000**
192.5(b)*	**H**		**16–2–4**	**"Ordinary" Vessel Manslaughter While Intoxicated w/o Gross Negligence [Punish: §193.5(b) - 1170(h)] -STRIKE: S- 8**	**50,000 (25,000)**
192.5(c)*	**P**		**2–4–6**	**Gross Vessel Manslaughter Without Intoxication [Punish: §193.5(c)] -STRIKE: S- 8**	**50,000 (25,000)**
192.5(d)			1 year	"Ordinary" Vessel Manslaughter Without Intoxication [Punish: §193(d)]	(10,000)
192.5(e)	**P**	**ENH**	**5 years**	**Vessel "hit and run" after committing a violation of §§192.5 (a), (b), or (c)**	**50,000**

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

In the Matter of	)	
	)	
SETTING A BAIL SCHEDULE	)	**ORDER SETTING BAIL SCHEDULE**
	)	
FOR MONTEREY COUNTY	)	
	)	

Pursuant to Penal Code sections 1269b(c) and 1269b(d), we, the Judges of Superior Court State of California, County of Monterey, hereby approve the use of the attached Monterey County Criminal Bail Schedule as the uniform, county-wide schedule of bail for all bailable offenses.

Date Adopted: July 9, 2014

Hon. Marla O. Anderson Presiding Judge	Hon. Mark E. Hood Assistant Presiding Judge
Hon. Robert A. Burlison	Hon. Pamela L. Butler
Hon. Julie R. Culver	Hon. Larry E. Hayes
Hon. Efren N. Iglesia	Hon. Sam, Jr. Lavorato
Hon. Albert H. Maldonado	Hon. Susan J. Matcham
Hon. Elisabeth K. Mineta	Hon. Carrie M. Panetta
Hon. Timothy P. Roberts	Hon. Russell D. Scott
Hon. Vanessa W. Vallarta	Hon. Lydia M. Villarreal
Hon. Thomas W. Wills	

SIGNATURES ON FILE

RDS