

**EMERGENCY STATEWIDE BAIL  
ORDERED BY THE JUDICIAL COUNCIL OF CALIFORNIA  
EMERGENCY RULE OF COURT 4  
ADOPTED APRIL 6, 2020**

EFFECTIVE DATE: April 13, 2020 @ 4:59 p.m.

END DATE: 90 days after Governor lifts State of Emergency (COVID-19)  
(or until amended or repealed by Judicial Council)

**(A) PURPOSE**

As stated in Emergency Rule of Court 4: "Notwithstanding any other law, this rule establishes a statewide Emergency Bail Schedule, which is intended to promulgate uniformity in the handling of certain offenses during the state of emergency related to the COVID-19 pandemic." (CRC ER 4(a).)

**(B) MANDATORY APPLICATION**

Emergency Rule of Court 4, states that "no later than 5 p.m. on April 13, 2020, each superior court must apply the statewide Emergency Bail Schedule:

- (1) To every accused person arrested and in pretrial custody.
- (2) To every accused person held in pretrial custody."

**(C) SETTING OF BAIL**

Under the statewide Emergency Bail Schedule, **bail for all misdemeanor and felony offense must be set at \$0**, except for only the offenses listed below:

**EXCEPTIONS TO ZERO BAIL**

- (1) "serious" or "violent" felonies (PC 1192.7(c)/667.5(c)) (*see Tables 1 & 2*)
- (2) PC 69 (felonies)
- (3) PC 166(c)(1)
- (4) PC 136.1 (when punished under 136.1(c))
- (5) PC 262 (spousal rape)
- (6) PC 273.5 or 243(e)(1) (domestic violence)
- (7) PC 273.6 (if threats to harm or kill, engaged in violence, gone to home/workplace)
- (8) PC 422 (felony)
- (9) PC 646.9
- (10) PC 290(c) (*see Table 3*)
- (11) VC 23152 or 23153
- (12) PC 463 (looting)
- (13) PC 29800 (possession firearm by prohibited person)

## (D) ABILITY TO DENY BAIL

The Emergency Statewide Bail Schedule does not restrict the ability of the court to deny bail as authorized by the California Constitution Art. I, section 12 or 28(f)(3). *(For your convenience, those sections are restated below.)*

Cal. Const. Art I, §12: Referencing "capital crimes when the facts are evident or the presumption great;" 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 by clear and convincing evidence that there is a substantial likelihood that the person's release would result in great bodily harm to others;" or "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."

Cal. Const. Art I, §28(f)(3): "A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great." (emphasis added)

## (E) APPLICATION OF COUNTYWIDE BAIL SCHEDULE

The Sutter County Bail schedule remains in effect for all offenses listed in exceptions (1) through (13), including any count-specific conduct enhancements and status enhancements.

The court retains the authority to reduce the amount of bail listed in the court's current countywide bail schedule for offenses listed in exceptions (1) through (13), or for any offenses not in conflict with the Emergency Bail Schedule.

Link to 2020 Bail Schedules (for exceptions):

<https://www.suttercourts.com/sites/default/files/pdfs/BailSchedules/2020%20Felony%20Bail%20Schedule.pdf>

<https://www.suttercourts.com/sites/default/files/pdfs/BailSchedules/2020%20Misdemeanor%20Bail%20Schedule.pdf>

## (F) BAIL FOR VIOLATIONS OF POST-CONVICTION SUPERVISION

(1) violations of misdemeanor probation, with or without a bench warrant = \$0.

(2) bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, are set in accord with the statewide Emergency Bail Schedule or for the bail amount in the court's countywide schedule of bail for charges of conviction listed in exceptions (1) through (13), including enhancements.

As ordered by the Judicial Council's Emergency Rule 4 (April 6, 2020) & on behalf of the Judges of the Sutter County Superior Court.

4/9/20  
sg

By:

  
\_\_\_\_\_  
SUSAN E. GREEN, Presiding Judge  
Superior Court of California, County of Sutter

**TABLE 1: PENAL CODE 1192.7(c) = "SERIOUS FELONIES"  
(bold indicates more commonly seen offenses)**

| SUB# | LANGUAGE  |
|------|---|
| 1    | Murder  |
| 1    | Voluntary manslaughter  |
| 2    | Mayhem  |
| 3    | Rape  |
| 4    | Sodomy by force, violence, duress, menace, threat of gbi  |
| 5    | Oral copulation by force, violence, duress, menace, threat of gbi   |
| 6    | <b>Lewd or lascivious act on a child &lt;14</b>   |
| 7    | Any felony punishable by death or life imprisonment   |
| 8    | <b>Any felony where D personally inflicts gbi (not an accomplice)</b>   |
| 8    | <b>Any felony where D personally uses a firearm</b>   |
| 9    | Attempted murder  |
| 10   | Assault with intent to commit rape or robbery   |
| 11   | <b>Assault with deadly weapon on peace officer</b>  |
| 12   | Assault by life prison on non-inmate  |
| 13   | Assault with a deadly weapon by inmate  |
| 14   | Arson   |
| 15   | Exploding a destructive device/explosive with intent to injure  |
| 16   | Exploding destructive device/explosive causing bodily injury  |
| 17   | Exploding destructive device/explosive with intent to murder  |
| 18   | <b>Burglary -first degree</b>   |
| 19   | <b>Robbery</b> or bank robbery  |
| 20   | Kidnapping  |
| 21   | Holding hostage by state prisoner   |
| 22   | Attempt to commit felony punishable by death or life imprisonment   |
| 23   | <b>Any felony where a D personally used a dangerous or deadly weapon</b>  |
| 24   | Selling, furnishing, giving a minor heroin, cocaine, PCP or meth-related drug to a minor (or offering to do so) |
| 25   | PC 289 by force, violence, duress, menace, fear of immediate and unlawful bodily injury                         |
| 26   | <b>Grant theft involving a firearm</b>  |
| 27   | <b>Carjacking</b>   |
| 28   | Any felony offense which would constitute a felony violation of PC 186.22                                       |
| 29   | PC 220: assault with intent to commit mayhem, rape, sodomy or oral copulation                                   |
| 30   | PC 244: assault throwing acid or flammable substances   |
| 31   | PC 245 assault deadly weapon or assault on peace officer or firefighter   |
| 32   | PC 245.2, 245.3, 245.5: assault with deadly weapon on special employees   |
| 33   | PC 246: discharge of firearm at an inhabited dwelling, vehicle or aircraft                                      |
| 34   | PC 264.1: rape or sexual penetration in concert with another person   |
| 35   | PC 288.5: Continuous sexual abuse of a child  |
| 36   | PC 26100(c) or(d): shooting from a vehicle  |
| 37   | <b>PC 136.1: intimidation of victims or witnesses</b>   |
| 38   | <b>PC 422: criminal threats</b>   |
| 39   | <b>Any attempt to commit any offense on list (except assault)</b>   |
| 40   | <b>PC 12022.53 use of firearm to commit certain felonies</b>  |
| 41   | PC 11418(b) or (c) weapons of mass destruction  |
| 42   | Conspiracy to commit any offense on this list   |

**TABLE 2: PENAL CODE 667.5(c) = "VIOLENT FELONIES"**  
**(bold indicates more commonly seen offenses)**

| PC 667.5(c) | LANGUAGE  |
|-------------|---|
| 1           | Murder  |
| 1           | Voluntary manslaughter  |
| 2           | Mayhem  |
| 3           | Rape: PC 261(a)(2) or (6) & 262(a)(1) or (4)  |
| 4           | Sodomy: PC 286(c) or (d)  |
| 5           | Oral copulation: PC 287(c) or (d) (former PC 288a)  |
| 6           | <b>Lewd or lascivious acts: 288(a) or (b)</b>   |
| 7           | Any felony punishable by death or life in prison  |
| 8           | D inflicts gbi on person other than accomplice (after 7/1/1977)   |
| 8           | D uses a firearm and allegation 12022.3(a), 12022.5 or 12022.55   |
| 9           | Robbery   |
| 10          | Arson: PC 451(a) or (b)   |
| 11          | Sexual penetration: PC 289 (a) or (j)   |
| 12          | Attempted murder  |
| 13          | PC 18745, 18750 or 18755  |
| 14          | Kidnapping  |
| 15          | PC 220: assault with intent to commit specified felonies  |
| 16          | PC 288.5: continuous sexual abuse of a child  |
| 17          | <b>Carjacking: 215(a)</b>   |
| 18          | Rape, spouse rape or sexual penetration, in concert, in violation PC 264.1  |
| 19          | Extortion (PC 518) which also is felony violation of PC 186.22 (extortion w/ gang enh)                            |
| 20          | Threats to victims/witnesses PC 136.1, with felony 186.22 (threats w/ gang enh)                                   |
| 21          | <b>Burglary in first degree PC 460(a) when another person (other than accomplice) is present in the residence</b> |
| 22          | <b>PC 12022.53</b>  |
| 23          | PC 11418(b) or (c) (relating to weapons of mass destruction)  |

**TABLE 3: OFFENSES LISTED IN PC 290(c)**  
**(bold indicates more commonly seen offenses)**

| 290(c) | LANGUAGE  |
|--------|---|
|        | Murder: in perpetration/attempt to perpetrate rape or any act punishable under PC 286, 287, 288, 289, or former 288a, |
|        | Kidnapping (PC 207 or 209) w/ intent to violate PC 261, 286, 287, 288, 289, or former 288a                            |
|        | PC 220 (except assault with intent to commit mayhem)  |
|        | PC 236.1(b) and (c) (human trafficking)   |
|        | PC 243.4, 261, 262(a)(1), 264.1 (sexual battery, rape/spousal rape by force/rape in concert)                          |
|        | PC 266, 266c, 266h(b), 266i(b), 266j  |
|        | PC 267 (abduction of minor for prostitution)  |
|        | PC 269 (aggravated sexual assault of child)   |
|        | PC 285 (incest)   |
|        | PC 286 (sodomy)   |
|        | PC 287 (oral copulation)  |
|        | <b>PC 288 (lewd &amp; lascivious)</b>   |
|        | PC 288.3, 288.4, 288.5, 288.7 (sex offenses or contact involving minors)  |
|        | PC 289 (sexual penetration)   |
|        | PC 288a (former oral cop)   |
|        | PC 311.2(b), (c) or (d) (sending/distributing obscene matter)   |
|        | PC 311.3, 311.4, 311.10, 311.11 (offenses involving obscene matter and child pornography)                             |
|        | PC 647.6 (annoying or molesting a child)  |
|        | PC 647a (lewd conduct)  |
|        | PC 653f(c) (solicitation sex crimes by force)   |
|        | <b>PC 314 (1) or (2) (indecent exposure)</b>  |
|        | PC 272 involving lewd or lascivious conduct   |
|        | PC 288.2 (sending harmful material to a child)  |
|        | Any predecessor to above offenses that includes the same elements   |
|        | Attempt to commit above offenses  |
|        | Conspiracy to commit above offenses   |