

2003

**INFRACTION, MISDEMEANOR
and
FELONY**

BAIL SCHEDULE



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO**

BAIL SCHEDULE

FOR
SAN LUIS OBISPO COUNTY

EFFECTIVE DATE
January 1, 2003

E. Jeffrey Burke, Judge
Michael L. Duffy, Judge
Teresa Estrada-Mullaney, Judge
Dodie A. Harman, Judge
Douglas G. Hilton, Judge
Barry T. LaBarbera, Judge
Christopher G. Money, Judge
Roger T. Picquet, Judge
Martin J. Tangeman, Judge
John A. Trice, Judge
Donald G. Umhofer, Judge
Sidney B. Findley, Commissioner
Ginger Garrett, Commissioner
Lane Stuart, Commissioner
Stephen B. Sefton, Traffic Referee

Wayne Hall, Court Executive Officer

Please address all comments and inquiries to:

Superior Court of California, Fiscal Services Division
County of San Luis Obispo
1050 Monterey Street, Room 220
San Luis Obispo, CA 93408
(805) 781-5675

BAIL SCHEDULE
FOR
SAN LUIS OBISPO COUNTY

ADOPTION OF UNIFORM BAIL SCHEDULE

Pursuant to the provisions of Section 1269(b) of the California Penal Code, the following uniform County wide schedule of bail for bailable offenses is hereby adopted by the Judges of the Superior Court, County of San Luis Obispo. This schedule sets the bail for the release of prisoners arrested (without warrant) on Felony, Misdemeanor or Infraction charges for the alleged commission of any bailable offense.

EFFECTIVE DATE

This schedule is retroactive to 12:01 a.m. January 1, 2003.

Dated this _____ day of _____, 2003.

Barry T. LaBarbera
Presiding Judge

RULES FOR SETTING BAIL

Felony

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 as listed in Appendix "B" on page viii.

Misdemeanor

Except as herein provided, bail is the highest amount for any one of the charges. Except for charges allowing post and forfeit of bail, bail amounts are not to be totaled, i.e., compounded. For misdemeanors which are not mandatory appearance (also known as "post and forfeit") bail is the sum of the bails established for each of the charges. For bail amounts not listed in this schedule, refer to Appendix "B" on page viii.

Infraction

Bail is the sum of the bails established for each of the charges; provided, however, that on multiple violations which are traffic school eligible, the fee for traffic school will be the highest amount for any one charge applicable to the multiple traffic school violations, plus \$34.00. For bail amounts not listed in this schedule, refer to Appendix "B" on page viii.

Combination of Charges

Regardless of whether the charge is a misdemeanor or infraction, if any **one** of the charges requires mandatory appearance, the total bail will be the highest amount for any one of the charges.

If **all** charges are optional appearance, then bail may be compounded. The bail for each charge is added and the defendant may be released upon posting of the total sum.

BAIL CALCULATION - FELONY CHARGES

1. Match the desired Felony charge from one listed in Felony Charges. If your charge is not listed you must use one of the UNLISTED bail amounts from the UNLISTED FELONY CHARGES found in Appendix B, page viii.
2. If there is an ENHANCEMENT to the underlying charge the bail of the original charge is added with the ENHANCEMENT giving the new bail amount.

Example:

Charge Description	Bail
PC 261 Rape	\$ 50,000.00
PC 12022.2(B) Commit sex crimes with deadly weapon	\$ 50,000.00
	<hr/>
Total bail:	\$ 100,000.00

BAIL CALCULATION OTHER THAN FELONY CHARGE

Example 1: ... Defendant arrested for PC326.5 "Bingo". Bail is \$282.00. Court appearance is not required.

Example 2: ... Defendant arrested for PC326.5 "Bingo" and PC321 "Lottery-selling chances, shares or tickets".

Court appearance is not required for either charge, thus bail may be added (compounded). Bail is \$282.00 + \$282.00 for a total of \$564.00.

Example 3: ... Defendant arrested for PC326.5 "Bingo" and PC416 "Refusing to Disburse."

Since court appearance is required for at least one charge, bail may not be compounded. Bail is set at the highest amount for any one charge, i.e., \$420.00 for the PC416.

GENERAL INFORMATION

PENALTY ASSESSMENTS

Penalty assessments, where applicable, are included in the bail amounts shown.

There is an additional penalty added to the base fine for the charge established by or through the legislature. The additional penalty is \$20.00 for each \$10.00 of fine or fraction thereof. (Penal Code Section 1464, Government Code Section 70372(a), 70375(b), and 76000(e)). Penal Code Section 1465.7 requires a 20% surcharge to be added to each base fine. The bail reflected in this schedule is the total of the base fine, the additional penalty and the surcharge added together.

TIME AND PLACE OF APPEARANCE

The time and place of appearance in Court upon posting bail will be pursuant to court rules and policies promulgated from time to time.

RELEASE OF DEFENDANT

Until delivery of a written order altering the amount of bail provided in the bail schedule or providing for the defendant's release on his or her own recognizance, the defendant may only be released upon the posting of bail in an amount provided in this bail schedule.

CONSTRUCTION ZONES

Vehicle Code Section 42009 requires that for any specified offense committed within a highway construction or maintenance area during the hours when work is being performed, the fine will be doubled for misdemeanors and for infractions the fine shall be one category higher than otherwise provided in the uniform traffic penalty schedule. The applicable violations will be identified by footnote 32 (refer to page V).

SAFETY ZONES

Pursuant to Vehicle Code section 42010, the fines for any specified offense committed in a safety enhancement-double fine zone shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Bail Schedule. Any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed per Vehicle Code section 42010. The safety enhancement zone in San Luis Obispo County is Route 46, between the intersection with Route 101 and the junction with Route 41. The applicable violations will be identified by footnote 36 (refer to page V).

MISDEMEANOR RESTITUTION FINE

Penal Code Section 1202.4(b)(1) requires a minimum \$100.00 restitution fine as an assessment in addition to the fine in every case where there is a misdemeanor conviction. Other mandatory assessments may also be applicable, especially in DUI cases.

In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant's obligations. Upon conviction, however, "additional penalties" may be added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and "additional penalties") based upon the particular facts presented.

INSTRUCTIONS FOR USE OF BAIL SCHEDULE

The bail schedule contains a list of felony, misdemeanor and infraction violations. This schedule is divided into three sections preceded by Appendix A and Appendix B. Appendix A contains unique penalty provisions as to certain codes. Appendix B contains the unlisted charge bail amount instructions for felonies, misdemeanors and infractions. The three sections of the bail schedule consist of the following:

- Felony Enhancements,
- Felony Charges, and
- Combined Misdemeanor and Infractions.

The schedule is divided into several columns. The explanation for each column follows:

CHARGE CODE & SECTION

This column shows the California code and the section number.

CRIME CLASS

M = Misdemeanor, and I = Infraction.

VAR

This is the variation of the charge and allows the court to set a different bail for the same charge based upon different circumstances.

DESCRIPTION

This is the English language description of the crime.

BAIL

The amount of Bail that is required before the defendant may be released from custody.

“+” means the amount that will be added to the bail amount for the felony offense committed.

P/C

Some violations are deemed to be correctable. Where proof of correction may decrease the bail, that amount is shown.

“NAP” means that proof of correction is not applicable.

DIV

This is the court division where the case is filed. “C” = criminal division “T” = traffic division.

CAL

This shows which calendar a case is heard on. “J” = Judge or Commissioner as assigned, “T” = Traffic Referee.

MAN APP

This field shows whether the defendant is required to appear in court. “Y” (YES) means appearance is required. “N” (NO) means the bail may be posted and forfeited in lieu of appearance.

Rule: If any one violation is a mandatory appearance, the whole case is a mandatory appearance.

ONLY if all violations are not mandatory appearance can bail be posted and forfeited in lieu of appearing.

FN

This is a footnote column. Some violations have unique penalty provisions or other special requirements. Footnotes are printed on page v.

BAIL FOOTNOTES

FOOTNOTE NUMBER.....	FOOTNOTE
1.....	\$15.00 goes to HS 11372.7 Fund.
2.....	Mandatory fine.
4.....	Unique Penalty - See Appendix A
5.....	No P.A. if parking.
11.....	License suspension mandatory upon conviction.
12.....	8 hours litter pickup required.
13.....	Bail includes penalty assessment.
14.....	Misdemeanor pursuant to ATMC 5-7.05.
16.....	Plus \$5.00 per specimen.
17.....	Plus \$10.00 per specimen.
18.....	Plus \$25.00 per specimen.
19.....	Plus \$50.00 per specimen.
20.....	Plus \$150.00 per specimen.
21.....	Plus \$250.00 per specimen.
27.....	See FG 12001 et. seq. for unique penalty provisions.
28.....	No part of the fine may be suspended.
29.....	Includes \$2.00 extra for Head Trauma Fund.
30.....	Add penalty assessment after calculating base fine.
31.....	Mandatory fine pursuant to VC 42001.7(A).
32.....	Construction zone enhancement allowed.
33.....	Plus damages.
34.....	Plus \$30.00 per specimen.
35.....	Plus \$45.00 per specimen.
36.....	Safety zone enhancement allowed.
37.....	Alcohol program pursuant to VC23141
38.....	Mandatory community service required.
39.....	Proof of correction must be prior to appearance date.
40.....	Mandatory sentencing, refer to charging code section.
41.....	Violation to be filed as a misdemeanor.
42.....	Statutory minimum.
43.....	Misdemeanor filed as an infraction per standing motion from DA. Monterey Co. rangers only.
44.....	Civil penalty of not more than \$2500 in addition to or instead of fine imposed authorized per VC4463.5.
45.....	Civil penalty of not more than \$1500 in addition to or instead of fine imposed authorized per VC4461.5.

ABBREVIATIONS FOR CODES

*UNLISTED	Refers to any unlisted code section
AGMC	Arroyo Grande Municipal Code
AG	Agricultural Code
APCD	Air Pollution Control District regulation
ASH	Atascadero State Hospital regulation
ATMC	Atascadero Municipal Code
BP	Business and Professions Code
CCR	California Code of Regulations
CC	Cuesta College regulations
CPSU	California Polytechnic State University regulation
EL	Elections Code
FA	Food and Agriculture Code
FG	Fish and Game Code
GCMC	Grover Beach Municipal Code
HN	Harbors and Navigation Code
HS	Health and Safety Code
IC	Insurance Code
MBMC	Morro Bay Municipal Code
NEC	National Electric Code
PBMC	Pismo Beach Municipal Code
PC	Penal Code
PR	Public Resources Code
PRMC	Paso Robles Municipal Code
PSLH	Port San Luis harbor District
PUC	Public Utilities Code
SH	Streets and Highways Code
SLCC	County of San Luis Obispo Ordinance
SLMC	City of San Luis Obispo Municipal Code
UAC	Uniform Administrative Code
UBC	Uniform Building Code
UFC	Uniform Fire Code
UHC	Uniform Housing Code
UIC	Uniform Insurance Code
VC	Vehicle Code
WI	Welfare and Institutions Code

APPENDIX A

UNIQUE PENALTY PROVISIONS AS TO CERTAIN CODE SECTIONS

CCR14-1.17	EXCESS OF BAG LIMIT: + (FOR EACH OVER LIMIT FISH)\$ 54.00 + (FOR EACH OVER LIMIT ANIMAL)\$ 54.00 + (FOR EACH OVER LIMIT DEER).....\$ 405.00
CCR14-1.62	UNDERSIZE FISH + (FOR EACH OVER LIMIT FISH)\$ 54.00
CCR14-300	PHEASANTS + (FOR EACH OVER LIMIT BIRD)\$ 54.00
CCR14-301	QUAIL + (FOR EACH OVER LIMIT BIRD)\$ 54.00
CCR14-302	RED-LEGGED PARTRIDGE + (FOR EACH OVER LIMIT BIRD)\$ 54.00
CCR14-307	TREE SQUIRRELS + (FOR EACH OVER LIMIT ANIMAL)\$ 54.00
CCR14-308	RABBITS + (FOR EACH OVER LIMIT ANIMAL)\$ 54.00
CCR14-360	DEER + (FOR EACH OVER LIMIT DEER).....\$ 540.00
CCR14-365(A)(B)	BEAR + (FOR EACH OVER LIMIT BEAR).....\$ 675.00
CCR14-500	PIGEONS + (FOR EACH OVER LIMIT BIRD)\$ 54.00
CCR14-501 (A)	DOVES + (FOR EACH OVER LIMIT BIRD)\$ 54.00
CCR14-502(A)	MIGRATORY WATERFOWL + (FOR EACH OVER LIMIT BIRD)\$ 54.00
FG3800	TAKING OF NONGAME BIRD + (FOR EACH OVER LIMIT BIRD)\$ 100.00
FG5508	FISH OF INDETERMINATE SIZE + (FOR EACH OVER LIMIT FISH)\$ 54.00

APPENDIX B

UNLISTED CHARGE BAIL AMOUNTS - BY CHARGE TYPE

BAIL FOR UNLISTED FELONY

<u>CHARGE</u>	<u>F</u>	<u>CHARGE DESCRIPTION</u>	<u>BAIL</u>
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 3 YEARS	10,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 4 YEARS	20,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 5 YEARS	25,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 6 YEARS	30,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 7 YEARS	35,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 8 YEARS	40,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 9 YEARS	45,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 10 YEARS	50,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 11 YEARS	60,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 12 YEARS	65,000.00
*UNLISTED	F	UNLISTED FELONIES - TOP TERM STATE PRISON 16 YEARS	70,000.00
*UNLISTED	F	UNLISTED FELONIES - ALL LIFE SENTENCES EXCEPT PC187	500,000.00

BAIL FOR UNLISTED MISDEMEANORS - EXCEPT LOCAL ORDINANCES

For any Misdemeanor charge which is not listed in this schedule the bail shall be set at \$270.00. Court appearance is mandatory, except that if the minimum fine for the offense as specified in the Code (including any penalty assessments) is greater than \$270.00, then the bail is the amount of the minimum fine.

BAIL FOR UNLISTED CITY/COUNTY ORDINANCE MISDEMEANORS - EXCEPT TRAFFIC

For any City or County Ordinance Misdemeanors, except traffic violations, which are not listed in this schedule, bail shall be set at \$211.00, except that if the minimum fine for the offense as specified in the Code (including any penalty assessments) is greater than \$211.00, then the bail is the amount of the minimum fine. Any such bail may be posted and forfeited without court appearance unless specified otherwise in the Code, or as prescribed herein.

BAIL FOR UNLISTED CITY/COUNTY ORDINANCE MISDEMEANORS INVOLVING TRAFFIC

For any City or County Ordinance Misdemeanors, involving traffic violations, which are not listed in this schedule, bail shall be set at \$162.00, except that if the minimum fine for the offense as specified in the Code (including any penalty assessments) is greater than \$162.00, then the bail is the amount of the minimum fine. Any such bail may be posted and forfeited without court appearance unless specified otherwise in the Code, or as prescribed herein.

BAIL FOR UNLISTED INFRACTIONS - EXCEPT PARKING

For any Infraction charge which is not listed in this schedule the bail shall be set at \$103.00, except that if the minimum fine for the offense as specified in the Code (including any penalty assessments) is greater than \$103.00, then the bail is the amount of the minimum fine. Any such bail may be posted and forfeited without court appearance unless specified otherwise in the Code, or as prescribed herein.