

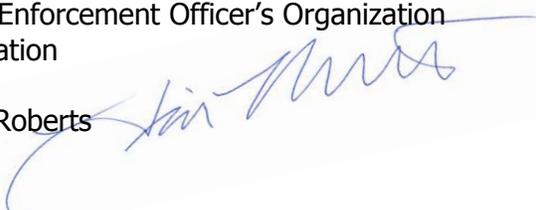


SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

240 Church Street • Salinas, California • 93901 • (831) 775-5400
www.monterey.courts.ca.gov

MEMORANDUM

TO: Monterey County District Attorney's Office
Monterey County Public Defender's Office
Monterey County Sheriff's Office
Monterey County Chief Law Enforcement Officer's Organization
Monterey County Bar Association

FROM: Presiding Judge Timothy P. Roberts 

DATE: April 30, 2012

SUBJECT: 2012 Bail Schedule Adopted

Please find attached a copy of the 2012 Bail Schedule. Effective Tuesday, May 1, 2012, the 2012 Bail Schedule replaces the existing bail schedule and must be used when setting bail for an individual who has been arrested without a warrant. The 2012 Bail Schedule is also available on the court's public website at: <http://www.monterey.courts.ca.gov/FeeSchedule.aspx>

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

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

- Specifies and establishes bail for virtually all relevant subsections.

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

Thank you.

cc: Judicial Officers