

FELONY BAIL SCHEDULE EFFECTIVE JULY 1, 2019

FOR BENCH USE ONLY – DO NOT REMOVE

GENERAL INSTRUCTIONS

- A. This schedule is utilized by the Superior Court of the County of San Mateo pursuant to § 1269b of the Penal Code, and California Rules of Court, Rule 4.102, to set bail for the release of person arrested on felony charges without warrant for the alleged commission of any bailable offense. If a person is arrested pursuant to an arrest warrant, bail is set at the amount of the warrant.
- B. **Variation on Set Bail.** After a defendant's first appearance in court, the amount of bail will lie within the sound discretion of the judicial officer before whom the defendant appeared, and may be greater or less than the amount set forth in this schedule. Pursuant to Penal Code §§ 1270.1 and 1275(c), the court may not set bail higher or lower than the bail schedule in cases of serious or violent felonies or designated sex cases unless a hearing is held in open court on two days written notice and within two court days of arrest. Any variances, and reasons, must be stated on the record and in the minutes.
- C. The Bail Schedule shall contain a general clause for those offenses not specifically listed in the bail schedule. For all felony offenses and enhancements not listed, the bail amount shall be set according to the prison top term potential for the offense plus enhancement.

<u>Top Term</u>	<u>Bail</u>
3	10,000
4	25,000
5	30,000
6	50,000
7 or greater	100,000
Life/LWOP	Bail to be set by judicial officer

- D. Where this Schedule provides "Bail to be set by judicial officer", bail shall be set only by the Court upon proper notice and a hearing conducted pursuant to Penal Code § 1270.1 and Calif. Const., Art I, § 12.
- E. All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.

- F. The Bail Schedule contemplates the following practice where more than one offense is charged: When a defendant is booked on two or more charges arising from the same course of conduct on the same occasion, bail shall be the amount set for the charge having the highest bail. When a defendant is booked on two more charges arising from separate courses of conduct, bail shall be the sum of the amount set for the charge in each course of conduct having the highest bail. For sex offenses arising from threat or violence, bail shall be the sum of the full amounts set for each charge irrespective of whether the charges arise from a single course of conduct or single transaction.

EXAMPLE #1

This example demonstrates how to calculate the bail amount when a defendant is booked on more than one charge arising out of a single act that precludes multiple punishments.

Charge 1	PC § 460(a)	50,000
Charge 2	PC § 496(a)	10,000
Charge 3	PC § 487	10,000

The bail in this example is \$50,000 because the PC 459 charge has the highest bail and all the charges arise from a single act that precludes multiple punishments.

EXAMPLE #2

This example demonstrates how to calculate the bail amount when a defendant is booked on more than one charge arising from different acts that permit multiple punishments.

Charge 1	VC § 10851(a)	10,000
Charge 2	VC § 20001(a)	50,000
Charge 3	VC § 23153	25,000

The bail amount in this example is \$85,000 because vehicle theft, hit-and-run causing injury, and DUI are separate acts that can be punished separately.

<u>Section Number</u>		<u>Description of Offense</u>	<u>Bail</u>
HARBORS AND NAVIGATION CODE			
HN	655(f)	DUI – boat causing injury	50,000
HEALTH AND SAFETY CODE			
HS	11351 11351.5 11375(b)(1) 11378 11378.5	Possession for sale of CS	25,000
HS	11352 11379 11379.5	Sale or transportation for sale of CS	25,000
HS	11359	Possession for sale of cannabis	10,000
HS	11360	Sale or transportation for sale of cannabis	10,000
HS	11361	Adult involving minor w/ cannabis	50,000
HS	11366 11366.5	Maintaining or managing place for use, sale, manufacture, or storage of CS	25,000
HS	11366.6	Use of fortified place to sell or manufacture CS	50,000
HS	11370.1	Possession of CS while in possession of loaded firearm	50,000
HS	11370.6	Possession over \$100,000 for purchase of CS	250,000
HS	11379.6(a)	Manufacturing CS	100,000
HS	11383 11383.5 11383.6 11383.7	Possession of materials w/ intent to manufacture CS	100,000
HS	12082	Sale or furnishing of explosives to person under 21	50,000
PENAL CODE			
PC	32	Accessory	10,000 or half crime if greater
PC	69	Resisting or deterring executive officer	25,000
PC	76	Threatening public official	50,000

PC	118 126 127	Perjury	25,000
PC	136.1(b)	Dissuading witness or victim from making report	50,000
PC	136.1(c)	Prevent testimony w/ threat of violence or force	100,000
PC	136.5	Possess deadly weapon w/ intent to intimidate witness	100,000
PC	137(b)	Inducing false testimony by force or threat	100,000
PC	141	Tampering or falsifying evidence	50,000
PC	148(d)	Removing or taking of firearm from peace officer	50,000
PC	182	Conspiracy	Same as crime
PC	186.22(a)	Active participation in criminal street gang	25,000
PC	187(a) (1 st)	Murder 1 st degree	Bail to be set by judicial officer
PC	187(a)/190.2	Special circumstance murder	No bail
PC	187(a) (2 nd)	Murder 2 nd degree	Bail to be set by judicial officer
PC	191.5(a)	Gross vehicular manslaughter while intoxicated	250,000
PC	191.5(b)	Vehicular manslaughter while intoxicated	100,000
PC	192(a)	Voluntary manslaughter	250,000
PC	192(b)	Involuntary manslaughter	50,000
PC	192(c)(1)	Gross vehicular manslaughter	100,000
PC	192(c)(3)	Vehicular manslaughter w/ collision financial gain	250,000
PC	192.5(a)	Gross vessel manslaughter while intoxicated	250,000
PC	192.5(b)	Vessel manslaughter while intoxicated	100,000
PC	192.5(c)	Gross vessel manslaughter	100,000

PC	203	Mayhem	100,000
PC	205	Aggravated mayhem	Bail to be set by judicial officer
PC	206	Torture	Bail to be set by judicial officer
PC	207(a)	Kidnapping	100,000
PC	207(b)	Kidnapping, victim under 14 for lewd or lascivious act	500,000
PC	207(c) 207(d)	Kidnapping, interstate	250,000
PC	209 209.5	Aggravated kidnapping	Bail to be set by judicial officer
PC	212.5(a) 212.5(b)	Robbery 1 st degree	100,000
PC	212.5(c)	Robbery 2 nd degree	50,000
PC	213(a)(1)(A)	Robbery of inhabited dwelling in concert	150,000
PC	213(b)	Attempted robbery 2 nd degree	25,000
PC	214	Train robbery	50,000
PC	215	Carjacking	100,000
PC	218 219	Train wrecking or attempted train wrecking	Bail to be set by judicial officer
PC	220(a)(1)	Assault w/ intent to commit mayhem or sex offense	50,000
PC	220(a)(2)	Assault w/ intent to commit sex offense on minor	250,000
PC	220(b)	Assault to commit sex offense during 1 st degree burglary	Bail to be set by judicial officer
PC	236.1	Human trafficking	250,000
PC	236.1(c)(2)	Sex trafficking of minor w/force, fear, fraud, deceit, coercion	Bail to be set by judicial officer
PC	237(a)	False imprisonment by violence, menace, fraud, deceit	25,000

PC	237(b)	False imprisonment of elder or dependent adult	50,000
PC	243(d)	Battery causing serious bodily injury	25,000
PC	243.1	Battery on custodial officer	25,000
PC	243.3	Battery against transit operator causing injury	25,000
PC	243.4	Sexual battery	50,000
PC	243.6	Battery on school employee causing injury	25,000
PC	244	Assault w/ caustic chemical	50,000
PC	245(a)(1) 244.5	Assault w/ deadly weapon other than firearm, stun gun, or taser	25,000
PC	245(a)(2)	Assault w/ firearm	50,000
PC	245(a)(3) 245(d)(3)	Assault w/ machine gun, assault weapon, or .50 BMG rifle	200,000
PC	245(a)(4)	Assault w/ force likely to produce GBI	25,000
PC	245(b) 245(d)(2)	Assault w/ semiautomatic firearm	100,000
PC	245(d)(1)	Assault w/ firearm on peace officer/firefighter	100,000
PC	246	Discharge firearm at inhabited dwelling, vehicle, or aircraft	150,000
PC	246.3(a)	Discharge firearm w/ gross negligence	25,000
PC	261(a)	Rape	100,000
PC	261.5(c)	Unlawful sexual intercourse, victim over 3 years younger than defendant	25,000
PC	261.5(d)	Unlawful sexual intercourse, victim under 16 by defendant 21 or older	50,000
PC	262(a)	Rape of spouse	100,000
PC	264(c)(1)	Rape, victim under 14	250,000

PC	264(c)(2)	Rape, minor victim 14 years or older	200,000
PC	264.1(a)	Rape or sexual penetration in concert	200,000
PC	264.1(b)(1)	Rape or sexual penetration in concert, victim under 14	500,000
PC	264.1(b)(2)	Rape or sex penetration in concert, minor victim 14 or older	250,000
PC	266h(a)	Pimping	35,000
PC	267	Abduction of minor for prostitution	100,000
PC	269	Aggravated sexual assault of child	Bail to be set by judicial officer
PC	273a(a)	Willful cruelty to child	50,000
PC	273ab(a)	Assault on a child resulting in death, coma, or paralysis	Bail to be set by judicial officer
PC	273d	Inflict traumatic injury upon child	50,000
PC	273.5(a)	Domestic violence	25,000
PC	273.5(f)	Corporal injury on spouse w/ prior	100,000
PC	278	Child abduction	50,000
PC	286(b)(1)	Sodomy, victim under 18	25,000
PC	286(b)(2)	Sodomy, victim under 16	50,000
PC	286(c)(1)	Sodomy, victim under 14	200,000
PC	286(c)(2)(A)	Sodomy by force or fear	100,000
PC	286(c)(2)(B)	Sodomy by force or fear, victim under 14	250,000
PC	286(c)(2)(C)	Sodomy by force or fear, minor victim 14 or older	200,000
PC	286(d)(1)	Sodomy in concert by force or fear	200,000
PC	286(d)(2)	Sodomy in concert by force or fear, victim under 14	500,000
PC	286(d)(3)	Sodomy in concert by force or fear, minor victim 14 or older	250,000

PC	287(b)(1)	Oral copulation, victim under 18	25,000
PC	287(b)(2)	Oral copulation, victim under 16 by defendant over 21	50,000
PC	287(c)(1)	Oral copulation, victim under 14	200,000
PC	287(c)(2)(A)	Oral copulation by force or fear	100,000
PC	287(c)(2)(B)	Oral copulation by force or fear, victim under 14	250,000
PC	287(c)(2)(C)	Oral copulation by force or fear, victim under 18	200,000
PC	287(d)(1)	Oral copulation in concert by force or fear	200,000
PC	287(d)(2)	Oral copulation in concert by force or fear, victim under 14	500,000
PC	287(d)(3)	Oral copulation in concert by force or fear, minor victim 14 or older	250,000
PC	288(a)	Lewd or lascivious act w/ child under 14	100,000
PC	288(b)	Lewd or lascivious act by force or fear w/ child under 14	200,000
PC	288(c)	Lewd or lascivious act w/ child 14 or 15 or dependent person	75,000
PC	288.3(a)	Contact with minor for lewd act	Same as attempt
PC	288.4	Meeting or arranging meeting w/ minor for lewd act	50,000
PC	288.5	Continuous sex abuse of child	250,000
PC	289(a)(1)(A)	Sexual penetration by force or fear	100,000
PC	289(a)(1)(B)	Sexual penetration by force or fear, victim under 14	250,000
PC	289(a)(1)(C)	Sexual penetration by force or fear, minor victim 14 or older	200,000
PC	289(h)	Sexual penetration, victim under 18	25,000
PC	289(i)	Sexual penetration, victim under 16	50,000
PC	289(j)	Sexual penetration, victim under 14	200,000

PC	289.6	Sexual activity by public employee w/ confined adult	50,000
PC	290 <i>et seq.</i>	Failure to register as sex offender	20,000
PC	311.2(b)	Sale or distribution of obscene material depicting minors	50,000
PC	311.2(c)	Sale or distribution of obscene material depicting minors to adult	25,000
PC	311.3(a)	Sexual exploitation of minor	25,000
PC	311.4(a)	Involving minor in sale or distribution of obscene material	25,000
PC	311.4(b)	Involving minor in obscene film or performance	100,000
PC	311.4(c)	Involving minor in posing or modeling involving sexual conduct	50,000
PC	311.10	Advertising child pornography	25,000
PC	311.11(a)	Possession of child pornography	25,000
PC	311.11(b)	Possession of child pornography w/ prior	50,000
PC	311.11(c)	Possession of child pornography, multiple images or sadism or masochism	100,000
PC	313.1	Distribution of harmful matter to minors	25,000
PC	314(1)	Indecent exposure	25,000
PC	347(a)	Willful contamination of food/drink/medicine/etc.	100,000
PC	368	Crimes against elder or dependent adult	50,000
PC	417(c)	Brandishing firearm in presence of peace officer	50,000
PC	417.8	Draw or exhibit deadly weapon to resist arrest	50,000
PC	422	Criminal threats	25,000
PC	424 504	Embezzlement by public officer	25,000 or less amount if higher
PC	451(a)	Arson causing GBI	100,000

PC	451(b)	Arson of inhabited structure or property	100,000
PC	451(c)	Arson of structure or forest land	50,000
PC	451(d)	Arson of property	25,000
PC	451.5	Aggravated arson	Bail to be set by judicial officer
PC	452(a)	Unlawful fire w/ GBI	50,000
PC	452(b)	Unlawful fire of inhabited structure or property	25,000
PC	452(c)	Unlawful fire of structure or forest land	10,000
PC	453(a)	Possess or manufacture flammable material or incendiary device w/ intent to commit arson	25,000
PC	460(a)	Burglary 1 st degree	50,000
PC	460(b)	Burglary 2 nd degree	10,000
PC	470	Forgery	10,000 or loss amount if higher
PC	484e(d)	Acquiring access card information w/ intent to defraud	10,000 or loss amount if higher
PC	487	Grand theft over \$950	10,000 or loss amount if higher
PC	487j	Grand theft copper materials over \$950	20,000 or loss amount if higher
PC	502(c)	Computer fraud	25,000
PC	504a 504b 505 506 506a 507 508	Embezzlement	10,000 or loss amount if higher

PC	518 519 520 522 523	Extortion	25,000 or loss amount if higher
PC	529	Impersonation for fraud	25,000
PC	530.5	Identity theft	25,000
PC	532f	Mortgage fraud	10,000 or loss amount if higher
PC	548	Defrauding insurer	10,000 or loss amount if higher
PC	549	Soliciting fraudulent insurance claims	10,000 or loss amount if higher
PC	550	Insurance fraud	10,000 or loss amount if higher
PC	594.3(b)	Vandalism of church or cemetery, hate crime	50,000
PC	597	Killing, maiming, or abusing animals	20,000
PC	597.5 597b	Animal fighting	20,000
PC	646.9	Stalking	100,000
PC	647.6	Child molestation	50,000
PC	653f	Soliciting commission of felony	Same as crime
PC	653f(b)	Soliciting murder	500,000
PC	664	Attempt, other than attempted murder	Half of crime w/ 10,000 minimum
PC	666	Petty theft	10,000
PC	666.5	Auto theft w/ prior	25,000
PC	4532(a)(1)	Escape of misdemeanor from jail	25,000
PC	4532(a)(2)	Escape of misdemeanor from jail w/ force	50,000

PC	4532(b)(1)	Escape of felon from jail	50,000
PC	4532(b)(2)	Escape of felon from jail w/ force	100,000
PC	4534	Aiding or abetting escape	20,000
PC	4573	Bringing CS into jail	25,000
PC	4574(a)	Bringing or sending weapons into jail	25,000
PC	4574(b)	Bringing or sending tear gas into jail w/ resulting use	50,000
PC	11411	Terrorism	50,000
PC	11412	Religious terrorism	50,000
PC	11413	Use of explosives or arson to terrorize	1 Million
PC	11418	Possession, development, manufacture, transfer, or use of weapons of mass destruction	1 Million
PC	11418.1	False weapon of mass destruction causing substantial fear	25,000
PC	11418.5	Threat of use of weapon of mass destruction	50,000
PC	11419	Possession of restricted biologic agents	1 Million
PC	18710 18730	Possession, sale, or transportation of destructive device	100,000
PC	18715 18725	Possession of destructive device in public	500,000
PC	18720	Possession of materials to w/ intent to make destructive device w/out permit	100,000
PC	18740	Use of destructive device w/ intent to injure or vandalize	250,000
PC	18745	Explosion of destructive device w/ intent to commit murder	Bail to be set by judicial officer
PC	18750	Explosion of destructive device causing injury	500,000
PC	18755	Destructive device causing death, mayhem, or GBI	Bail to be set by judicial officer

PC	19100	Carrying concealed explosives	50,000
PC	19200(a)	Possession of certain hand grenades	50,000
PC	20110(a)	Assembly, maintenance or placement of booby trap device	100,000
PC	20110(b)	Possession of device w/ intent to use as booby trap	50,000
PC	22810(g)(2)	Use of tear gas against peace officer	25,000
PC	25100(a)	Criminal storage of a firearm 1 st degree	10,000
PC	25300	Carrying firearm in public place while masked	25,000
PC	25400	Carrying concealed firearm	20,000
PC	25800 25850	Carrying loaded firearm	35,000
PC	26100(b)	Permitting another to discharge firearm from motor vehicle	50,000
PC	26100(c)	Discharging firearm from motor vehicle at another person	100,000
PC	26100(d)	Discharging firearm from motor vehicle	75,000
PC	29800 29805 29815 29820 29825	Possession of firearm by prohibited person	25,000
PC	29900	Possession of firearm by serious or violent felon	50,000
PC	30210(b)	Possession of bullet containing explosive agent	40,000
PC	30305(a)	Possession of ammunition by prohibited person	10,000
PC	30315 30320	Possession, manufacture, sale, or transportation of armor-penetrating ammunition	50,000
PC	30600	Manufacture, sale or transport of assault weapon	100,000
PC	30605	Possession of assault weapon	50,000

PC	31360	Possession of body armor by violent felon	50,000
PC	31500	Possession of unconventional pistol	25,000
PC	32310	Manufacture, sale, import, lending, or receipt of large capacity magazine	35,000
PC	32625	Possession, transportation, manufacture, conversion, or sale of machine gun	100,000
PC	32900	Possession, manufacture, or sale of multiburst trigger activator	100,000
PC	33410	Possession of silencer	50,000
VEHICLE CODE			
VC	2800.2	Reckless evading	25,000
VC	2800.3	Evading causing injury or death	100,000
VC	2800.4	Evading in opposite direction to lawful traffic	50,000
VC	10801	Ownership or operation of chop shop	25,000
VC	10851	Theft or unauthorized use of a vehicle	10,000
VC	10851(b)	Theft of emergency vehicle	25,000
VC	10851(e)	Auto theft w/ prior (PC § 666.5)	25,000
VC	20001	Hit-and-run causing injury	50,000
VC	23104(b)	Reckless driving causing GBI w/ prior	50,000
VC	23110(b)	Throwing substance or object at vehicle to cause injury	25,000
VC	23152/23550	DUI w/ 3 priors	50,000
VC	23152/23550.5	DUI w/ prior felony DUI	50,000
VC	23153	DUI causing injury	25,000
VC	23153/23550.5	DUI causing injury w/ prior felony DUI	100,000
VC	23153/23556(a)	DUI causing injury w/ 2 priors	75,000

VC	23153/23556(b)	DUI causing GBI w/ 2 priors	100,000
VC	23153/23556(c)	DUI causing GBI w/ 4 priors	150,000
ENHANCEMENTS TO CRIMES			
HS	11370.2	Prior felony inducing minor's involvement in CS	+25,000
HS	11370.4(a)(1)	Heroin, cocaine, or cocaine base exceeding 1 kilogram	+75,000
HS	11370.4(a)(2)	Heroin, cocaine, or cocaine base exceeding 4 kilograms	+225,000
HS	11370.4(a)(3)	Heroin, cocaine, or cocaine base exceeding 10 kilograms	+475,000
HS	11370.4(a)(4) 11370.4(a)(5)	Heroin, cocaine, or cocaine base exceeding 20 kilograms	Bail to be set by judicial officer
HS	11370.4(b)(1)	Methamphetamine, Amphetamine, or PCP exceeding 1 kilogram	+75,000
HS	11370.4(b)(2)	Methamphetamine, Amphetamine, or PCP exceeding 4 kilograms	+225,000
HS	11370.4(b)(3)	Methamphetamine, Amphetamine, or PCP exceeding 10 kilograms	+475,000
HS	11370.4(b)(4)	Methamphetamine, Amphetamine, or PCP exceeding 20 kilograms	Bail to be set by judicial officer
HS	11379.7(a)	Child under 16 present in structure	+25,000
HS	11379.7(b)	Child under 16 present in structure suffers GBI	+200,000
HS	11379.8(a)(1)	CS exceeding 1 pound	+150,000
HS	11379.8(a)(2)	CS exceeding 3 pounds	+400,000
HS	11379.8(a)(3) 11379.8(a)(4)	CS exceeding 10 pounds	Bail to be set by judicial officer
PC	186.22(b)(1)(A)	Gang enhancement	+25,000
PC	186.22(b)(1)(B)	Gang enhancement – serious felony	+40,000
PC	186.22(b)(1)(C)	Gang enhancement – violent felony	+50,000

PC	186.22(b)(4) 186.22(b)(5)	Gang enhancement	Bail to be set by judicial officer
PC	288(i)	Lewd or lascivious act with infliction of bodily harm	+250,000
PC	288.3(c)	Prior for arranging meeting with minor for lewd act	+100,000
PC	288.7	Sex crime, victim 10 or under	Bail to be set by judicial officer
PC	368(b)(2)	Elder or dependent adult victim suffers GBI	+50,000
PC	368(b)(3)	Causing death of elder or dependent adult	+100,000
PC	422.75(a)	Hate crime enhancement	+50,000
PC	422.75(b)	Hate crime, in concert	+75,000
PC	451.1	Arson enhancement	+100,000
PC	452.1	Unlawful fire enhancement	+50,000
PC	667.61	Sex offense subject to incarceration for life	Bail to be set by judicial officer
PC	1170.12(c)(1)	Second strike	+50,000
PC	1170.12(c)(2)	Third strike	Bail to be set by judicial officer
PC	12021.5	Carrying firearm during street gang crime	+25,000
PC	12022(a)(1)	Armed w/ firearm during felony	+25,000
PC	12022(a)(2)	Armed w/ assault weapon or machine gun during felony	+75,000
PC	12022(b)	Use of deadly weapon during felony	+10,000
PC	12022(c)	Armed w/ firearm during sale or possession for sale of CS	+50,000
PC	12022(d)	Vicarious arming w/ firearm	+20,000
PC	12022.1	Offense committed while released on bail or OR	+50,000
PC	12022.5(a)	Use of firearm during felony	+50,000
PC	12022.5(b)	Use of assault weapon or machine gun during felony	+100,000

PC	12022.53(b)	Use of firearm during specified felony	+100,000
PC	12022.53(c)	Discharge of firearm during specified felony	+200,000
PC	12022.53(d)	Discharge of firearm causing GBI during specified felony	Bail to be set by judicial officer
PC	12022.55	Discharge of firearm from vehicle causing GBI	+150,000
PC	12022.7(a)	Great bodily injury	+25,000
PC	12022.7(b) 12022.7(c) 12022.7(d) 12022.7(e) 12022.8	Great bodily injury	+50,000
PC	12022.75	Administration of CS against victim's will	+50,000
PC	12022.85	Commission of sex crime by defendant w/ AIDs or HIV	+100,000
PC	12022.95	Corporal injury on child resulting in death	+100,000
VC	20001(c)	Hit and run after vehicular manslaughter	+100,000
VC	23558	Causing bodily injury to multiple victims	+5,000 per additional victim
VC	23578	Blood alcohol concentration of 0.15 percent or greater	+5,000