

Superior Court of California
County of San Luis Obispo

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To: San Luis Obispo County Bail Schedule Holders And
Law Enforcement Agencies

Date: March 28, 2018

Subject: 2018 San Luis Obispo County Complete Bail Schedule

This bail schedule was approved by the Judges of the Superior Court, County of San Luis Obispo with an effective date of March 27, 2018.

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

It is recommended that each agency make their personnel cognizant of Penal Code sections 1269c and 1270.1 as certain provisions may apply if bail modification occurs.

The bail schedule is available online:

http://slocourts.net/forms_filing/bail_schedule

(New 5/29/18): <https://www.slo.courts.ca.gov/ff/2305.htm>

2018 BAIL SCHEDULE

- A. The Bail Schedule shall be applicable throughout San Luis Obispo County and is applicable to all arrests without a warrant for offenses that allow bail.
- B. Persons not entitled to be released on bail are those charged with:
1. Capital crimes (i.e. murder with special circumstance), when the facts are evident or the presumption great. Penal Code Section 1270.5 & California Constitution, Article 1, section 12(a).
 2. Felony offenses involving acts of violence on another person when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others;
 3. Felony offenses when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released. California Constitution, Article 1, section 12(c).
- C. Bail for offenses involving larceny under the Penal Code, as listed in this schedule (e.g. Pen Cod. § 487, 496, 504, etc.), is the scheduled amount or the amount of loss, whichever is higher. This policy is also to apply to fraud type offenses of other Codes (e.g. Insurance Code, Revenue and Taxation Code, etc.) for which no presumptive bail is specified in this schedule, at the presumptive bail for top term potential, below, or the amount of loss, whichever is higher.
- D. Bail for offenses that were reduced to misdemeanors pursuant to Penal Code section 1170.18 (Proposition 47) has been reset to \$10,000. (i.e. Health and Safety §11350)
- E. Bail for enhancements listed should be added to the base bail for the listed crime.
- F. Bail for attempted crimes, where completed crime is punishable by prison, is half the bail of the underlying offense, except for Penal Code section 664/Penal Code section 187 where bail is set at \$500,000.
- G. For all offenses and enhancements for which no presumptive bail is specified in this schedule, the presumptive bail shall be set according to state prison top term potential for the offense plus enhancement:

Top term 3 years	\$20,000
Top term 4 years	\$25,000
Top term 5 years	\$30,000
Top term 6 years	\$35,000

Top term 7 years	\$40,000
Top term 8 years	\$45,000
Top term 9 years	\$50,000
Top term 10 years	\$55,000
Top term 11 years	\$65,000
Top term 12 years	\$70,000
Top term 13 years	\$75,000
Top term 14 years	\$80,000
Top term 15 years	\$90,000
Top term 16 years	\$100,000
Top term 20 years	\$500,000
All life sentences	\$1,000,000

- H. Penal Code section 1270.1 prohibits the release of an arrestee on bail in an amount OTHER THAN THAT SET FORTH ON THE BAIL SCHEDULE prior to a hearing *in open court* for:
1. Violent felonies as described in Penal Code section 667.5(c), but not 460(a);
 2. Serious felonies as described in Penal Code section 1192.7(c); and
 3. Violations of Penal Code sections 136.1(c), 243(e) (1), 262, 273.5, 273.6, 422 (as a felony), and 646.9.
- I. Bail Limit for Multiple Offenses – A bail limit for a case with multiple charges will be established as follows:
1. Felony only. The highest bail amount for any one felony offense, plus enhancement, will apply unless multiple offenses are separate incidents. If multiple incidents are charged, bail can be stacked. (Example: two separate Pen. Cod. §459, first degree charged; \$50,000 each incident, times two incidents = \$100,000 total bail).
 2. Felony with misdemeanor or infraction violations. The highest bail amount for any one felony offense, plus enhancement, will apply. Misdemeanor and infraction bails will not be considered.
- J. Holds for Out-of-County charges – The bail schedule will apply to holds placed for out-of-county charges when no amount has been previously established or shown on a warrant.
- K. Violation of Probation –
1. Arrest without a warrant shall have NO BAIL if violation is for FELONY PROBATION.

2. Bail will be set at \$15,000.00 if violation is for MISDEMEANOR PROBATION.
- L. All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.
- M. Revision/Additions to the Bail Schedule
1. The following procedure is established to make interim changes to the Bail Schedule without a formal meeting of the bail committee:
 - a. The staff will present all proposed interim changes to the approved bail schedule to the Judge who is the Criminal Team leader.
- N. Determining Misdemeanor Bail
1. If bail cannot be set as listed in the attached bail schedule, then the bail shall be \$2,000 for all violations of statutes, regulations or ordinances.
- O. Determining Infraction Bail
1. If bail cannot be set as listed in the attached Bail Schedule, then the bail shall be \$280 for all violations of statutes, regulations or ordinances, except that if the minimum fine for the offense is greater than or less than \$280 the bail shall be the amount of the minimum fine.
- P. If a mandatory appearance is not required, bail may be forfeited in lieu of appearance.
- Q. Additions to Superior Court Case Management System.
1. When it is necessary to add a new violation to the Superior Court Case Management System bail maintenance table, court staff will refer to Sections A and B above.
- R. Bail Limit for Multiple Felony/Misdemeanor Offenses.
1. The highest bail amount for any one offense will apply.