

2023

FELONY BAIL SCHEDULE

Rev. September 12, 2023; Eff. October 1, 2023



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

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TABLE OF CONTENTS

I. PRE-ARRAIGNMENT RELEASE PROTOCOL FOR LAW ENFORCEMENT	
A. Introduction _____	4
B. How to Use the Pre-Arrestment Release Protocol _____	6
C. FELONY MONEY BAIL COMPUTATION WORKSHEET _____	10
D. STATE CODES	
a. PENAL CODE _____	11
b. VEHICLE CODE _____	21
c. HEALTH AND SAFETY CODE _____	21
d. BUSINESS AND PROFESSIONS CODE _____	23
E. SENTENCE ENHANCING ALLEGATIONS _____	24
II. RELEASE CONSIDERATIONS FOR JUDICIAL OFFICERS	
A. How to Use the Schedule _____	25
B. Arrest Warrants _____	25
C. Determining Financial Conditions of Release at Arraignment or Future Court Proceedings _____	25
D. Penal Code Section 1270.1 _____	25

I. LOS ANGELES COUNTY FELONY PRE-ARRAIGNMENT RELEASE PROTOCOL FOR LAW ENFORCEMENT

A. Introduction

The purpose of bail is to ensure an arrestee appears for all court appearances and reduce the risk to public or victim safety.¹ Article I, section 12 of the California Constitution entitles most arrestees (who are presumed innocent until proven guilty beyond a reasonable doubt) to release on bail while awaiting trial. In addition, the Constitution prohibits excessive bail and requires that judicial officers take into account the protection of the public, safety of the victim, seriousness of the offense charged, previous criminal record of the defendant, and the probability of the arrestee appearing at court appearances.² Consistent with the United States Supreme Court's decision in *Salerno*, the Superior Court of Los Angeles County (Court) seeks with this protocol to ensure that "in our society liberty is the norm, and detention prior to trial is the carefully limited exception."³

Applicability of Pre-Arrestment Release Protocol for Low-Level, Non-Violent Felonies and Misdemeanors

For many less serious and low-risk level misdemeanor and felony offenses, the Pre-Arrestment Release Protocol (PARP) represents a shift from the practice of setting money bail, also known as a "financial condition" of release. Prior to the implementation of the PARP, arrestees who could afford to post money bail pursuant to operative bail schedules were released pre-arrestment, while those who could not afford to do so were detained, even if they posed little risk to the public or were likely to return to court. The California Supreme Court has held that conditioning release from custody solely on whether an arrestee can afford bail is unconstitutional. (*In re Humphrey* (2021) 11 Cal.5th 135, 143 (*Humphrey*)). Further, research⁴ demonstrates that non-financial conditions of release that address both public and victim safety and the arrestee's individual circumstances are often sufficient and may be preferable to financial conditions for numerous reasons. In *Humphrey*, the Supreme Court instructed trial courts to impose the least restrictive conditions of release for defendants and to consider whether non-financial conditions of release may reasonably protect the public and the victim or reasonably assure the defendant's presence at trial.

Effective October 1, 2023, this Pre-Arrestment Release Protocol shall govern whether eligible arrestees in Los Angeles County are released from custody without conditions, released with non-financial conditions, or held in custody pending arraignment. Using the PARP, the Court sets release conditions based on an arrestee's risk to public or victim safety and the arrestee's likelihood of returning to court and reduces reliance on money bail as a condition of release prior to arraignment for individuals arrested for certain misdemeanor and non-violent, low-level felonies. Through the PARP, the Court assesses and releases from custody (with release conditions where appropriate) those arrestees who pose a minimal risk of flight or danger to public or victim safety. For arrestees charged with certain non-violent felony and misdemeanor offenses, the offenses will fall within one

¹ Cal. Const., art. I, § 28, subd. (f)(3).

² *Id.*

³ *United States v. Salerno* (1984) 481 U.S. 739, 755.

⁴ Brooker, C. *Yakima County, Washington Pretrial Justice System Improvements: Pre- and Post-Implementation Analysis*. (2017); Carmichael, D. et al. *Liberty and Justice: Pretrial Practices in Texas*. (2017); Anderson, C. et al. *Evaluation of Pretrial Justice System Reforms that Use the Public Safety Assessment: Effects of New Jersey's Criminal Justice Reform*. (2019); Redcross, C. et al. *Evaluation of Pretrial Justice System Reforms that Use the Public Safety Assessment: Effects in Mecklenburg County, North Carolina*. (2019); Grant, G. *Report to the Governor and the Legislature: Jan. 1-Dec. 31, 2019*. (2020); Lowenkamp, C. et al. *Replication and Extension of the Lucas County PSA Project*. (2020).

of three categories – CR (Cite and Release); BR (Book and Release); and MR (Magistrate Review). The categories are described in more detail below and each eligible offense is assigned a category.

Zero-Dollar Bail Is Not Available for Serious or Violent Offenses Pre-Arraignment

Zero-dollar bail is not available for serious or violent crimes.

The following arrestees are ineligible for pre-arraignment release on zero-dollar bail:

1. Individuals arrested for capital crimes when the facts are evident or the presumption great and all offenses listed in subsections (b) and (c) of Article I, section 12 of the California Constitution are ineligible for release on their own recognizance or sufficient sureties.⁵
2. Individuals arrested for any offense listed in Penal Code section 1270.1. Individuals arrested for offenses listed in Penal Code section 1270.1 are ineligible for release on their own recognizance or release on bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense until a hearing is held in open court before the magistrate or judge. For these offenses the arrestees must post financial conditions of release as required by that statute or be held until arraignment within the time outlined in Penal Code section 825, or the time by which they may have a hearing in open court as required. Existing law requires a non-zero-dollar amount of bail to be set for these offenses. Financial conditions of release for those crimes or enhancements are listed within the protocol.
3. Individuals arrested for any offense where there is a sentencing enhancement, as defined in subdivision (e) of Penal Code section 1269b. For offenses with these enhancements, arrestees must post financial conditions of release (non-zero-dollar amount of bail) as required by that statute and listed within the protocol.

Definitions of CR, BR, and MR

For those offenses designated as either CR or BR, eligible arrestees will be released on their own recognizance with a promise to appear at arraignment either at the time of arrest (CR) or after being booked at a police station or other facility (BR). Nothing in this protocol should be construed to alter the authority of law enforcement to cite-and-release or book-and-release as authorized by state law. These arrestees are not required to post cash bail, and the offenses for which they are booked are designated in the schedule as zero-dollar bail (\$0) bail offenses. However, arrestees booked for an offense designated as CR or BR who are currently on Parole or Post Release Community Supervision (PRCS) are not eligible to be released prior to magistrate review and will be referred directly to a magistrate for review prior to release. The Los Angeles Superior Court has magistrates available 7 days a week, 24 hours a day.

For those crimes designated as MR, arrestees will be referred to a magistrate for review. As set forth further below, magistrates will consider the available information to determine whether to release an arrestee on their own recognizance with no conditions, release them on their own recognizance with the least restrictive non-financial conditions, or defer consideration of release until arraignment under limited circumstances. All offenses in the MR category are designated as \$0 bail offenses.

Pre-arraignment bail amounts and designations in the PARP are not binding on judicial officers at arraignment, which typically occurs within 48 hours of arrest unless there is a holiday or a weekend

⁵ Cal. Const., art. I, § 12.

when the court is otherwise closed. At arraignment, where both the prosecution and the defendant are represented by counsel, judicial officers have the full range of options available with respect to the defendant's bail and custody status. The arraignment court can consider, among other facts and issues raised, the prosecutor's charging document, the defendant's criminal history, and the facts of the case, and any information the prosecutor and the defense attorney may offer.

Arrest Warrants – Bail Amounts

At and after the defendant's first appearance, the judicial officer before whom the defendant appears will determine release conditions, if any. (See section II (A) and (C).) A magistrate fixing financial conditions of release pursuant to Penal Code section 815a which requires that a magistrate fix the amount of bail which in their judgment is 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, may use this schedule at the time an arrest warrant is issued. The amount of bail is within the sound discretion of the magistrate. (See section II (B).)

B. How to Use the Pre-Arraignment Release Protocol

The purpose of this protocol is to designate pre-arraignment release orders upon which a person arrested without a warrant may be assessed for release before their appearance in court. Arrestees booked on crimes listed in Penal Code section 1270.1 are not eligible for non-financial conditions of release pre-arraignment.

Prior to arraignment, the release protocol for each misdemeanor crime will be designated in the column titled "**Pre-Arraignment Release Protocol.**" Within that designated column, the following abbreviations will refer to the appropriate pre-arraignment protocol for arrestees booked for the referenced crime.

1. CITE AND RELEASE (CR)

People arrested for crimes designated as **CR** are subject to \$0 bail and are not required to provide financial conditions of release unless a designated exception applies as stated in Item 6. Arrestees must promise to appear in court for arraignment.

2. BOOK AND RELEASE (BR)

People arrested for crimes designated as **BR** are subject to \$0 bail and are not required to provide financial conditions of release unless a designated exception applies as stated in Item 6. Arrestees must promise to appear as required by Penal Code section 1318.

3. MAGISTRATE REVIEW (MR)

People arrested for crimes designated as **MR** are subject to \$0 bail and are not required to provide financial conditions of release unless a designated exception applies as stated in Item 6. Arrestees must promise to appear in court for arraignment as required by Penal Code section 1318, they must be booked by a law enforcement agency, and their release conditions, if any, will be determined by a magistrate. Applying the factors set forth in Penal Code section 1275, and Article I, sections 12 and 28, the magistrate will consider known facts about the offense and the arrestee as well as a risk assessment report in deciding to (1) release the arrestee on their own recognizance; (2) release the arrestee upon \$0 money bail and non-financial conditions of release that are the least restrictive conditions reasonably related to the crime that are necessary to assure their appearance at court and the safety of the public and victim; or (3) defer until arraignment consideration of the arrestee's release, if the magistrate finds by clear and convincing evidence based on the available information

that "public or victim safety, or the arrestee's appearance in court, cannot be reasonably assured" if they are released with nonfinancial conditions. (*In re Humphrey* (2021) 11 Cal.5th 135, 154.)

Once the least restrictive condition or combination of conditions is determined by the magistrate, the County's Pretrial Services Unit will communicate the release conditions, if any, to the booking law enforcement agency (LEA). The LEA will communicate the condition(s) to the arrestee. If the arrestee accepts the conditions, the arrestee will be released. If not, further consideration of the arrestee's release will be deferred until arraignment.

Pre-arraignment orders pertaining to release and conditions are not binding upon the court at arraignment. The judicial officer presiding over the arraignment will determine the arrestee's suitability for all conditions of release, financial and non-financial, within the timing outlined in Penal Code section 825, and within the meaning of current statutory and case authority.

If no charges are filed by the prosecuting agency prior to arraignment, the arrestee will be released without conditions.

4. FINANCIAL CONDITIONS OF RELEASE

Pursuant to Penal Code sections 1270.1 and 1269b(e), persons arrested for designated felonies or subject to listed enhancements must post financial conditions of release as required by those statutes or be held until arraignment within the time outlined in Penal Code section 825, or the time by which they may have a hearing in open court as required. Financial conditions of release for those crimes or enhancements are listed within the protocol.

5. INELIGIBLE FOR RELEASE

Arrestees charged with crimes described in Cal. Const., art. I, §§ 12(a)-(c) or 28(f)(3) or Penal Code section 1270.5 are not eligible for release prior to arraignment.

6. EXCEPTIONS

A. ARRESTEE ON PAROLE or POST RELEASE COMMUNITY SUPERVISION (PRCS):

If an arrestee booked for an offense listed as CR or BR in the protocol is currently on parole or PRCS, the arrestee shall be referred to a magistrate for review.

B. ARRESTEE ACCUSED of MULTIPLE OFFENSES OR ENHANCEMENTS:

- i. If an arrestee is booked on two or more offenses with differing protocol designations (\$0 bail and CR, BR, or MR), pre-arraignment release protocol shall be determined by the strictest release protocol designated.
- ii. If an arrestee is booked on two or more offenses, one which designates release protocol and the other which designates a financial condition of release, pre-arraignment release shall be determined by the financial condition of release designated for each crime. No additional financial conditions may be added within the Felony Bail Computation Worksheet for crimes designated as \$0 bail and CR, BR, or MR. Because the arrestee is subject to financial conditions of release, the arrestee will not be referred to a magistrate for review.

- iii. If an arrestee is booked on an offense designated as \$0 bail and CR, BR, or MR and an enhancement requiring a financial condition of release, pre-arraignment release shall be determined by the financial condition of release designated by the applicable enhancement. No additional financial conditions may be added within the Felony Bail Computation Worksheet for the crimes designated as \$0 bail and CR, BR, or MR. Because the arrestee is subject to financial conditions of release, the arrestee will not be referred to a magistrate for review.
- iv. If an arrestee is booked on multiple offenses or enhancements which all require financial conditions of release, the amount shall be determined by the Felony Bail Computation Worksheet unless the offenses are committed against separate victims or on separate dates, or where separate sex acts are committed on the same victim, and each may be punished separately (including circumstances enumerated in Penal Code section 667.6(c) and (d)). In addition, amounts for enhancements and prior convictions shall each be added one time per person arrested, per defendant, or per case. Because the arrestee is subject to financial conditions of release, the arrestee will not be referred to a magistrate for review.

7. REPRODUCTIVE RIGHTS

In accordance with Penal Code section 1269b(f)(2), bail shall be set at zero dollars (\$0) and the offense designated as CR for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state.

8. UNLISTED FELONIES

For all offenses charged as felonies under state statutes, for which there is no protocol provided in this schedule, including unlisted subdivisions, the bail shall be set at zero dollars (\$0) and the offense designated as BR. This section does not include crimes listed in Penal Code section 1270.1(a). Crimes chargeable as either a felony or misdemeanor (“wobblers”) under state statutes or municipal or agency ordinances are provided for in the Misdemeanor Bail Schedule.

9. BAIL DEVIATION

Pursuant to Penal Code section 1269c, bail deviation is available to process all bail increase and decrease requests for persons who have been arrested (other than pursuant to an arrest warrant) but not arraigned.

Law Enforcement requests to increase bail shall be made within two hours of booking and must comply with Penal Code section 1269c. That section sets forth the procedures and instances when upward bail deviation is appropriate. It is available:

- a. As to those individuals arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and;
- b. When 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.

Under these circumstances, “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 . . . requesting an order setting a higher bail.” (Penal Code, §1269c.)

If applicable, Law Enforcement shall also communicate to the Probation Department within two hours of booking: (1) Whether an enhancement to an offense is being sought; and/or (2) whether the arrestee, booked on an offense designated as CR or BR, is an exception from the release protocol due to their being on a grant of Parole, or Post Release Community Supervision (PRCS) requiring magistrate review for the booked offense.

All requests to increase or decrease bail shall be called in, within two hours of booking, at (213) 351-0373 or (800) 773-5151. Hours of operation are 6:30 a.m. to 1:30 a.m.

A request for upward bail deviation of an offense designated in the bail schedule as CR or BR (\$0 bail) may cause the arrest to be referred to a magistrate for review.

Felony Bail Computation Worksheet

1 Name of Arrestee: _____

2 List all offenses: _____

Base Bail (see *Felony Bail Schedule at pages 10-22*)

AMOUNT

Of the offenses listed in 2, which carries the highest bail schedule amount?

3 List code and section number here: _____

List the bail schedule amount for that offense in 3a. **3a**

Is arrestee charged with two or more offenses? *If yes, move to 3b and 3c. If no, move to 4.*

3b Were additional offenses committed against separate victims OR were the offenses committed on separate dates? *If yes, list the sum of the bail schedule amount(s) for each additional offense committed against a separate victim and/or on a separate date in 3b.* **3b**

3c Were additional separate sex acts committed on the same victim AND may each act be punished separately? *If yes, list the sum of the bail schedule amounts for each additional separate sex act in 3c.* **3c**

*If no to 3b and 3c, base bail is **only** the bail amount for the offense listed in 3a.*

Enhancements (see *Felony Bail Schedule at page 23*)

4 Was the offense committed for the benefit of a gang? If yes, add \$40,000 **4**

5 Was a weapon involved? *If yes, add only the greatest of 5a-5d. If no weapon, move to 6.*

5a Did the arrestee personally discharge a firearm, causing GBI or death? If yes, add \$1,000,000 **5a**

5b Did the arrestee personally discharge a firearm, not causing GBI/death? If yes, add \$200,000 **5b**

5c Did the offense involve possession, use, or discharge of a firearm? If yes, add \$50,000 **5c**

5d Did the arrestee use a weapon other than a firearm? If yes, add \$20,000 **5d**

6 Did the offense involve infliction of GBI? If yes, add \$30,000 **6**

7 Does the arrestee have any prior convictions? *If no prior convictions, move to 8.*

7a Does the arrestee have a prior conviction for a serious or violent felony or enumerated sex offense? If yes, add \$50,000 per prior conviction **7a**

7b Is the arrestee charged with a serious or violent felony AND does the arrestee have two or more convictions for serious or violent felonies? If yes, add \$1,000,000 **7b**

7c Has the arrestee served a prison term during the past 5 years? If yes, add \$10,000 per term **7c**

8 Are there any other enhancements to be added? *If no other enhancements, move to 9.*

8a Is the crime a hate crime? If yes, add \$25,000 **8a**

8b Is the victim over 65, under 15, or disabled AND is the crime enumerated in Penal Code sections 667.9-667.10? If yes, add \$25,000 **8b**

8c *Add only once:* Are there other felony charges pending against arrestee, or is the arrestee on parole, felony probation, or probation department supervision? If yes, add \$25,000 **8c**

8d *If base bail is less than \$1,000,000 and neither 6a nor 8c apply:* Does the offense carry a possible term of life imprisonment? If yes, add \$1,000,000 **8d**

9 Add lines 3a through 8d.

This is the Total Bail: 9 _____

Name of Person Completing Form

Badge/ID #

If Law Enforcement, Do You Oppose O/R Release? Yes No

PENAL CODE

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
32	Accessories			BR
67	Bribery of State Executive Officer			CR
67.5	Bribery of Public Officer or Employee (If theft or thing given or offered would be grand theft)			CR
68	Bribe, Soliciting by Public Officer or Employee			BR
69	Resisting Arrest/Threatening Executive Officer			MR
76	Threats to the Life of an Official or Judge			MR
92, 93	Bribe, Offering, Accepting by Judge, Juror, Referee			BR
113	Manufacturing or Selling False Citizenship or Resident Alien Documents			CR
114	Using False Documents to Conceal True Citizenship			CR
115	Offering Forged/False Documents for Filing			CR
115.1	Campaign Violations			CR
118	Perjury			CR
127	Subornation of Perjury			CR
136.1(a)(b)	Dissuading a Witness from Testifying	S	1192.7(c)(37)	\$100,000
136.1(c)	Preventing, Dissuading Witness from Attendance, Testifying	S	1192.7(c)(37)	\$100,000
137(a),(b)	Influencing Testimony			BR
141(b)	Filing of False Evidence by Police			BR
141(c)	Filing of False Evidence by Prosecuting Attorney			BR
146a(b)	Impersonating an Officer			MR
148(b)	Taking a Weapon from a Peace Officer			MR
148(c)	Taking a Firearm from a Peace Officer			MR
149	Assault by Officer Under Color of Authority			MR
165	Bribery of Councilman, Supervisor, etc.			BR
182	Conspiracy			Same as substantive offense
187	Murder – with special circumstance	S, V	1192.7(c)(1), 667.5(c)(1)	INELIGIBLE FOR RELEASE
	All other murders	S, V	1192.7(c)(1), 667.5(c)(1)	\$2,000,000
191.5	VEHICULAR MANSLAUGHTER			
191.5(a)	DUI with gross negligence	S	1192.8	\$100,000

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
191.5(b)	DUI without gross negligence	S	1192.8	\$50,000
192(a)	Manslaughter – Voluntary	S, V	1192.7(c)(1), 667.5(c)(1)	\$100,000
192(b)	Manslaughter – Involuntary			\$25,000
192(c)(1)	Vehicular Manslaughter – Driving vehicle with gross negligence	S	1192.8	\$50,000
192(c)(3)	Vehicular Manslaughter – Accident caused for financial gain	S	1192.8	\$100,000
192.5	VEHICULAR MANSLAUGHTER – OPERATING A VESSEL			
192.5(a)	DUI with gross negligence	S	1192.8	\$100,000
192.5(b)	DUI without gross negligence	S	1192.8	\$50,000
192.5(c)	With gross negligence	S	1192.8	\$50,000
203	Mayhem	S, V	1192.7(c)(2), 667.5(c)(2)	\$100,000
205	Aggravated Mayhem (Life)	S, V	1192.7(c)(2), 667.5(c)(2)	\$1,000,000
207	Kidnapping	S, V	1192.7(c)(20), 667.5(c)(14)	\$100,000
	Kidnapping child under age 14 to deprive custody (P.C. 667.85)	S, V	1192.7(c)(20), 667.5(c)(14)	\$150,000
	Kidnapping for purpose of felony sexual offense (P.C. 667.8(a) and (b))	S, V	1192.7(c)(20), 667.5(c)(14)	\$1,000,000
209	Kidnapping for Ransom, Robbery, Sex Offense, Etc. (Life) Including kidnapping child under age 14 to deprive custody (P.C. 667.85), and kidnapping for purpose of felony sexual offense (P.C. 667.8(a) and (b))	S, V	1192.7(c)(20), 667.5(c)(14)	\$1,000,000
209.5	Kidnapping During a Carjacking (Life)	S, V	1192.7(c)(20), 667.5(c)(14)	\$1,000,000
210.5	False Imprisonment – Kidnapping to Evade Arrest			MR
211	ROBBERY			
	First Degree	S, V	1192.7(c)(19), 667.5(c)(9)	\$100,000
	Second Degree	S, V	1192.7(c)(19), 667.5(c)(9)	\$50,000
215	Carjacking	S, V	1192.7(c)(27), 667.5(c)(17)	\$100,000
219	Trainwrecking (Life)	S, V	1192.7(c)(7), 667.5(c)(7)	\$1,000,000
220(a)	Assault with Intent to Commit Mayhem, Rape, Sodomy, Oral Copulation, or Any Violation of P.C. 264.1, 288, or 289	S, V	1192.7(c)(29), 667.5(c)(15)	Same as substantive offense

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
220(b)	Assault with Intent to Commit Specified Sex Offenses While in the Commission of First Degree Burglary	S, V	1192.7(c)(29), 667.5(c)(15)	\$1,000,000
222	Administering Drugs to Aid Felony			MR
236	False Imprisonment			BR
236.1	Human Trafficking	*		MR
	If victim is under the age of 18			MR
237(b)	False Imprisonment – Elder or Dependent Person			MR
241.1	Assault – Upon Custodial Officer			BR
243	Battery			
243(c)	Upon peace officer, etc., with injury			MR
243(d)	Battery – With serious bodily injury	S	1192.7(c)(8)	\$50,000
243.1	Battery – Upon custodial officer in performance of duties: if the arrestee is in custody			BR
	If arrestee is not in custody			MR
243.4	Sexual Battery			MR
244	Assault with Chemicals	S	1192.7(c)(30)	\$50,000
244.5(b), (c)	Use of Stun Gun or Taser on Any Person			MR
245(a)(1)	Assault with Deadly Weapon, Other Than a Firearm	S	1192.7(c)(31)	\$30,000
245(a)(2)	Assault with a Firearm	S	1192.7(c)(31)	\$30,000
245(a)(4)	Assault with Force Likely to Produce G.B.I.			MR
245(b)	Assault with a Semiautomatic Firearm	S	1192.7(c)(31)	\$75,000
245(c)	Assault with Deadly Weapon Other Than a Firearm or Force Likely to Produce G.B.I. Upon a Peace Officer or Firefighter	S	1192.7(c)(11),(31)	\$50,000
245(d)(1)	Assault with A Firearm Upon A Peace Officer Or Firefighter	S	1192.7(c)(11), (31)	\$100,000
245(d)(2)	Assault with a Semiautomatic Firearm Upon a Peace Officer or Firefighter	S	1192.7(c)(11), (31)	\$200,000
246	Shooting at Inhabited Dwelling, Building, Occupied Motor Vehicle	S	1192.7(c)(33)	\$250,000
246.3(a)	Discharge of Firearm – Gross Negligence	S	1192.7(c)(8)	\$35,000
261	Rape	S, V	1192.7(c)(3), 667.5(c)(3)	\$100,000
	If victim is under 18	S, V	1192.7(c)(3), 667.5(c)(3)	\$200,000
	If victim is under 14	S, V	1192.7(c)(3), 667.5(c)(3)	\$250,000

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
261.5(c)	Unlawful Sexual Intercourse with Person Under 18			MR
261.5(d)	If defendant is over 21 and minor under 16			MR
264.1	Rape in Concert with Another by Force or Violence	S, V	1192.7(c)(34), 667.5(c)(18)	\$100,000
	If victim is under 18	S, V	1192.7(c)(34), 667.5(c)(18)	\$200,000
	If victim is under 14	S, V	1192.7(c)(34), 667.5(c)(18)	\$250,000
266h(a)	Pimping			MR
266h(b)(1)	If other person is a minor age 16 or older			MR
266h(b)(2)	If other person is a minor under age 16			MR
266i	Pandering			BR
	If other person is a minor			MR
269	Aggravated Sexual Assault of a Child Under 14 Years	S	1192.7(c)(3), (4), (5)	\$250,000
273a(a)	Willful Harm or Injury to Child Likely to Produce G.B.I. or Death			MR
273d(a)	Corporal Punishment or Injury of Child			MR
273.5	Corporal Injury to Specified Persons		1270.1(a)(2)	\$50,000
	With prior conviction under P.C. 273.5(f)		1270.1(a)(2)	\$100,000
273.6	Violation of a Protective Order		1270.1(a)(4)	\$50,000
278	Child Stealing			MR
	By use of the internet			MR
285	Incest			MR
286	SODOMY			
286(b)(1)	If victim is under age 18			MR
286(b)(2)	If victim is under age 16 and defendant is over age 21			MR
286(c)(1)	If victim is under age 14 and defendant more than 10 years older than victim	S, V	1192.7(c)(4), 667.5(c)(4)	\$100,000
286(c)(2)(A)	If defendant compelled another by force, duress or threats of great bodily injury	S, V	1192.7(c)(4), 667.5(c)(4)	\$100,000
286(c)(2)(B)	If victim is under age 14 with force or duress	S, V	1192.7(c)(4), 667.5(c)(4)	\$100,000
286(c)(2)(C)	If victim is a minor age 14 or older with force or duress	S, V	1192.7(c)(4), 667.5(c)(4)	\$100,000
286(d)(1)	If in concert with force or fear	S, V	1192.7(c)(4), 667.5(c)(4)	\$250,000
286(d)(2)	If in concert with force or fear upon a victim under age 14	S, V	1192.7(c)(4), 667.5(c)(4)	\$250,000

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
286(d)(3)	If in concert with force or fear upon a minor victim age 14 or over	S, V	1192.7(c)(4), 667.5(c)(4)	\$250,000
286(e)	If committed in state prison or jail			MR
286(f) and (g)	If victim unconscious of nature of act/incapable of consent			MR
287	ORAL COPULATION			
287(b)(1)	If victim is under age 18			MR
287(b)(2)	If victim is under age 16 and defendant is over age 21			MR
287(c)(1)	If victim is under age 14 and defendant more than 10 years older than victim	S, V	1192.7(c)(5), 667.5(c)(5)	\$100,000
287(c)(2)(A)	If defendant compelled another by force, duress or threats of great bodily injury	S, V	1192.7(c)(5), 667.5(c)(5)	\$100,000
287(c)(2)(B)	If victim is under age 14 with force or duress	S, V	1192.7(c)(5), 667.5(c)(5)	\$100,000
287(c)(2)(C)	If the victim is a minor age 14 or older with force or duress	S, V	1192.7(c)(5), 667.5(c)(5)	\$100,000
287(d)(1)	If in concert with force or fear	S, V	1192.7(c)(5), 667.5(c)(5)	\$250,000
287(d)(2)	If in concert with force or fear upon a victim under age 14	S, V	1192.7(c)(5), 667.5(c)(5)	\$250,000
287(d)(3)	If in concert with force or fear upon a minor victim age 14 or over	S, V	1192.7(c)(5), 667.5(c)(5)	\$250,000
287(e)	If committed in state prison or jail and arrestee is in custody			BR
	If arrestee is out of custody			MR
287(f) and (g)	If victim unconscious of nature of act/incapable of consent			MR
288	LEWD ACTS			
288(a)	If victim is under age 14	S, V	1192.7(c)(6)	\$100,000
288(b)(1)	If victim is under age 14 with force	S, V	1192.7(c)(6)	\$100,000
288(b)(2)	By caretaker upon a dependent person with force	V	667.5(c)(6)	\$100,000
288(i)	If victim is under age 14 with bodily harm			\$1,000,000
288.2	Distribution of Child Pornography			BR
	With Prior			MR
288.3(a)	Contact Minor with Intent to Commit Sexual Offense			MR
288.3(c)	With Prior			MR
288.4(a)(2)	Arrange Meeting with Minor for Purpose of Exposing or Procuring Sexual Exposure with Prior			MR

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
288.4(b)	Attend an Arranged Meeting with Minor for Purpose of Exposing or Procuring Sexual Exposure or Engaging In Lewd Act			MR
288.5	Continuous Sexual Abuse of a Child	S, V	1192.7(c)(35), 667.5(c)(16)	\$350,000
288.7	Engage in Specified Sex Acts with Minor Under 10	S	1192.7(c)(6)	\$250,000
289	Sexual Penetration	S, V	1192.7(c)(25), 667.5(c)(11)	\$100,000
289(a)(1)(B)	If victim is under age 14 with force or duress	S, V	1192.7(c)(25), 667.5(c)(11)	\$100,000
289(a)(1)(C)	If victim is a minor age 14 or older with force or duress	S, V	1192.7(c)(25), 667.5(c)(11)	\$100,000
289.6(a)(2)-(3)	Engage in Specified Sex Acts with Person Confined in Public or Private Detention Facility			BR
290	Failure of Convicted Sex Offender to Register			MR
290.46(j)(2)	Use Information Disclosed on Sex Offender Internet Web Site to Commit a Felony			BR
311.2	Bring or Distribute Obscene Matter Within State			BR
311.4	Use of Minor In Bringing or Distributing Obscene Matter Within State			MR
311.11(a)	Possession or Control of Child Pornography			BR
311.11(b)	With Prior			MR
311.11(c)	More than 600 images (with at least 10 images involving prepubescent minor) or images portraying sexual sadism or masochism			MR
314(1)	Indecent Exposure			MR
337a	Bookmaking Second Offense Third Offense			CR BR BR
368	Elder Abuse			MR
405a	Taking Person from Lawful Custody of a Peace Officer By Means of a Riot			MR
422	Criminal Threats	S	1192.7(c)(38)	\$50,000
424	Embezzlement or Falsification of Accounts by Public Officers			BR
451(a)	Arson Causing Great Bodily Injury	S, V	1192.7(c)(14), 667.5(c)(10)	\$250,000
451(b)	Arson, Inhabited Structure	S, V	1192.7(c)(14), 667.5(c)(10)	\$250,000

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
451(c)	Arson, Structure or Forest Land	S, V	1192.7(c)(14), 667.5(c)(10)	\$75,000
451(d)	Arson, Other Property	S, V	1192.7(c)(14), 667.5(c)(10)	\$50,000
451.5	Aggravated Arson	S	1192.7(c)(14)	\$500,000
452(a)	Recklessly Causing Fire with Great Bodily Injury	V	667.5(c)(8)	\$35,000
452(b)	Recklessly Causing Fire, Inhabited Structure	S	1192.7(c)(14)	\$25,000
452(c)	Recklessly Causing Fire, Structure or Forest Land	S	1192.7(c)(14)	\$20,000
453(a)	Possession, Etc. of Explosives, Flammable Matter	S	1192.7(c)(14)	\$50,000
454	Arson During State of Emergency	S, V	1192.7(c)(14), 667.5(c)(10)	\$350,000
455	Attempt or Preparation to Burn Any Structure or Property	S	1192.7(c)(39)	\$75,000
459	BURGLARY			
	Residential (<i>A Non-1270.1(a)(1) crime</i>)			
	First Degree with Person Present	V	667.5(c)(21)	MR \$50,000
	Inhabited Dwelling, no Person Present	S	1192.7(c)(18)	MR
	All Others			BR
463	Looting			MR
464	Burglary With Explosives			MR
470	Forgery			BR
470a	Forgery/Counterfeiting Driver's License or I.D. Card			BR
470b	Displaying or Possessing Forged Driver's License or I.D. Card With Intent to Accomplish a Forgery			BR
471	Forgery, False Entries in Records or Returns			CR
472	Forgery or Counterfeiting Any Public or Corporate Seal			CR
475	Forged Bills or Notes, Possession or Receipt			CR
476	Fictitious Checks, Making, Uttering			CR
476a	N.S.F. Checks			CR
477, 479, 480	Counterfeiting of Coin			CR
484b	Theft, Diversion of Money Received For Services, Labor, Material, Etc. If Amount Diverted Exceeds \$2,350			CR
484c	Embezzlement Of Funds for Construction			CR
484e - 484i	Various Felonies Relating to Credit Cards			BR

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
487(a) and (b)	Grand Theft If Value Exceeds \$950, Or with Qualifying Prior Conviction(s) If Value Does Not Exceed \$950			BR
487(c)	Grand Theft Person			MR
487(d)(1)	Theft of Automobile			BR
	When there is evidence of a chop shop operation			BR
487(d)(2)	Grand Theft – Firearm	S	1192.7(c)(26)	\$50,000
487a	Grand Theft of Horse or Other Livestock If Value Exceeds \$950, or with Qualifying Prior Conviction(s) If Value Does Not Exceed \$950			BR
487b	Grand Theft – Conversion of Real Property If Value Exceeds \$950, or With Qualifying Prior Conviction(S) If Value Does Not Exceed \$950			BR
487d	Grand Theft of Gold Dust, Amalgam or Quicksilver If Value Exceeds \$950, or With Qualifying Prior Conviction(S) If Value Does Not Exceed \$950			BR
487e	Grand Theft of Companion Animal If Value Exceeds \$950			BR
487g	Grand Theft of Animal for Purpose of Sale, Medical Research, Slaughter or Other Commercial Use If Value Exceeds \$950, or With Qualifying Prior Conviction(s) If Value Does Not Exceed \$950			BR
487h	Grand Theft of Cargo If Value Exceeds \$950, or With Qualifying Prior Conviction(s) If Value Does Not Exceed \$950			BR
487i	Defraud a Housing Program of a Public Housing Authority of Value Exceeding \$950, or with Qualifying Prior Conviction(s) If Value Does Not Exceed \$950			BR
487j	Grand Theft of Copper Materials If Value Exceeds \$950, or With Qualifying Prior Conviction(S) If Value Does Not Exceed \$950			CR
487m	Grand Theft of Wages If Value Exceeds \$950 From One Employee, or If Value Exceeds \$2350 In Aggregate from Two or More Employees In Any Consecutive 12-Month Period			CR
490.4	Organized Retail Theft			BR
496	Receiving Stolen Property If Value More Than \$950, or With Qualifying Priors If Value Does Not Exceed \$950			CR
497	Stolen Property, Bringing into State			CR
502	Computer Related Crimes			BR

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
502(c)(1)-(7)	Unlawful Access, Data Usage/Damage/Deletion/Alteration, Non-permitted Use, Denial of Service			BR
502(c)(8)	Introduction of a Contaminant			MR
502(c)(10)-(14)	Government Computer System or Public Safety Infrastructure			MR
504	Embezzlement, Misappropriation by Public Officers			BR
504a	Embezzlement, Disposal of Personal Property Under Lease or Lien			CR
504b	Embezzlement of Proceeds of Sale of Secured Property			BR
505	Embezzlement By Carrier or Individual Transporting Property for Hire			CR
506	Embezzlement, Misappropriation by Trustee, Contractor			CR
507	Embezzlement by Bailee			CR
514	Embezzlement or Defalcation of Public Funds			CR
518, 519	Extortion, Not Amounting to Robbery			CR
522	Extortion, Obtaining Signature by Threats			CR
523(a)	Extortion, Threatening Letters			CR
523(b)	Extortion, Ransomware			MR
529	False Personation of Another			BR
530.5	Unauthorized Use of Personal Information to Obtain Credit, Goods, etc.			BR
532	False Pretenses			CR
532f	Mortgage Fraud			BR
548	Defrauding Insurer			CR
550	False or Fraudulent Insurance Claim	S	1192.7(c)(8)	\$25,000
594(b)(1)	Vandalism, Damage of \$400 or More			BR
594.3(b)	Church/Cemetery Vandalism			BR
597	Cruelty to Animals			MR
597.5(a)	Dog Fighting			BR
646.9(a)-(c)	Stalking		1270.1(a)(2)	\$150,000
647.6	Child Molestation with Specified Prior			\$150,000
653f(b)	Solicit Murder			MR
653f(c)	Solicit Rape, etc.			MR
653w(a)	Failure to Disclose Origin of Recording or Audiovisual Work			BR
664(a)	Attempt Where Completed Crime Punishable			Same as substantive

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
	by State Prison Except for attempted murder			offense
664/187	Attempted Murder	S, V	1192.7(c)(9), 667.5(c)(12)	\$1,000,000
666	Petty Theft With qualifying prior conviction(s)			BR
4501	Assault with Deadly Weapon by Prison Inmate	S	1192.7(c)(13)	\$25,000
4501.5	Battery on Non-Inmate by Prison Inmate If arrestee is in custody If arrestee is not in custody			BR MR
4502	Possession of Deadly Weapon by Prison Inmate if arrestee is in custody If arrestee is out of custody			BR MR
4503	Holding of Hostages by Prison Inmate	S	1192.7(c)(21)	\$100,000
4530	Escape, Attempted Escape from Prison with or Without Force or Violence			MR
4532	Escape, Attempted Escape by Felon, Misdemeanant, Inebriate, or Person on Work Furlough from Jail, Industrial Farm, etc.			MR
4573	Bringing Controlled Substance into Jail or Prison			CR
4574	Bringing Weapon into Jail or Prison			BR
11418(b) (except (b)(2))	Possession, Etc. Weapons of Mass Destruction	S, V	1192.7(c)(41), 667.5(c)(23)	\$500,000
11418(b)(2)	Employ Weapon of Mass Destruction – Cause Death (Life)	S, V	1192.7(c)(41), 667.5(c)(23)	\$1,000,000
11418.1	Send, Etc. False Weapon of Mass Destruction with Intent to Cause Fear			MR
11419	Possession of Biological Agents			MR
18715	Possession of Destructive Devices or Explosives in Public Places			MR
18720	Possession of Materials with Intent to Make Destructive Device or Explosive			MR
18725	Carry or Place Explosive on Common Carrier			MR
18740	Possession of Exploding or Destructive Device or Explosive with Intent to Injure	S	1192.7(c)(15)	\$500,000
18745	Exploding Destructive Device or Explosive with Intent to Murder (Life)	S, V	1192.7(c)(17), 667.5(c)(13)	\$1,000,000
18750	Unlawful Explosion Causing Bodily Injury	S, V	1192.7(c)(16) 667.5(c)(13)	\$500,000
22810	Unlawful Use of Tear Gas			MR

PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
25400	Concealed Weapon on Person or in Vehicle			MR
25850	Possession of a Loaded Firearm			MR
26100(c)	Personally Shooting From Motor Vehicle	S	1192.7(c)(36)	\$250,000
29800	Concealable Firearms, Ownership or Possession by Felon, Addict; Knowledge of Outstanding Warrant			MR
30305(a)	Unlawful Possession of Ammunition			MR
30600	Manufacture, Distribute, Etc. Assault Weapon			MR
30605	Possession of Any Assault Weapon			MR
31360	Felon with Body Armor			MR
33410	Possession of Silencer			MR

VEHICLE CODE

VEHICLE CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
2800.2	Attempting to Evade Peace Officer Reckless driving			MR
2800.3	Attempting to Evade Peace Officer			
2800.3(a)	Causing serious bodily injury	S	1192.8	\$100,000
2800.3(b)	Causing death	S	1192.8	\$150,000
2800.4	Attempting to Evade Peace Officer Driving in opposite direction of lawfully moving traffic			MR
4463	Ownership Certificate, License Forgery			BR
10801	Own or Operate a Chop Shop			BR
10851(a)	Driving Car Without Consent			CR
10851(b),(e)	Driving Car Without Consent Specified vehicles, P.C. 666.5 prior			BR
20001	Hit And Run: Personal Injury			BR
23152	Driving Under The Influence Of Alcohol Or Drugs If a felony per V.C. 23550 or 23550.5	S	1192.8	\$100,000
23153	Driving Under The Influence Of Alcohol or Drugs Causing bodily injury	S	1192.8	\$100,000

HEALTH & SAFETY CODE

HEALTH & SAFETY CODE	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
443.17(a)	Knowingly Altering or Forging, or Concealing or Destroying Withdrawal or Rescission of, Request For Aid-In-Dying Drug to End Life			BR
443.17(b)	Knowingly Coercing or Exerting Undue Influence to, or Destroying			BR

HEALTH & SAFETY CODE	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
	Withdrawal or Rescission of, Request For Aid-In-Dying Drug to End Life			
11152, 11153	Controlled Substances, Writing, Dispensing Prescription			CR
11154, 11155	Controlled Substances, Prescribing, Administering, Furnishing			BR
11156	Controlled Substances, Prescribing, Administering, Furnishing to Addict			BR
11162.5(a)	Counterfeiting Prescription Blank			CR
11350	Illegal Possession of Certain Specific or Classified Controlled Substances With Qualifying Prior Conviction(s)			BR
11350.5	Possession of GHB With Intent to Commit Sexual Assault			MR
11351	Possession or Purchase For Sale of Certain Specific or Classified Controlled Substances			BR
11351.5	Possession or Purchase For Sale of Cocaine Base			BR
11352	Illegal Transportation, Sale, Furnishing of Certain Specific or Classified Controlled Substances			BR
11353	Person 18 Years or Over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances			
	Up to 1 kilogram	S	1192.7(c)(24)	\$50,000
	If over 1 kilogram	S	1192.7(c)(24)	\$100,000
	If over 4 kilograms	S	1192.7(c)(24)	\$250,000
	If over 10 kilograms	S	1192.7(c)(24)	\$500,000
	If over 20 kilograms	S	1192.7(c)(24)	\$1,000,000
	If over 40 kilograms	S	1192.7(c)(24)	\$2,000,000
	If over 80 kilograms	S	1192.7(c)(24)	\$5,000,000
11353.5	Adult Preparing to Sell to Minor Drugs or Narcotics			BR
11354	Person Under 18 Years Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Substances			BR
11355	Sale or Furnishing Substance Falsely Represented as Controlled Substance, With Respect to Certain Specific or Classified Controlled Substances			BR
11358	Marijuana: Cultivate, Process			BR
11359	Marijuana, Possession For Sale			BR
11360(a)	Marijuana: Transportation, Sale, Furnishing			BR
11361	Marijuana: Person 18 Years or Over Using Minor Under 14 in Sale, Transportation, Giving to Minor			BR
11362.3(a)(6)	Manufacture Concentrated Cannabis Using Volatile Solvent Without License			BR
11363	Peyote: Cultivating, Processing			BR
11366	Maintain Place For Selling, Giving, Using of Certain Specific or Classified			BR

HEALTH & SAFETY CODE	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
	Controlled Substance			
11366.5(a)	Rent, Lease, Etc. Room For Manufacture, Storage or Distribution of Controlled Substance			BR
11366.5(b)	Allowing Location To Be Fortified For Sale			BR
11366.6	Using Fortified Location For Sale			BR
11368	Narcotic Drug: Forging, Altering Prescription			CR
11370.1	Possession of Specified Controlled Substances While Armed With a Loaded Firearm			MR
11370.4	Conspiracy to Violate Sections 11351, 11351.5, or 11352			BR
11377	Possession of Controlled Substances With Qualifying Prior Conviction(s)			MR
11377.5	Possession of Controlled Substances With Intent to Commit Sexual Assault			MR
11378	Possession of Controlled Substances For Sale			BR
11378.5	Possession or Purchase For Sale Of PCP			BR
11379	Sale of Controlled Substances			BR
11379.5	Sale of PCP			BR
11379.6	Manufacture of Any Controlled Substance			MR
11380	Soliciting Minor Re Controlled Substances			
	If 2,000 pills or less	S	1192.7(c)(24)	\$50,000
	If 2,001 - 5,000 pills	S	1192.7(c)(24)	\$75,000
	If 5,001 - more pills	S	1192.7(c)(24)	\$100,000
11382	Sale Substance Represented to Be Controlled Substance			BR
11383	Possession With Intent to Manufacture PCP			BR
	Possession With Intent to Manufacture Methamphetamine or N-Ethylamphetamine			BR
	Possession With Intent to Sell, Transfer or Furnish Specified Chemicals to Another Person Having Intent to Manufacture PCP			BR
	Possession With Intent to Sell, Transfer or Furnish Specified Chemicals to Another Person Having Intent to Manufacture Methamphetamine or N-Ethylamphetamine			BR

BUSINESS & PROFESSIONS CODE

BUSINESS & PROFESSIONS CODE	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRAIGNMENT RELEASE PROTOCOL
22449	Price Gouging in Connection with Dream Act Applications			BR

SENTENCE ENHANCING ALLEGATIONS

	PEN. CODE §	AMOUNT
GANGS		
Any felony for the benefit of a street gang	186.22	\$40,000
WEAPONS		
Personal Use of a Weapon Other Than Firearm	Includes §§ 12022(b)(1) and (2)	\$20,000
Offense Involved Possession/Use/Discharge of Firearm	Includes §§ 12022(a)(1), (2), 12022(c), 12022(d), 12022.2, 12022.3, 12022.4, 12022.5, and 12022.53(b)	\$50,000
Personal Discharge of Firearm Not Causing GBI	Includes § 12022.53(c)	\$200,000
Personal Discharge of Firearm Causing GBI or Death	Includes §§ 12022.53(d), 12022.55	\$1,000,000
MULTIPLE FELONIES INVOLVING FRAUD OR EMBEZZLEMENT		
Aggravated White Collar Crime Enhancement	§ 186.11	MR
INJURY		
Infliction of Great Bodily Injury	Includes §§ 236.4, 12022.7, 12022.8, and 12022.9	\$30,000
NARCOTICS		
Inducing Another to Commit Large-Scale Narcotics Offense	Health & Saf. Code, § 11356.5	\$30,000
PRIOR CONVICTIONS/SENTENCES		
Prior Conviction for Serious/Violent ("Strike") or Enumerated Sex Offense	Includes serious/violent offenses listed in §§ 667.5(c), 1192.7(c), and 1192.8, or circumstances enumerated in §§ 667(a)(1), 667.51(a), 667.6(a), and 667.10(a)	\$50,000 per prior
Current Serious/Violent ("Strike") or Enumerated Sex Offense with Two or More Prior Convictions for Serious/Violent or Sex Offenses	Includes serious/violent offenses listed in §§ 667.5(c), 1192.7(c), and 1192.8, or circumstances enumerated in §§ 667.51(c) and 667.6(b)	\$1,000,000
Defendant Served a Prior Prison Term Within the Past Five Years	§§ 667.5(a) and (b)	\$10,000 per prior
OTHER		
Felony That is a Hate Crime	§§ 422.7, 422.75	\$25,000
Specified Offenses Against Victim Over 65, Under 14, Disabled	Including circumstances enumerated in §§ 667.9 and 667.10	\$25,000
Felony Offense Committed While Any of the Following Conditions Exist: Felony Charges Pending Against Defendant, or Defendant on Parole or Felony Probation, or Probation Department Supervision	Including but not limited to circumstances enumerated in § 12022.1	\$25,000
Any Enhancement, Not Otherwise Listed in This Schedule, Which Carries a Possible Term of Life Imprisonment	Includes circumstances enumerated in §§ 667.61, 667.7, 667.71	\$1,000,000

II. RELEASE CONSIDERATIONS FOR JUDICIAL OFFICERS

A. How to Use the Schedule

At and after a defendant's first appearance on any crime, pursuant to Penal Code section 1269b(b), the amount of bail or conditions of release, if any are allowed, shall lie with the sound discretion of the judicial officer before whom the defendant appears, and may be greater or less than the amount set forth in this schedule, or may be more or less restrictive than the pre-arraignment release order, subject to the provisions of Penal Code section 1275.

A court's consideration of release conditions in an individual case is governed by mandatory factors identified in the California Constitution: "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." (Cal. Const., art. 1, § 28, subd. (f)(3).) Furthermore, the Penal Code states: "In setting, reducing, or denying bail, a 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 at a hearing of the case. The public safety shall be the primary consideration. In setting bail, a judge or magistrate may consider factors such as the information included in a report prepared in accordance with Section 1318.1." (Pen. Code, § 1275, subd. (a)(1).) In addition, the Court must consider the legal principles set forth in *In re Humphrey* (2021) 11 Cal.5th 135.

B. Arrest Warrants

When issuing an arrest warrant pursuant to Penal Code section 815a, a judicial officer may use this protocol in setting a financial condition of release (i.e., money bail). The financial condition fixed to the arrest warrant lies within the sound discretion of the judicial officer who may use the amounts listed in the protocol or in subdivision C, below.

C. Determining Financial Conditions of Release at Arraignment or Future Court Proceedings

A judicial officer may also use the protocol in setting financial conditions of release at arraignment or future court proceedings when there is a change in circumstance or as permitted by statute. Release conditions lie within the sound discretion of the judicial officer and are subject to the considerations summarized in subdivision A, above. Financial conditions of release for offenses designated CR, BR, or MR may be set according to the following guidelines:

CR.....\$25,000
BR.....\$50,000
MR.....\$75,000

D. Penal Code Section 1270.1

This statute prohibits the release of an arrestee on bail in an amount other than that set forth in this 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) (including those listed in Penal Code section 1192.8);
3. Violations of Penal Code sections 136.1(c), 243(e)(1), 273.5, 422 (as a felony), and 646.9; and
4. Violation of Penal Code 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.