

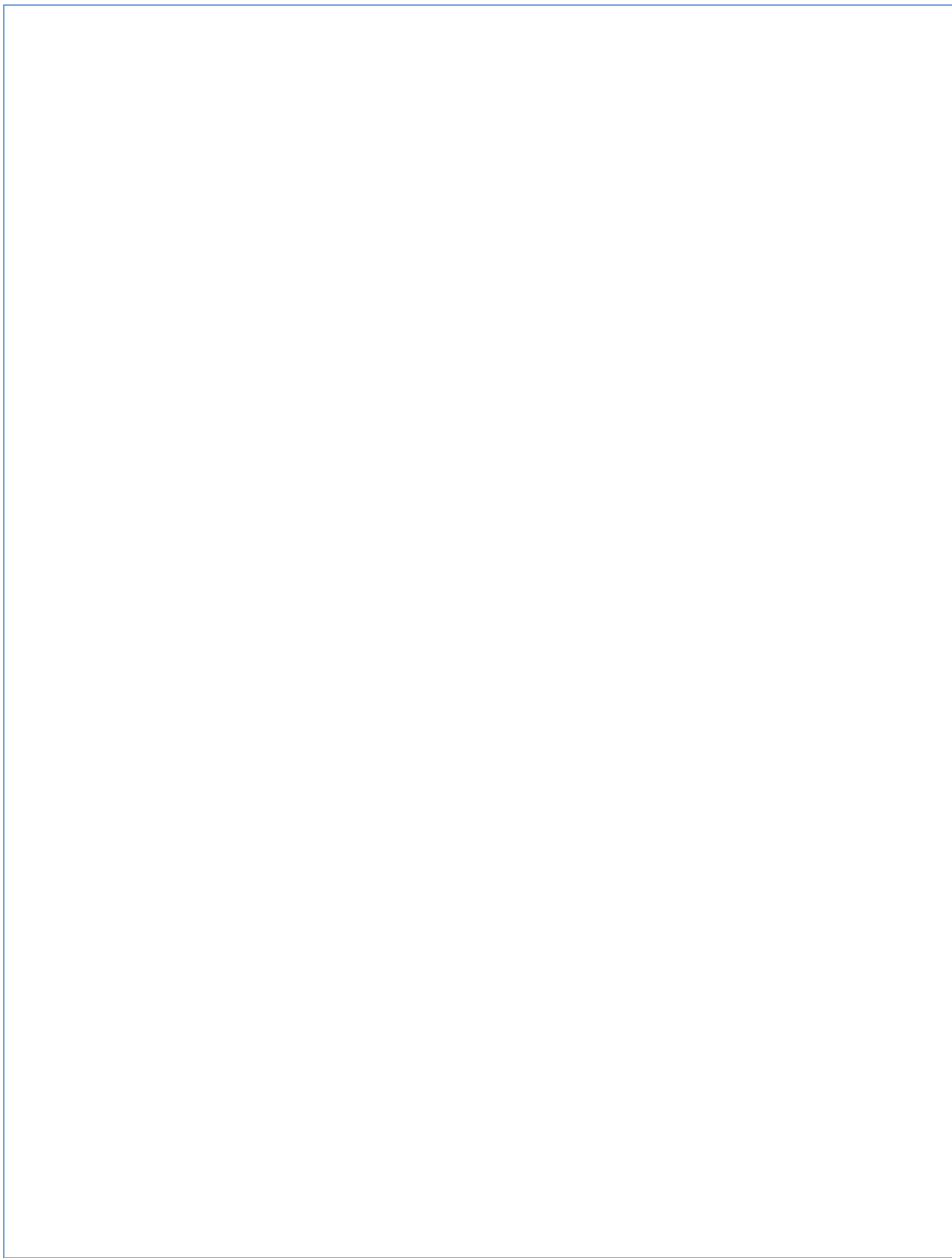
SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY



CRIMINAL BAIL SCHEDULE 2014

Adopted July 9, 2014, pursuant to
Penal Code section 1269b(c)

Updated February 2015, by Presiding Judge Marla O. Anderson
Pursuant to Section VIII



California State Superior Court, County of Monterey

Preamble

The Bail Schedule was expansively revised in 2012. Around the beginning of 2009, in response to concerns expressed, the Court established a bail committee consisting of Judges Russell Scott, Adrienne Grover, Timothy Roberts, Terrance Duncan, Robert Burlison, and Sam Lavorato to examine these concerns and to review the bail schedule. Over the next two years, the committee meticulously examined each crime and allegation to assess a proper bail in light of all relevant factors, while comparing bail schedules of eleven other counties including Sonoma, San Luis Obispo, Santa Cruz, Santa Barbara, Tulare, Ventura, Sacramento, Santa Clara, Riverside, Los Angeles, and San Francisco. In the meantime and since then, substantial statutory changes have taken place including Chelsea's Law, AB109, and the renumbering of the dangerous weapons code sections. These statutes were also reviewed and bail amounts assessed by the criminal trial court judges. The 2012 Bail Schedule incorporated all efforts of the bail committee as well as the more recent decisions of the criminal trial court judges. At the Judges Meeting on April 4, 2012, the judges adopted the 2012 Bail Schedule. At the July 9, 2014 Judges' Meeting the Judges adopted the 2014 Bail Schedule without any changes. In February of 2015, the bail schedule was updated by the Presiding Judge to include the statutory changes taken place by Proposition 47.

Highlights: In addition to including hundreds of additional code sections and changing the bail amount for certain crimes, the 2012 Bail Schedule:

- Specified and established bail for virtually all relevant subsections.
- Included the potential penalty for each listed crime.
- Introduced a new form to be used by sworn officers requesting either an escalation in bail pursuant to §§1269c or 1270.1, or requesting that a subject be denied release on bail pursuant to §1275.1 based on probable cause to believe bail funds have been feloniously obtained.
- Provided a "DUI Bail Table" for accurate and consistent application of the bail-setting rules for DUI fresh arrests (Appendix G.)
- Distinguished bail for "simple transportation" of drugs under H&S §§11352(a), 11379(a), and 11379.5(a) and presumed that a fresh arrest is for simple transportation only, absent probable cause to believe the crime involves sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution of

controlled substances. Bail for “simple transportation” is \$10,000; bail for an “aggravated” violation is \$40,000.

- Modified bail for misdemeanor violations of probation to \$7,500 generally, except bail is \$20,000 in cases where the defendant is on probation for any subdivision of 166(c), 243(e)(1), 273.5, 273.61, 646.9, 647.6, or for DUI with one or more priors.
- Established bail for all crimes punishable by “Life” at \$1,000,000.
- Established bail for all crimes punishable by “Life without parole” at “No Bail.”
- Established bail for all attempted “Life” crimes at \$500,000.
- Maintained the rules related to attempted crimes but treated attempted 2nd degree robbery like every other attempted strike setting bail at the same amount as the target crime, PC §211(a).
- Established that bail for both PC §220 and 288.3 be set in accordance with the rules governing attempts under 664.
- Added 100 newly renumbered dangerous-weapons code sections cross-referencing their corresponding repealed sections.
- Identified, and established bail for, all denial-of-probation code sections.
- Identified whether or not a felony is punishable in jail pursuant to §1170(h) or is “prison-eligible.”
- Maintained the previous convention for identifying strikes, but now identified the statutory strike authority.
- Established authority for the Presiding Judge to make interim modifications to the Schedule as needed.
- Confirmed the Court’s Jail OR Pretrial Release Policy Established in 2007

The 2014 Bail Schedule reflects all of the above.

LAST UPDATE: Effective Wednesday, February 4, 2015, pursuant to the authority of Section VIII herein, the 2014 Bail Schedule was amended to include the interim changes and additions set out in “2014 Bail Schedule - Interim Corrections and Modifications by Presiding Judge - Updated-February, 2015.” The Update and the Bail Schedule as amended can be viewed on the Court’s website at <http://www.monterey.courts.ca.gov/FeeSchedule.aspx>.

TABLE OF CONTENTS

<u>I.</u>	<u>INTRODUCTION - Information on the Bail Schedule</u>	v
<u>II.</u>	<u>Bail Schedule Inquiries</u>	v
<u>III.</u>	<u>Default Bail Amounts, Misdemeanor Bail Convention, “Wobblers*,” and “Alternative Penalty Enhancement Crimes**” (APE Crimes)</u>	v
<u>IV.</u>	<u>Subsection Identification Convention</u>	vii
<u>V.</u>	<u>Strikes - Serious and Violent Offense Identification Convention - Authority</u>	vii
<u>VI.</u>	<u>1170(h) vs. Prison-Eligible Crimes Identification Convention</u>	viii
<u>VII.</u>	<u>Dangerous Weapons Updated</u>	viii
<u>VIII.</u>	<u>Bail Schedule Subject To Interim Corrections & Modifications by Presiding Judge</u>	viii
<u>IX.</u>	<u>Bail Stacking - Arrests for More Than One Crime</u>	viii
<u>X.</u>	<u>Bail Stacking –Enhancements, Alternate Penalty Enhancements, Aggravating Factors, & Special Allegations</u>	ix
<u>XI.</u>	<u>Computing Bail:</u>	ix
<u>XII.</u>	<u>Bail for Attempt-Type Crimes - §664/, §220(a)/, and §288.3/</u>	x
<u>XIII.</u>	<u>Bail for Drug Charges Related to Sales and Transportation</u>	x
<u>XIV.</u>	<u>Court Clerk to Calculate Presumptive Bail Upon Filing of Charging Document</u>	x
<u>XV.</u>	<u>Bail Amounts at Arraignment in Court</u>	xi
<u>XVI.</u>	<u>Deviation from Bail Schedule (§§1269c & 1270.1)</u>	xi
	<i><u>§1269c Declaration Process: If bail is increased prior to the first court appearance pursuant to §1269c and/or §1270.1, the applicant officer completing the §1269c declaration shall cause it to be filed with the court by the next business day by delivery to the court and the District Attorney.</u></i>	xi
	<i><u>§1270.1 - Violent & Serious Felonies & Domestic Violence: Except as provided in §1270.1(e), at or after a defendant’s first appearance, when charged with a serious or violent felony (except §460), or a violation of §136.1(c), §262, §273.5, §422 (felony), §646.9, §243(e)(1), or §273.6 (if violence threatened,) no deviation from the bail schedule amount can be ordered until after a two-court-day written notice and a hearing in open court. (§1270.1(a), (b).)</u></i>	xi
<u>XVII.</u>	<u>Source of Bail Funds (§1275.1)</u>	xii
<u>XVIII.</u>	<u>Inapplicability of Bail Schedule</u>	xii
<u>XIX.</u>	<u>Jail OR Policy Adopted July 14, 2004</u>	xiii
<u>XX.</u>	<u>Prisoners Released OR with Out-of-County Holds</u>	xiii
<u>XXI.</u>	<u>Bail Schedule - A Collection of Some Relevant Statutory Authority</u>	xiii
<u>XXII.</u>	<u>DUI Bail Table</u>	xiii
<u>XXIII.</u>	<u>DUI Bail & Other “Zero”-Bail Rules - Explanation</u>	xiii

TABLE OF CONTENTS

XXIV. Early Release	xiv
XXIV. Bail by Codes [Penal Code, H&S, Vehicle]	1
Penal Code	1
Health & Safety	53
Vehicle Code	61
XXV. Bail by Codes [Miscellaneous]	67
Business & Professions	67
Fish & Game	67
Harbors & Navigation	68
Insurance Code	68
Water Code	68
Welfare & Institutions	68
APPENDIX A- Strike Statutes - PC §§667.5(c), 1192.7(c), 1192.8; W&I §707(b)	i
APPENDIX B- 1170(h) Quick Reference Guide	v
APPENDIX C- Declaration Form re 1269c, 1270.1, and 1275.1 Requests	xi
APPENDIX C- Jail Own Recognizance (O.R.) Policy	xiii
APPENDIX E- Inmates with Out-of-County Holds - Presiding Judge Directive 02-05	xv
APPENDIX F- Some Relevant Statutory Authority	xvii
APPENDIX G- DUI Bail Table	xxv

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In the Matter of)
)
 SETTING A BAIL SCHEDULE) ORDER SETTING BAIL SCHEDULE
)
 FOR MONTEREY COUNTY)

Date Adopted: July 9, 2014

Hon. Thomas W. Wills

NATURES
Hon. Pamela L. Butler

ON
Hon. Larry E. Hayes

FILE
Hon. Sam, Jr. Lavorato
Hon. Susan J. Matcham
Hon. Carrie M. Panetta

BAIL SCHEDULE INFORMATION

I. **INTRODUCTION - Information on the Bail Schedule**

The following schedule establishes the presumptive bail to be set pursuant to Penal Code §1269b(c) when an individual is placed in custody in Monterey County without a warrant for a criminal offense.

II. **Bail Schedule Inquiries**

Questions concerning the application of this bail schedule to any particular arrestee may be made to the Presiding Judge or designee during the work week at (831) 775-5441. Pursuant to PC §§810 and 1269c, the ON-CALL duty judge may be contacted after work hours through the Monterey County Sheriff's Office at (831) 755-3876.

III. **Default Bail Amounts, Misdemeanor Bail Convention, "Wobblers*," and "Alternative Penalty Enhancement Crimes**" (APE Crimes)**

For unlisted felony crimes, enhancements, special allegations, or aggravating factors not listed on the schedule, the presumptive bail for each is \$10,000; for unlisted misdemeanors or misdemeanor enhancements, the presumptive bail is \$3,500.

- "Misdo" appears beside a crime that is a misdemeanor only; bail appears in parentheses.
- Misdemeanor bail appears in parentheses for wobblers.

Example:

148(a)(2) (Misdo)		1 year	Maliciously Interfering with Public Safety Radio Transmission	(5,000)
148(b)*	H	16-2-3	Taking of Weapon (Baton, Mace, etc.) While Resisting Arrest	20,000 (7,500)

"*" "Wobblers" are identified with an asterisk (*) next to the charge.

At the time of fresh arrest for a wobbler, bail is to be set at the felony amount.

"**" **APE Crimes** are misdemeanor crimes that become punishable as felonies if one or more specified felony Alternative Penalty Enhancements (APE) apply. **APE Crimes**** are identified with a double asterisk (**).

At the time of fresh arrest for an **APE crime****, bail is to be set at the misdemeanor amount unless one or more of the specified felony APEs apply, in which case bail is to be set at the felony amount plus any additional amount for the APE.

Alternative Penalty Enhancements can be either misdemeanor or felony in nature. Misdemeanor APEs generally alter the maximum penalty from 6 months to 1 year. Felony APEs generally alter the maximum penalty and will morph what is otherwise a misdemeanor into a felony.

Bail When Individual Is Not Booked For, Or Charged With, the Underlying APE Crime:**

Officers should book an individual for both the underlying **APE Crime**** and each applicable **Alternative Penalty Enhancement**. However, sometimes an individual is only booked for the enhancement. For example, a felon carrying a loaded firearm may be booked only for the **APE** under PC § 25850(c)(1), which carries a \$10,000 bail (see examples, below.) Proper bail must be calculated to include the \$30,000 felony bail for the underlying **APE Crime**** under PC § 25850(a) bringing total bail to \$40,000. If an

BAIL SCHEDULE INFORMATION

individual is not booked for, or charged with, the underlying **APE Crime****, bail must still include the felony bail for the **APE Crime**** whenever an individual is booked for or charged with an applicable **APE**. The felony bail amount for the **APE Crime**** is to be added only once regardless of how many **APEs** apply.

Thus proper bail for a felon carrying a stolen loaded firearm would be \$50,000 whether or not the person is booked for the **APE Crime**** under 25850(a), calculated as follows:

\$10,000 (**APE** under 25850(c)(1) -prior felony conviction,) plus
 \$10,000 (**APE** under 25850(c)(2) -stolen firearm), plus
 \$30,000 (One-time felony bail amount for underlying **APE Crime**** under 25850(a),
 Carrying a loaded firearm.)

APE Crimes** most likely to be overlooked in the booking process, and which have not been repealed, include: Subdivisions 1, 2, and 3 of § 25400(a)**, § 25850(a)**, § 27505(a)**, § 27510**, § 27540**, § 27545**, and § 29650**. The bail schedule identifies each of these in a manner similar to that shown for 25850(a) in the examples, below.

Examples:

25850(a)**			1 year	<p>Carrying a Loaded Firearm [X-ref: 12031(a)(1)]]]</p> <p>[NOTE: This is an APE Crime. Violation of 25850(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25850(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25850(c) apply, bail must be set at the felony amount for 25850(a) plus any additional bail for any applicable APE. See APE for wobbler status.]</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25850(a), bail must include the \$30,000 felony bail for the APE Crime 25850(a) whenever an individual is booked for or charged with an applicable APE under 25850(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25850(c) apply.]</p>	30,000** (5,000) [Felony bail only if any APE applies]
25850(c)(1)	P	APE	16-2-3	<p>Carry loaded firearm - prior felony conviction [X-ref: 12031(a)(2)(A)]</p> <p>[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]</p>	10,000
25850(c)(2)	P	APE	16-2-3	<p>Carry loaded firearm - stolen firearm [X-ref: 12031(a)(2)(B)]</p> <p>[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]</p>	10,000
25850(c)(3)	P	APE	16-2-3	<p>Carry loaded firearm - criminal street gang [X-ref: 12031(a)(2)(C)]</p> <p>[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]</p>	20,000
25850(c)(4)	P	APE	16-2-3	<p>Carry loaded firearm - prohibited person [X-ref: 12031(a)(2)(D)]</p> <p>[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]</p>	10,000
25850(c)(5)*	H	APE	16-2-3	<p>Carry a loaded firearm - prior conviction [X-ref: 12031(a)(2)(E)]</p> <p>[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]</p>	0 (5,000)
25850(c)(6)*	H	APE	16-2-3	<p>Carry a loaded firearm - not registered owner [X-ref: 12031(a)(2)(F)]</p> <p>[Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]</p>	0 (5,000)

BAIL SCHEDULE INFORMATION

23152(a)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]	0** (5,000)
23540(a) (Misdo)		APE	1 Year	23152 - 1 Prior in 10 years	(5,000)
23546(a) (Misdo)		APE	1 Year	23152 - 2 Priors in 10 years	(10,000)
23550(a)*	H	APE	16–2–3	23152 - 3 Priors in 10 years	30,000 (15,000) [Add 50,000 for each prior above 3rd]
23550.5*	P	APE	16–2–3	23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]

IV. Subsection Identification Convention

Unless the specific section charged appears on the bail schedule, the default amount applies (see above.) The bail schedule includes each crime and allegation by its specific subsection. When bail for all subsections of the crime or allegation is the same, the convention occasionally used in the schedule is to list the main section followed by “(all)” signifying that the listed bail amount is to be applied to each subsection.

Example:

1203.06(a)(all)		AGGF		Denial of Probation: Personal Use of Firearm in specified crimes; Armed during commission of a felony, or at time of arrest therefor, with prior specified convictions. [Bail applies to all subsections]	30,000
1203.075(a)(all)		AGGF		Denial of Probation: GBI inflicted during commission of specified crimes. [Bail applies to all subsections]	30,000

V. Strikes - Serious and Violent Offense Identification Convention - Authority

The bail schedule retains the previous convention for identifying serious and violent strikes, highlighting **serious felonies and enhancements with bold black font in a gray-filled row**, and **violent felonies with bold white font in a black-filled row**.

Strike Authority: Additionally, the description of the offense includes a reference to the authority making a specific crime a strike. The strike authority is preceded by the word “Strike.” Serious strike authority is denoted in the offense description with an “S” followed by a number or numbers. The “S” refers to §1192.7(c) and the numbers to the relevant subdivisions. Violent strike authority is denoted in the same fashion except the numbers are preceded by a “V” referring to §667.5(c). Juvenile strike authority is denoted by the letter “J” referring to W&I §707(b).

Example:

BAIL SCHEDULE INFORMATION

192.5(b)	H		16 - 2 - 4	Vessel manslaughter while intoxicated w/o gross negligence -STRIKE: S- 8
192.5(e)	P	ENH	5 years	Vessel “hit and run” after committing a violation of 192.5 (a), (b), or (c)
205	P		LIFE	Aggravated Mayhem (Life) -STRIKE: S- 2, 7, 39; V- 2, 7; J- 24

[Editor’s Note: The Court thanks San Diego Superior Court Judge Gale Kaneshiro whose tremendous work detailing application of the strike laws is extensively incorporated into this schedule. The court is responsible for any errors in translation.]

For ease of reference, PC §§667.5(C), 1192.7(C), 1192.8; W&I §707(B) identifying serious and violent felonies are set forth in full in *Appendix A*.

VI. 1170(h) vs. Prison-Eligible Crimes Identification Convention

In assessing a proper bail, whether a crime is punishable pursuant to 1170(h) or is a prison-eligible crime may be a relevant factor. Toward that aim, the bail schedule identifies in two ways whether a crime is punishable pursuant to 1170(h) or is prison-eligible. Prison eligible crimes are identified by **bold font** and a “**P**” in the “Prison” column. 1170(h) crimes are in standard font with an “H” in the “Prison” column. Where the application of 1170(h) is *unknown* because the law is unclear or other information is needed to determine if the crime is prison-eligible, these crimes appear in *italic font* with “**U**” in the “prison” column.

For reference, the 1170(h) Quick Reference Guide is attached for all crimes including those not in the schedule. (See *Appendix B*.)

VII. Dangerous Weapons Updated

The renumbering of the dangerous weapons code sections is reflected in the bail schedule. For convenience, the corresponding old or new section is identified in the offense description.

VIII. Bail Schedule Subject To Interim Corrections & Modifications by Presiding Judge

The judges of Monterey Superior Court recognize that this bail schedule as adopted may contain typographical errors and inaccuracies; although intended to be comprehensive, important items may have been overlooked. It is essential that the Bail Schedule accurately and thoroughly address important bail issues. As the need arises, the Presiding Judge is authorized to make corrections, modifications, and additions to the Bail Schedule, and shall cause such changes to be published as a supplement to the Bail Schedule in a document entitled “Bail Schedule - Interim Corrections and Modifications by Presiding Judge - Last Updated- [Date.]” Upon publication, such modifications will immediately supersede any inconsistent provision in the Bail Schedule until adoption of a new Bail Schedule.

IX. Bail Stacking - Arrests for More Than One Crime

Arresting agencies and detention facilities are directed to follow these guidelines when calculating bail for persons booked for more than one crime.

When a person is booked on two or more crimes, bail shall be set at the amount identified for the crime with the highest bail.

Strikes: When a person is booked on two or more crimes that are either “serious felonies” as defined in Penal Code Section 1192.7(c) and 1192.8 or “violent felonies” as defined in Penal Code Section 667.5(c), bail amounts shall be stacked and added together. A crime is serious or violent if, on the bail schedule, either the charge is shaded, or any of its enhancements or aggravating factors is shaded.

BAIL SCHEDULE INFORMATION

X. Bail Stacking –Enhancements, Alternate Penalty Enhancements, Aggravating Factors, & Special Allegations

ENHANCEMENT (ENH): An *Enhancement* is a fact related to a specific charge increasing the possible penalty. In order to determine the correct bail amount for the charged offense, first determine the bail amount for the charged offense and each enhancement for that offense. Then “stack” (add) the bail amount for the charged offense plus bail amounts for each related enhancement. The totaled amount constitutes the proper bail for that charge.

ALTERNATE PENALTY ENHANCEMENTS (APE): An *Alternate Penalty Enhancement*, Like an enhancement, is a fact related to a specific charge altering the possible penalty for the crime. Alternate Penalty Enhancements are to be treated the same as enhancements when calculating bail. APEs are subject to the bail rules for “Attempt-Type Crimes” set out in Section XII, below. For example, bail for a felon carrying a loaded firearm under 25850(a) and 25850(c)(2) would be \$40,000 (30,000 + 10,000.) Bail for attempting such a crime would be \$20,000 (15,000 + 5,000.)

AGGRAVATING FACTOR (AGGF): An *Aggravating Factor*, like an enhancement, is also a fact related to a specific charge but does not affect the possible penalty. Aggravating factors are to be treated the same as enhancements when calculating bail.

SPECIAL ALLEGATION (SPAL): A *Special Allegation* is a fact related to the defendant rather than a particular charge; generally SPALs involve the defendant’s criminal history such as a prior conviction or prison term and they increase the possible penalty for the case rather than a specific charge. Occasionally, a SPAL is a specified type of conviction and only applies to a specified type of current crime such as drug or sex offenses enhancing the penalty for that crime. In order to calculate the proper bail amount for special allegations, “stack” (add) the bail amount of each special allegation.

XI. Computing Bail:

In order to compute bail for an individual case, follow these steps:

1. **Compute Bail for Each Charge:** Determine the bail for each charge (“stacking” related ENHs, APEs, and AGGFs.)
 - a. Note whether the charge, (or any related ENH or AGGF) is **Violent or Serious**.
2. **Compute Bail for All Special Allegations:** Determine and total the bail for all Special Allegations.
3. **If No Violent or Serious Crimes or Enhancements:** If none of the charged offenses (or their ENHs or AGGFs) is a serious or violent felony,
 - a. Select the highest bail among the charged offenses (including their related ENHs, APEs, plus AGGFs),
 - b. “Stack” (add) to this figure the total bail for all **SPALs**.
 - c. This combined total is the proper bail amount for the case.
4. **If One or More Violent or Serious Crimes or Enhancements:** If any charged offense (or its related ENH or AGGF) is a serious or violent felony,
 - a. “Stack” (add) the bail amounts for each **violent or serious** charge (including its related ENHs, APEs, plus AGGFs)

BAIL SCHEDULE INFORMATION

- b. “Stack” (add) to this figure the total bail for all **SPALs**.
- c. This combined total is the proper bail amount for the case.

XII. Bail for Attempt-Type Crimes - §664/, §220(a)/, and §288.3/

§§664 and 220(a): Except where specified otherwise, bail for attempted crimes under §§664 and 220(a) shall be set at ½ of the bail for the target crime unless the target crime is a serious or violent felony. Bail for attempted strikes shall be the same as bail for the target crime.

§288.3: Bail for §288.3 is treated differently because, although it is to be punished pursuant to the rules for attempting to commit the target crimes, it is often charged generically with no single target crime alleged. Also, if the target crime of an attempt is a strike, the attempt to commit that crime is also a strike. Violation of §288.3 does not require that the target crime be attempted and therefore, its violation does not constitute a strike. While bail for attempted strikes under §§664 and 220(a) stack under the bail rules, bail for §288.3 with a target strike will not stack unless accompanied by an allegation that makes the §288.3 crime a strike.

Unless the Bail Schedule specifically provides otherwise, the rules for attempt-type crimes are as follows:

§664(a)/General Crime: Bail shall be set at ½ of bail for the target crime.

§664(a)/Strike: Bail shall be set at the full amount of bail for the target crime.

§664(a)/Life Crime: Bail shall be set at \$500,000.

§220(a)/Crime: Bail shall be set according to the rules for §664(a), above, except that bail shall be no less than \$100,000 for 220(a)(1) and no less than \$200,000 for 220(a)(2).

§288.3/Generic Charge: When a single target crime is not specified, bail shall be set at \$10,000.

§288.3/Specific Target Crime Identified: If a single target crime is specified, bail shall be set according to the rules for §664(a), except that bail shall be no less than \$10,000. Bail for 288.3(a) shall not be stacked even if the target is a strike, unless a stackable enhancement or other allegation applies.

XIII. Bail for Drug Charges Related to Sales and Transportation

Bail for simple transportation of a controlled substance in violation of 11352(a), 11379(a), and 11379.5(a) is \$10,000. Furthermore, it is presumed that a fresh arrest is for simple transportation only, and does not involve sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution. Upon fresh arrest for 11352(a), 11379(a), or 11379.5(a), bail shall be set at \$10,000 unless the arrest is for more than simple transportation of a controlled substance. Bail shall be set for an aggravated violation of 11352(a), 11379(a), or 11379.5(a) at \$40,000 only if the subject is arrested for something other than simple transportation of a controlled substance.

XIV. Court Clerk to Calculate Presumptive Bail Upon Filing of Charging Document

Upon the filing of a felony complaint, information, or indictment, the Superior Court Clerk shall calculate the presumptive bail amount from this bail schedule based on the charges and allegations contained in the charging document.

BAIL SCHEDULE INFORMATION

XV. Bail Amounts at Arraignment in Court

At first appearances and arraignments in court, the judicial officer may exercise discretion to lower or raise bail based on the actual charges, enhancements, special allegations, and aggravating factors filed by the District Attorney, as well as any other relevant factor.

When multiple strikes have been charged, the court should be mindful of 654 issues at and after arraignment. For example, a defendant charged with §664/187(a) (attempted murder) is often also charged alternatively with 245(a) (aggravated assault) for the same act. Effort should be made by the judicial officer to identify alternatively charged strikes and avoid stacking them. Whenever applicable and appropriate in the sound discretion of the District Attorney, the charging document should identify alternatively charged strikes as being charged in the alternative.

Certain enhancements and special allegations present similar issues, such as PC §667(a) and H&S §11370.2 because they may apply to more than one crime (but not all) and be alleged separately for each crime to which they pertain. Effort should be made by the judicial officer to identify and avoid stacking bail for such allegations where §654 clearly applies.

XVI. Deviation from Bail Schedule (§§1269c & 1270.1)

§1269c allows for both law enforcement (by declaration) and defendant (by application) to request deviation from the scheduled bail amount prior to first appearance. Notice is generally not required, except the defendant arrested for a crime listed in §1270.1 must give the prosecution notice. Nothing prevents a magistrate from requiring notice. 71 Ops. Cal. Atty. Gen. 64.

§1269c Declaration Process: If bail is increased prior to the first court appearance pursuant to §1269c and/or §1270.1, the applicant officer completing the §1269c declaration shall cause it to be filed with the court by the next business day by delivery to the court and the District Attorney.

§1270.1 - Violent & Serious Felonies & Domestic Violence: Except as provided in §1270.1(e), at or after a defendant's first appearance, when charged with a serious or violent felony (except §460), or a violation of §136.1(c), §262, §273.5, §422 (felony), §646.9, §243(e)(1), or §273.6 (if violence threatened,) no deviation from the bail schedule amount can be ordered until after a two-court-day written notice and a hearing in open court. (§1270.1(a), (b).)

Escalation: §1270.1(e) permits a "judge or magistrate" to "increase bail" pursuant to §1269c "without a hearing" "for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order," upon application by a "sworn peace officer" by "oral or written declaration ... presented under penalty of perjury" "justifying the increase." No notice or hearing is required. By its reference to a "judge or magistrate," §1270.1 appears to refer to all stages of the proceedings. (Cf., §1269c, which limits its application to magistrate per §808.) See

Reduction: In addition to the notice requirement, any reduction below schedule for serious or violent crimes requires a finding of "unusual circumstances" which "does not include the fact that the defendant has made all prior court appearances or has not committed any new offenses." (1275(c).)

Notice, when required, must be compliant with the timeframe for arraigning an individual after fresh arrest per §825 (generally two court days) (§§1269c, 1270.1(b)). At least one case involving §1270.1 charges has held that a bail motion can be brought at the time of first appearance.

BAIL SCHEDULE INFORMATION

(*Dant v. Superior Court* (1998) 61 Cal. App. 4th 380, 390 [notice requirement of §1270.1(b) essentially deemed satisfied].)

When making a request under either §§1269c, 1270.1, or 1275.1, law enforcement shall use a form substantially similar to that attached as *Appendix C*.

XVII. Source of Bail Funds (§1275.1)

A hold on the release of a defendant from custody shall be ordered by a magistrate or judge if a peace officer or prosecutor files a declaration under penalty of perjury setting forth probable cause that the source of bail funds has been feloniously obtained, or if the magistrate or judge has probable cause to so believe. (§1275.1(b).)

In the event that law enforcement has reasonable cause to believe that bail has been or may be obtained by felonious means, an officer may provide the booking officer a copy of a declaration requesting an order pursuant to §1275.1, and seek review by a magistrate utilizing the same procedures established for bail escalation pursuant to §1269c. The defendant shall not be released until the request has been acted upon by a magistrate or judge, or after the passage of twenty-four (24) hours of the submission of the declaration, whichever occurs first. If a judge or magistrate determines the declaration establishes probable cause to believe the tendered funds have been feloniously obtained, he or she shall approve the §1275.1 application, and order the continued detention of the defendant. Thereafter the defendant may not be released except upon the order of a judge after a noticed hearing in court at which the defendant has the burden of proof by a preponderance of the evidence to show the lawfulness of the source of funds tendered. If the judge or magistrate approves the application for a §1275.1 hold, any declaration in support thereof must be filed with the court at the time the complaint is filed, or otherwise provided to the defendant and his attorney within the time requirements of §825. If the §1275.1 application is not acted upon within twenty-four (24) hours, or is denied, the defendant shall be released upon posting of the bail amount set.

When making a request under either §§1269c, 1270.1, or 1275.1, law enforcement shall use a form substantially similar to that attached as *Appendix C*.

XVIII. Inapplicability of Bail Schedule

§1269b(b) requires bail to be set at the bail schedule amount only upon a warrantless arrest. On the other hand, a judicial officer, in his or her sound discretion, may set bail at an amount different than the bail schedule in any individual case, subject to the principles of *People vs. Alberto* (2002) 102 Cal.App.4th 421 and the notice requirements imposed under §1270.1.

Magistrates and judicial officers set bail in a variety of instances, including:

- When issuing an arrest warrant (§815a), or bench warrant (§§978.5-979, 985-986, 1195, 1284; CCP §1993)
- Prior to first appearance in court for an individual arrested without a warrant upon oral or written declaration of a sworn police officer (§§1269c & 1270.1(e) - all crimes) or upon application by the defendant or representative (§§810, 1269c - except crimes listed in §1270.1)
- At or after first appearance in court for an individual arrested without a warrant (§1269b(b),) unless the defendant is charged with a crime listed in 1270.1(a), which requires a two-court-day written notice and hearing (§1270.1(b))

BAIL SCHEDULE INFORMATION

- Following a preliminary hearing at which the defendant has been held to answer (§§875 & 1277; §1289; *People v. Annis* (2005) 127 CA4th 1190)
- After the filing of an information or indictment (§985; *People v. Norman* (1967) 252 Cal. App. 2d 381, 398)
- Upon a showing of good cause or a change in circumstances. (§ 1289; *People v. Alberto, supra*, 102 Cal.App.4th at p. 430; *In re Berman* (1930) 105 Cal.App. 270, 271–273.)
- After trial has commenced (§§1129, 1272 [right to bail in misdemeanors only])
- After conviction at trial (§§1166, 1272) [right to bail in misdemeanors only])

When setting bail, the judicial officer may consider the presumptive bail amount established herein, and shall consider the factors in Cal. Const., Art. I, §28(f)(3), and PC §§1269b(e) and 1275, such as the protection of the public, the safety of the alleged victim, the seriousness of the charged crimes, the previous criminal record of the defendant, and the probability the defendant will appear in court. Other factors include the impact of continued detention to the health and welfare of the individual and the medical expense of continued detention to the County. Willful misrepresentation by defendant as to the source of bail may also be considered (§1275.1(i).) Pursuant to Cal. Const., Art. I, §28(f)(3), “public safety and the safety of the victim shall be the primary considerations.”

When setting bail, the court presumes the charges to be true (*In re York* (1995) 9 Cal.4th 1133, 1148; *In re Application of Horiuchi* (1930) 105 Cal. App. 714, 715.)

XIX. Jail OR Policy Adopted July 14, 2004

The policy approved by the judges on July 14, 2004, regarding the release by the Sheriff of individuals on their own recognizance remains in full force and effect as modified and readopted. (See *Appendix D.*)

XX. Prisoners Released OR with Out-of-County Holds

Whenever the Court orders an individual to be released on his or her own recognizance and the individual has an out-of-county hold, the Sheriff will comply with Directive Order No. 02-05. (See *Appendix E.*)

XXI. Bail Schedule - A Collection of Some Relevant Statutory Authority

For ease of reference, a collection of some statutes relevant to bail schedule has been compiled and attached. (See *Appendix F.*)

XXII. DUI Bail Table

Due to the complexity of the penalty sections for DUI crimes, a table has been prepared to assist in determining the proper bail for an individual arrested for driving under the influence. (*Appendix G.*)

XXIII. DUI Bail & Other “Zero”-Bail Rules - Explanation

- Zero (“0”) in the bail amount column means no additional bail is to be added. It does not make the charge a “No Bail” charge.
- Misdemeanors: Although bail is established for misdemeanor violations of both 23153(a) and (b), misdemeanor bails never stack.

BAIL SCHEDULE INFORMATION

No additional bail is required for release of a person following a fresh arrest for violation of subdivision (b) of 23153, but bail must be posted for 23153(a). A person freshly arrested for 23153(b) is always also arrested for 23153(a). The converse is not true.

The reason no bail is required following fresh arrest for violation of 23153(b) is to eliminate unfair bail stacking when GBI is alleged. When GBI is alleged, both 23153(a) and (b) are strikes and bail must be stacked. If bail for each charge were the same in a situation involving GBI, the person who takes a chemical test and is arrested for both 23153(a) and 23153(b) would have to pay twice as much as the person who refuses to take a chemical test. The aggravating circumstance of refusal would be rewarded with a lower bail; the compliant individual's bail would be twice as high. Principles underlying PC § 654's ban of multiple punishment for the same conduct make bail stacking for 23153(a) and (b) unfair. By zeroing out bail for the felony violation of 23153(b), a person arrested for DUI with GBI is treated the same whether or not he or she takes a chemical test, unless the subject is also booked for refusing to take a chemical test.

XXIV. Early Release

The Court is committed to ensuring that where appropriate, individuals are granted release on their own recognizance, pursuant to the Court's pre-trial release program. This program allows for an individual to be released on his or her own recognizance at arraignment, after the Monterey County Probation Department has interviewed the individual and made a recommendation regarding release to the arraignment judge.

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
32*	H		16–2–3	Accessory after the Fact to a Felony	10,000 (5,000)	
37(a)	P		Life / Death	Treason Against State -STRIKE: S- 7; V- 7	No Bail	
67	P		2–3–4	Bribery of State Executive Officer	20,000	
67.5(b)	H		16–2–3	Bribery of State Official or Employee (if Theft or Thing Given or Offered Would Be Grand Theft)	10,000	
68(a)	P		2–3–4	State Official Asking for or Receiving a Bribe	20,000	
69*	H		16–2–3	Resisting or Deterring Executive Officer in Performance of His Duty	10,000 (5,000)	
71(a)(1)*	H		16–2–3	Threat to Injure School or Public Employees	10,000 (5,000)	
71(a)(2)	H		16–2–3	Threat to Injure School or Public Employees with Prior	10,000	
72	H		16–2–3	False Claim to Public Board or Officer w/intent to Defraud	10,000	
76(a)(1)*	H		16–2–3	Threatening Life or Threatening Serious Bodily Harm to Government Official	10,000 (5,000)	
76(a)(2)	H		16–2–3	Threatening Life or Threatening Serious Bodily Harm to Government Official with Prior	10,000	
85	P		2–3–4	Bribing legislators (state, county, city, school district, special district)	20,000	
86	P		2–3–4	Legislators accepting bribe	20,000	
92	P		2–3–4	Bribery of Judicial Officer or Juror	30,000	
93(a)	P		2–3–4	Bribery- Judges, Jurors, Referees Offering or Accepting a Bribe	20,000	
95	H		16–2–3	Influencing Juror/Referee/Umpire	10,000	
95(a)	H		16–2–3	Influencing Juror/Referee/Umpire- By Oral or Written Communication	10,000	
95(b)	H		16–2–3	Influencing Juror/Referee/Umpire- By Any Book, Paper, or Instrument Exhibited	10,000	
95(c)	H		16–2–3	Influencing Juror/Referee/Umpire- By Any Threat, Intimidation, Persuasion, or Entreaty	10,000	

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* Felony/Misdemeanor /“Wobbler” – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as:

1170(h) = H

Prison-Eligible = P

Serious

Violent

Unknown = U

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
95(d)	H		16–2–3	Influencing Juror/Referee/Umpire- By Any Promise or Assurance of Any Pecuniary or Other Advantage	10,000	
95.1*	H		16–2–3	Threatening Juror Following Verdict	100,000 (25,000)	
96	H		16–2–3	Misconduct of Jurors/Referees/Umpires	10,000	
100	P		16–2–3	State Printer corruption	10,000	
107*	H		16–2–3	Escape of Felon Prisoner from Training School/County Hospital	50,000 (20,000)	
109	H		16–2–3	Assisting Escape of Inmate from Training School/Reformatory, etc.	50,000	
110	P		16–2–3	Supplying anything to aid escape from reformatory	10,000	
113	H		5 years	False Documents - Selling, Distributing, Manufacturing to Conceal True Citizenship	40,000	
114	H		5 years	Using False Documents to Conceal True Citizenship	40,000	
115(a)	P		16–2–3	Offering Forged/False Documents for Filing	10,000	
115.5(b)	P		16–2–3	False sworn statement to notary public re document affecting real property	10,000	
116	P		16–2–3	Adding or extracting names from, or destroying, jury box	10,000	
117	P		16–2–3	Certifying false jury list	10,000	
118	H		2–3–4	Perjury	20,000	
118a	H		2–3–4	Perjury by False Document	20,000	
118.1*	P		1–2–3	Peace Officer Filing a False Report	10,000 (5,000)	
127	H		2–3–4	Subornation of Perjury	30,000	
128	P		Life / Death	Perjury Resulting in Execution of Innocent Person -STRIKE: S- 7; V- 7	No Bail	
132	P		16–2–3	Offering forged, altered, or antedated document as genuine	10,000	
134	P		16–2–3	Preparing false document as evidence	10,000	
136.1(a)*	P		16–2–3	Maliciously Dissuade Witness or Victim from Testimony -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(a)(1)*	P		16–2–3	Maliciously Dissuade Witness or Victim from Testimony -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(a)(2)*	P		16–2–3	Malicious Attempt to Dissuade Witness or Victim from Testimony -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(b)*	P		16–2–3	Dissuade Witness to or Victim of Crime from Making Report -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(b)(1)*	P		16–2–3	Dissuade Witness to or Victim of Crime from Making Report -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(b)(2)*	P		16–2–3	Dissuade Witness to or Victim of Crime from Causing Prosecution -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(b)(3)*	P		16–2–3	Dissuade Witness to or Victim of Crime from Causing Arrest -STRIKE: S- 37; J- 19	15,000 (7,500)	
136.1(c)	P		2–3–4	Threatening force or Violence during commission of 136.1 -STRIKE: S- 37; J- 19	30,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
136.1(c)(1)	P		2–3–4	Threatening force or Violence during commission of 136.1 -STRIKE: S- 37; J- 19	30,000	
136.1(c)(2)	P		2–3–4	136.1 is Act in furtherance of Conspiracy -STRIKE: S- 37; J- 19	30,000	
136.1(c)(3)	P		2–3–4	Having Had a Prior conviction of 136.1 -STRIKE: S- 37; J- 19	30,000	
136.1(c)(4)	P		2–3–4	136.1 for Pecuniary Gain -STRIKE: S- 37; J- 19	30,000	
136.1(d)	P		2–3–4	Attempted 136.1 -STRIKE: S- 37, 39; J- 19	30,000	
136.2(d)(3)*	P		16–2–3	Own, possess, purchase or receive, or attempt to purchase or receive a firearm while 136.2 protective order is in effect	30,000 (15,000)	
136.5*	P		16–2–3	Possess Deadly Weapon with Intent to Dissuade Witness from Testimony	20,000 (10,000)	
137(a)	P		16–2–3	Inducing False Testimony by Bribing Witness	10,000	
137(b)	H		2–3–4	Inducing False Testimony Through Use of Force or Threat	30,000	
138(a)	P		16–2–3	Attempting to Bribe Witness	10,000	
138(b)	P		16–2–3	Witness Agreeing to Accept Bribe	10,000	
139(a)*	H		2–3–4	Threatening Witness to or Victim of Crime	30,000 (15,000)	
140(a)*	H		2–3–4	Use of Force or Threat of Force or Violence to Witness or Victim Because of Assistance in Prosecution	30,000 (15,000)	
141(b)	P		2–3–5	Peace Officer Filing False Evidence	40,000	
142(a)*	H		16–2–3	Officer Refusing to Receive or Make Arrest	10,000 (5,000)	
146a(b)*	H		16–2–3	Impersonating an Officer of the Law	10,000 (5,000)	
146a(b)(1)*	H		16–2–3	Impersonating an Officer of the Law- Arrest, Detention	10,000 (5,000)	
146a(b)(2)*	H		16–2–3	Impersonating an Officer of the Law- Intimidate	10,000 (5,000)	
146a(b)(3)*	H		16–2–3	Impersonating an Officer of the Law- Search	10,000 (5,000)	
146a(b)(4)*	H		16–2–3	Impersonating an Officer of the Law- Obtain Money or Prperty	10,000 (5,000)	
146e(b)	H		16–2–3	Disclosure of Address/Phone Number of Peace Office or Family Member Resulting in Bodily Injury to These Persons	10,000	
148(a) (Misdo)			1 year	Resisting or Obstructing Peace Officer, EMT	(5,000)	
148(a)(1) (Misdo)			1 year	Resisting or Obstructing Peace Officer, EMT	(5,000)	
148(a)(2) (Misdo)			1 year	Maliciously Interfering with Public Safety Radio Transmission	(5,000)	
148(b)*	H		16–2–3	Taking of Weapon (Baton, Mace, etc.) While Resisting Arrest	20,000 (7,500)	
148(c)	H		16–2–3	Removal of Officer's Firearm While Resisting Arrest	20,000	
148(d)*	H		16–2–3	Removal of Officer's Firearm with Intent to Permanently Deprive	20,000 (7,500)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
148.1*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(a)*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(b)*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(c)*	H		16–2–3	False report of planting of bomb or other explosive	20,000 (7,500)	
148.1(d)*	H		16–2–3	Planting false bomb or other explosive	20,000 (7,500)	
148.3(b)	H		16–2–3	False Report of Emergency Resulting in Death/GBI	25,000	
148.4(b)	H		16–2–3	Tamper w/Fire Alarm Resulting in Death/GBI	25,000	
148.4(b)(1)	H		16–2–3	Tamper w/Fire Alarm Resulting in GBI	25,000	
148.4(b)(2)	H		16–2–3	Tamper w/Fire Alarm Resulting in Death	25,000	
148.10(a)*	H		2–3–4	Resisting Officer and Causing Death or Serious Bodily Injury -STRIKE: S- 8	30,000 (15,000)	
149*	H		16–2–3	Assault by Police	10,000 (5,000)	
151(a)(2)	P		16–2–3	Advocating Injury/Death of Peace Officer Resulting in Injury/Death	25,000	
154(b)	P		16–2–3	Defrauding creditors by selling or concealing property > \$250	10,000	
155(b)	P		16–2–3	Defrauding judgment debtor by selling or concealing property > \$250	10,000	
155.5(b)	P		16–2–3	Disposing property by convicted felon to avoid making restitution	10,000	
165	P		2–3–4	Bribery of Councilman, Supervisor, etc.	20,000	
166(a) (Misdo)			6 Months	Violation of Court/Protective Order	(5,000)	
166(a)(1) (Misdo)			6 Months	Direct contempt before court	(5,000)	
166(a)(2) (Misdo)			6 Months	Direct contempt before referee	(5,000)	
166(a)(3) (Misdo)			6 Months	Breach of peace in court	(5,000)	
166(a)(4) (Misdo)			6 Months	Disobey written process of court	(5,000)	
166(a)(5) (Misdo)			6 Months	Resist lawful court order or process	(5,000)	
166(a)(6) (Misdo)			6 Months	Juror violate juror admonition	(5,000)	
166(a)(7) (Misdo)			6 Months	Witness “contumacious” refusal to be sworn or testify	(5,000)	
166(a)(8) (Misdo)			6 Months	Publish grossly inaccurate report of court proceedings	(5,000)	
166(a)(9) (Misdo)			6 Months	Unlawful attempt by any communication to influence sentencing court	(5,000)	
166(a)(10) (Misdo)			6 Months	Violation of street-gang injunction	(5,000)	
166(b)(1) (Misdo)			1 year	Contact Victim After 646.9 Conviction	(10,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
166(c)(1) (Misd)			1 year	Violate CPO or Condition of Probation- “Stay Away” or “No Contact” order	(10,000)	
166(c)(4)*	P		16–2–3	Violation of Court/Protective Order (2nd Conviction w/in 7 Years and “Act of Violence”)	40,000 (15,000)	
166(d)(1)*	P		16–2–3	Own or Possess or Acquire a Firearm in Violation of Protective Order [Penalty under 29825(b)]	50,000 (15,000)	
171b(a)*	P		16–2–3	Bringing Firearm, Knife, or Deadly Weapon into State or Local Public Building	15,000 (7,500)	
171b(a)(1)*	P		16–2–3	Bringing Firearm into State or Local Public Building	15,000 (7,500)	
171b(a)(2)*	P		16–2–3	Bringing Deadly Weapon into State or Local Public Building	15,000 (7,500)	
171b(a)(3)*	P		16–2–3	Bringing Knife into State or Local Public Building	15,000 (7,500)	
171b(a)(4)*	P		16–2–3	Bringing Tear Gas into State or Local Public Building	15,000 (7,500)	
171b(a)(5)*	P		16–2–3	Bringing Taser or Stun Gun into State or Local Public Building	15,000 (7,500)	
171b(a)(6)*	P		16–2–3	Bringing BB or Paint Gun into State or Local Public Building	15,000 (7,500)	
181	H		2–3–4	Involuntary Servitude or Sale of Person	20,000	
182(a)*			16–2–3	Conspiracy to Commit Misdemeanor	10,000 (5,000)	
<i>182(a) (Felony Target)</i>	<i>U</i>		<i>Per Target</i>	<i>Conspiracy to Commit Felony or Wobbler</i> <i>[Note: If no single target felony is identified, bail shall be set at \$10,000. If a single felony target crime is identified, bail shall be at the amount set for the target crime, except bail for 182(a) shall not be less than \$10,000.]</i>	<i>Same as Target Felony (but no less than 10,000)</i> <i>[See Note]</i>	
182(a) (Life or Death Crime)	P		Per Target	Conspiracy to Commit Life or Death Crime -STRIKE: S- 7, 42; V- 7	Same as Target Offense	
182(a) (Murder)	P		25 to Life	Conspiracy to Commit Any Murder -STRIKE: S- 7, 42; V- 1, 7	1,000,000	
182(a) (Strike)	P		Per Target	Conspiracy to Commit Serious Felony -STRIKE: S- 42	Same as Target Offense	
182.5	U		Per Target	Criminal Street Gang Conspiracy to Commit Felony or Wobbler -STRIKE: S-28, 42 <i>[Note: If no single target felony is identified, bail shall be set at \$10,000. If a single felony target crime is identified, bail shall be at the amount set for the target crime, except bail for 182(a) shall not be less than \$10,000.]</i>	Same as Target Offense (but no less than 10,000) <i>[See Note]</i>	
186.10(a)	H		16–2–3	Money Laundering	10,000	
186.10(c)(1)(A)	H	ENH	1 year	\$50,000 < Transaction < \$150,000	10,000	
186.10(c)(1)(B)	H	ENH	2 years	\$150,000 < Transaction < \$1 Million	100,000	
186.10(c)(1)(C)	H	ENH	3 years	\$1 Million < Transaction < \$2.5 Million	250,000	
186.10(c)(1)(D)	H	ENH	4 years	Transaction > \$2.5 Million	250,000	
186.11(a)(2)	P	ENH	2– 3–5	Taking > \$500,000	100,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
186.11(a)(3)	P	ENH	1 or 2 years	\$50,000 < Taking < \$500,000 (per 12022.6(a)(1) over \$65,000 [1 year]; per 12022.6(a)(1) over \$200,000 [2 year])	20,000	
186.22(a)*	P		16–2–3	Participation in Criminal Street Gang Activity -STRIKE: S- 28	30,000 (15,000)	
186.22(b)	P	ENH	2–3–4	Gang Enhancement - Generic - Select a specific subdivision. If this section is used, bail shall be set at the lesser of the possible amounts for the subsections. -STRIKE: S- 28	40,000	
186.22(b)(1)	P	ENH	2–3–4	Gang Enhancement - Generic - Select a specific subdivision. If this section is used, bail shall be set at the lesser of the possible amounts for the subsections. -STRIKE: S- 28	40,000	
186.22(b)(1)(A)	P	ENH	2–3–4	Committing Felony While Violating Provisions Against Participating in Criminal Street Gang -STRIKE: S- 28	40,000	
186.22(b)(1)(B)	P	ENH	5 years	Committing Serious Felony, as Defined in PC§1192.7(c), While Violating Provisions Against Participating in Criminal Street Gang -STRIKE: S- 28, (See underlying felony)	50,000	
186.22(b)(1)(C)	P	ENH	10 years	Committing Violent Felony, as Defined in PC§667.5(c), While Violating Provisions Against Participating in Criminal Street Gang -STRIKE: S- 28, (See underlying felony); V- (See underlying felony)	200,000	
186.22(b)(2)	P	AGGF	AGGF	186.22(a) Committed within 1000 Feet of School	25,000	
186.22(b)(4)(A)	P	ENH	Life	Gang Enhancement for Specified Crimes- Life with minimum [213, 215, 246 or 12022.55 519, 136.1] -STRIKE: S- 7, 27, 28, 33, 37; V- 7, 9; J- 3, 21, 25	1,000,000	
186.22(b)(4)(B)	P	ENH	15 to Life	Gang Enhancement for Specified Crimes [213, 215, 246 or 12022.55 (15 year minimum)]; -STRIKE: S- 7, 19, 27, 28, 33; V- 7, 8, 9; J- 3, 18, 21	1,000,000	
186.22(b)(4)(C)	P	ENH	7 to Life	Gang Enhancement for Specified Crimes 519, 136.1 (7 year minimum) -STRIKE: S- 7, 28, 37; V- 7, 19, 20; J- 19, 21	1,000,000	
186.22(b)(5)	P	ENH	15 to Life	Gang Conviction for Life Crime -STRIKE: S- 7, 28; V- 7; J- 21	1,000,000	
186.22(d)*	P	APE	1–2–3	Provides alternate sentencing treatment of charged Misdemeanor - [Elevated misdemeanor is not strike. (People v. Ulloa (2009) 175 Cal. App. 4th 405.)]	15,000 (5,000)	
186.22(d)*	P	APE	1–2–3	Provides alternate sentencing treatment of charged Felony -STRIKE: S- 28	15,000 (5,000)	
186.26(a)	P		16–2–3	Soliciting or Recruiting Person to Participate in Criminal Street Gang	20,000	
186.26(b)	P		2–3–4	Use of Threats of Physical Violence on Two or More Occasions w/in 30 Day Period to Coerce, Induce, or Solicit Another Person to Participate in Criminal Street Gang	30,000	
186.26(c)	P		3–4–5	Use of Physical Violence to Coerce, Induce or Solicit Another Person to Participate in Criminal Street Gang or to Prevent Person from Leaving Gang	40,000	
186.26(d)	P	ENH	3 years	Soliciting, Recruiting, Coercing, or Threatening Minor to Participate in Criminal Street Gang Activity in Violation of PC§186.26(a), (b), or (c)	50,000	
186.28(a)*	H		16–2–3	Supplying or Selling of Firearm for Use in Commission of Felony by Criminal Street Gang Member	30,000 (15,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
186.33(b)(1)	P	ENH	16–2–3	Failure to Register by Defendant Subsequently Convicted of Gang-Related Crime	10,000	
187 [2nd]	P		15 to Life	Second Degree Murder - Penalty -STRIKE: S- 1, 7; V- 1, 7; J- 1	1,000,000	
187 [1st]	P		25 to Life	First Degree Murder -Premeditated and Deliberate -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
187 [Sp Circ]	P		Life / Death	Murder - w/Special Circumstance -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
187(a) [2nd]	P		15 to Life	Second Degree Murder - Penalty -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
187(a) [1st]	P		25 to Life	First Degree Murder -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
187(a) [Sp Circ]	P		Life / Death	Murder - w/Special Circumstance -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
189	P		25 to Life	First Degree Murder - Defined -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(a) [1st]	P		25 to Life	First Degree Murder - Penalty -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(a) [2nd]	P		15 to Life	Second Degree Murder - Penalty -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(b)	P		25 to Life	Second Degree Murder of Peace Officer -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
190(c)	P		Life w/o Parole	Second Degree Murder of Peace Officer under specified conditions. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(1)	P		Life w/o Parole	Second Degree Murder of Peace Officer Intent to Kill. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(2)	P		Life w/o Parole	Second Degree Murder of Peace Officer - Intent to Inflict GBI. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(3)	P		Life w/o Parole	Second Degree Murder of Peace Officer - Used Deadly Weapon . -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(c)(4)	P		Life w/o Parole	Second Degree Murder of Peace Officer - Used Firearm. -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	No Bail	
190(d)	P		20 to Life	Second Degree Murder by Drive-by Shooting -STRIKE: S- 1, 7, 42; V- 1, 7; J- 1	1,000,000	
191.5(a)	P		4–6–10	Gross Vehicular Manslaughter while Intoxicated [Punish: §191.5(c)(1)] -STRIKE: S- 8, 23	200,000	
191.5(b)*	H		16–2–4	“Ordinary” Vehicular manslaughter while intoxicated without gross negligence [Punish: §191.5(c)(2)] -STRIKE: S- 8	50,000 (25,000)	
191.5(c)(1)	P		4–6–10	Penalty for 191.5(a) Gross Vehicular Manslaughter While Intoxicated unless 191.5(d) applies -STRIKE: S- 8, 23	200,000	
191.5(c)(2)*	H		16–2–4	Penalty for 191.5(b) “Ordinary” Vehicular Manslaughter While Intoxicated. -STRIKE: S- 8	50,000 (25,000)	
191.5(d)	P	APE	15 to Life	Penalty Gross Vehicular Manslaughter while Intoxicated (191.5(a)) with specified Prior Convictions -STRIKE: S- 7; V- 7	1,000,000	
192(a)	P		3–6–11	Manslaughter - Voluntary [Punish: §193(a)] -STRIKE: S- 1; V- 1; J- 30	200,000	

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
192(b)	H		2–3–4	Manslaughter - Involuntary - [Punish: §193(b) -1170(h)] -STRIKE: S- 8	50,000	
192(c)(1)*	P		2–4–6	Gross Vehicular Manslaughter [Punish: §193(c)(1)] -STRIKE: S- 8, 23	50,000 (25,000)	
192(c)(2) (Misdo)			1 Year	“Ordinary” Vehicular Manslaughter - Driving Vehicle w/o Gross Negligence [Punish: §193(c)(2)]	(10,000)	
192(c)(3)*	P		4–6–10	Vehicular Manslaughter During Violation of PC 550 (Insurance Fraud) [Punish: §193(c)(3)] -STRIKE: S- 8, 23	200,000 (50,000)	
192.5(a)	P		4–6–10	Gross Vessel Manslaughter While Intoxicated [Punish: §193.5(a)] -STRIKE: S- 8, 23	200,000	
192.5(b)*	H		16–2–4	“Ordinary” Vessel Manslaughter While Intoxicated w/o Gross Negligence [Punish: §193.5(b) -1170(h)] -STRIKE: S- 8, 23	50,000 (25,000)	
192.5(c)*	P		2–4–6	Gross Vessel Manslaughter Without Intoxication [Punish: §193.5(c)] -STRIKE: S- 8, 23	50,000 (25,000)	
192.5(d)			1 year	“Ordinary” Vessel Manslaughter Without Intoxication [Punish: §193(d)]	(10,000)	
192.5(e)	P	ENH	5 years	Vessel “hit and run” after committing a violation of §§192.5 (a), (b), or (c)	50,000	
203	P		2–4–8	Mayhem -STRIKE: S- 2; V- 2	100,000	
205	P		LIFE	Aggravated Mayhem (Life) -STRIKE: S- 2, 7, 39; V- 2, 7; J- 24	1,000,000	
206	P		LIFE	Torture -STRIKE: S- 7, 39; V- 7; J- 23	1,000,000	
207(a)	P		3–5–8	Kidnapping -STRIKE: S- 20; V- 14	100,000	
207(b)	P		5–8–11	Entice or hire, etc., Victim under 14 for 288 purpose -STRIKE: S- 20; V- 14	350,000	
207(c)	P		3–5–8	Kidnapping (Take out of State) -STRIKE: S- 20; V- 14	100,000	
207(d)	P		3–5–8	Kidnapping by force or fraud out-of-state and bringing person into CA -STRIKE: S- 20; V- 14	100,000	
208(b)	P		5–8–11	Kidnap Victim under 14 -STRIKE: S- 20; V- 14	200,000	
209(a)	P		Life w/o Parole	Kidnapping for Ransom or Extortion [Life if no bodily harm] -STRIKE: S- 7, 20, 39; V- 7, 14; J- 9	No Bail	
209(b)	P		Life	Kidnapping for Robbery or Specified Sex Crime, -STRIKE: S- 7, 20, 39; V- 7, 14; J- 9	1,000,000	
209(b)(1)	P		Life	Kidnapping for Robbery or Specified Sex Crime -STRIKE: S- 7, 20, 39; V- 7, 14; J- 9	1,000,000	
209.5	P		Life	Kidnapping During a Car jacking -STRIKE: S- 7, 20; V- 7, 14; J- 27	1,000,000	
209.5(a)	P		Life	Kidnapping During a Car jacking -STRIKE: S- 7, 20; V- 7, 14; J- 27	1,000,000	
210	P		2–3–4	Posing as kidnapper to extort	20,000	
210.5	H		3–5–8	False Imprisonment to Evade Arrest	100,000	
211	P		2–3–5	Robbery 2nd Degree (per 213(a)(2)) -STRIKE: S- 19; V- 9; J- 3	40,000	
212.5(a)	P		3–4–6	Robbery 1st Degree (per 213(a)(1)(B)) -STRIKE: S- 19; V- 9; J- 3	75,000	
212.5(b)	P		3–4–6	Robbery first degree (ATM) -STRIKE: S- 19; V- 9; J- 3	75,000	

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
213(a)(1)(A)	P		3–6–9	Robbery of Inhabited Dwelling in Concert with 2 or More Persons -STRIKE: S- 19; V- 9; J- 3	100,000	
213(b)	P		16–2–3	Attempted second degree robbery -STRIKE: S- 19, 39	40,000	
214	P		16–2–3	Train robbery -STRIKE: S- 19; V- 9	75,000	
215	P		3–5–9	Car jacking -STRIKE: S- 27; V- 17	100,000	
215(a)	P		3–5–9	Car jacking -STRIKE: S- 27; V- 17	100,000	
217.1(a)	H		16–2–3	Assault on Government Official	10,000	
217.1(b)	P		15 to Life	Attempted Murder of Government Official -STRIKE: S- 7, 9; V- 7; J- 12	1,000,000	
218	P		Life w/o Parole	Derailing or Wrecking of a Train -STRIKE: S- 7; V- 7	No Bail	
218.1*	H		2–3–4	Places obstruction on or near RR tracks resulting in train damage or derailment or injury to passenger or RR employee	100,000 (25,000)	
219	P		Death or LWOP	Intentional Trainwrecking (Life with parole if no death caused) -STRIKE: S- 7; V- 7	No Bail	
219.1	H		2–4–6	Intentional Throwing of Rocks or Missiles at Common Carrier With Bodily Injury	50,000	
219.2*	P		16–2–3	Throwing Missile or Shooting at Train or Other Conveyance	10,000 (5,000)	
220(a)(1)	P		2–4–6	Assault with Intent to Commit Mayhem, Rape, Sodomy, Oral Copulation, or Any Violation of PC Sections 264.1, 288 or 289 -STRIKE: S- 10, 29, 39; V- 15 [Note: Bail is the greater of either 1. Bail for attempt to commit the target offense or, 2. \$100,000. If no single target crime is specified, bail is \$100,000.]	Same rules as §664(a) but no less than 100,000 [See Note]	
220(a)(2)	P		5–7–9	Assault on a person under 18 years w/ intent to commit rape, sodomy, oral copulation or any violation of 264.1, 288, or 289 -STRIKE: S- 10, 29, 39; V- 15 [Note: Bail is the greater of either 1. Bail for attempt to commit the target offense or, 2. \$200,000. If no single target crime is specified, bail is \$200,000.]	Same rules as §664(a) but no less than 200,000 [See Note]	
220(b)	P		Life	Residential burglary + Assault w/itc rape, sodomy, oral copulation or any violation of 264.1, 288, or 289 -STRIKE: S- 7, 10, 18, 29, 39; V- 7, 15	1,000,000	
222	P		16–2–3	Administering Drugs to Aid Felony	10,000	
236**	H		16–2–3	False Imprisonment [APE: False imprisonment by force or fear. The felony is not a wobbler.] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless the false imprisonment was accomplished by force or violence. Upon fresh arrest, if the APE applies, bail must be set at the felony amount.]	10,000** (5,000) [Felony bail only if APE applies]	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
236.1(a)	P		3–4–5	False Imprisonment - Human Trafficking- Intent to effect or maintain a felony violation of Section 266, 266h, 266i, 267, 311.4, or 518, or to obtain forced labor or services	40,000	
236.1(c)	P		4–6–8	False Imprisonment - Human Trafficking - Under 18	100,000	
237(a)	H		16–2–3	False Imprisonment by Violence/Menace/Fraud/Deceit	20,000	
237(b)	H		2–3–4	False Imprisonment of Elder or Dependent Adult by Violence/Menace/Fraud/Deceit	30,000	
241(a) (Misdo)			6 Months	Simple Assault- Punishment	(3,500)	
241(b) (Misdo)			6 Months	Assault on a Parking Control Officer	(5,000)	
241(c) (Misdo)			1 Year	Assault on a Peace Officer or Emergency Personnel	(5,000)	
241.1 *	H		16–2–3	Assault on a Custodial Officer	10,000 (5,000)	
243(c)(1)*	H		16–2–3	Battery on a Emergency Personnel, Non Sworn Officer, Custodial Officer, etc	10,000 (7,500)	
243(c)(2)*	H		16–2–3	Battery on a Sworn Peace Officer	10,000 (7,500)	
243(d)*	H		2–3–4	Battery with Serious Bodily Injury -STRIKE: S- 8	20,000 (10,000)	
243(e)(1) (Misdo)			1 year	Battery on a Spouse or Cohabitant	(5,000)	
243.1	H		16–2–3	Battery on a Custodial Officer	10,000	
243.3*	P		16–2–3	Battery on a public transit employee or passenger causing injury	10,000 (5,000)	
243.4(a)*	P		2–3–4	Sexual Battery	30,000 (10,000)	
243.4(b)*	P		2–3–4	Sexual Battery	30,000 (10,000)	
243.4(c)*	P		2–3–4	Sexual Battery	30,000 (10,000)	
243.4(d)*	P		2–3–4	Sexual Battery	30,000 (10,000)	
243.4(e)(1) (Misdo)			1 year	Sexual Battery	(7,500)	
243.4(j)	P		2–3–4	Sexual Battery on minor	30,000	
243.7*	P		16–2–3	Battery against juror or alternate juror by a party	50,000 (25,000)	
243.9(a)*	P		2–3–4	Battery committed by gassing in a local detention facility upon a peace officer or employee	20,000 (10,000)	
244	P		2–3–4	Assault with Chemicals -STRIKE: S- 30	30,000	
244.5(b)*	H		16–2–3	Assault with Stun Gun or Less Lethal Weapon	10,000 (5,000)	
244.5(c)*	H		2–3–4	Assault with Stun Gun or Less Lethal Weapon on Police/Fireman -STRIKE: S- 11, 23	30,000 (10,000)	
245(a)(1)*	P		2–3–4	Assault w/Deadly Weapon -STRIKE: S- 31; J- 14	30,000 (10,000)	
245(a)(2)*	P		2–3–4	Assault with a Firearm -STRIKE: S- 31; J- 13, 14	50,000 (15,000)	
245(a)(3)	P		4–8–12	Assault with Machine Gun or Assault Weapon -STRIKE: S- 31; J- 13, 14	200,000	

MONTEREY COUNTY BAIL SCHEDULE

2 0 1 4

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
245(a)(4)*	P		2–3–4	Assault w/ Force Likely to Cause GBI	30,000 (10,000)	
245(b)	P		3–6–9	Assault with Semi-Auto Weapon -STRIKE: S- 31; J- 13, 14	100,000	
245(c)	P		3–4–5	Assault w/Deadly Weapon or Force Likely to Produce GBI upon a Peace Officer or Fireman - STRIKE: S- 11, 31; J- 14	50,000	
245(d)(1)	P		4–6–8	Assault with a Firearm upon a Peace Officer or Fireman -STRIKE: S- 11, 31; J- 13, 14	100,000	
245(d)(2)	P		5–7–9	Assault with a Semi-Auto Rifle upon a Peace Officer or Fireman -STRIKE: S- 11, 31; J- 13, 14	100,000	
245(d)(3)	P		6–9–12	Assault w/Machine Gun or Assault Weapon on Peace Officer/Firefighter -STRIKE: S- 11, 31; J- 13, 14	200,000	
245.2	P		3–4–5	Assault w/Deadly Weapon upon Transportation Worker or Passenger -STRIKE: S- 32; J- 14	40,000	
245.3	P		3–4–5	Assault w/Deadly Weapon upon Custodial Officer -STRIKE: S- 32; J- 14	50,000	
245.5(a)*	P		3–4–5	Assault w/Deadly Weapon upon School Employee -STRIKE: S- 32; J- 14	40,000 (15,000)	
245.5(b)*	P		4–6–8	Assault w/Firearm upon School Employee -STRIKE: S- 32; J- 13, 14	100,000 (25,000)	
245.5(c)*	P		2–3–4	Assault w/ Taser or Stun Gun upon School Employee	30,000 (15,000)	
245.6(d)*	H		3–5–7	Hazing Causing Death or SBI -STRIKE: S- 8	100,000 (25,000)	
246*	P		3–5–7	Shooting at Inhabited Dwelling, Building, Occupied Motor Vehicle -STRIKE: S- 33; J- 15	100,000 (25,000)	
246.3(a)*	H		16–2–3	Discharge of Firearm in Grossly Negligent Manner -STRIKE: S- 8	15,000 (7,500)	
247(a)	P		16–2–3	Discharging Firearm at Unoccupied Aircraft -STRIKE: S- 8	15,000	
247(b)*	P		16–2–3	Discharging Firearm at Unoccupied Vehicle or Uninhabited Dwelling House or Uninhabited Building: - STRIKE: S- 8	40,000	
261(a)(1)	P		3–6–8	Rape of Incompetent Victim -STRIKE: S- 3	100,000	
261(a)(2)	P		3–6–8	Rape of Victim by Force, Violence, Duress, Menace, or Fear of Bodily Injury -STRIKE: S- 3; V- 3; J- 4 [NOTE: PC 292 crime.]	100,000	
261(a)(3)	P		3–6–8	Rape of Victim Overcome by Intoxicant -STRIKE: S- 3	100,000	
261(a)(4)	P		3–6–8	Rape of Victim Unconscious of Act -STRIKE: S- 3	100,000	
261(a)(5)	P		3–6–8	Rape by Victim's Belief That Rapist Is Spouse -STRIKE: S- 3	100,000	
261(a)(6)	P		3–6–8	Rape Accomplished Through Threat of Future Retaliation -STRIKE: S- 3; V- 3 [NOTE: PC 292 crime.] [NOTE: PC 292 crime.]	100,000	
261(a)(7)	P		3–6–8	Rape Accomplished by Threat of Use of Authority of Public Official to Incarcerate, Arrest or Deport Victim -STRIKE: S- 3	100,000	
261.5(c)*	H		16–2–3	Unlawful Sexual Intercourse with Minor More than 3 Years Younger than Defendant	15,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
261.5(d)*	H		2–3–4	Unlawful Sexual Intercourse with Minor under 16 by Defendant over 21	30,000 (15,000)	
262(a)(1)	P		3–6–8	Rape of Spouse by Force, Violence, Duress, Menace, or Fear of Bodily Injury -STRIKE: S- 3; V- 3 [NOTE: PC 292 crime.]	100,000	
262(a)(2)	P		3–6–8	Rape of Spouse Overcome by Intoxicant -STRIKE: S- 3	100,000	
262(a)(3)	P		3–6–8	Rape of Spouse Unconscious of Act -STRIKE: S- 3	100,000	
262(a)(4)	P		3–6–8	Rape of Spouse Accomplished Through Threat of Future Retaliation -STRIKE: S- 3; V- 3 [NOTE: PC 292 crime.]	100,000	
262(a)(5)	P		3–6–8	Rape of Spouse Accomplished by Threat of Use of Authority of Public Official to Incarcerate, Arrest, or Deport Victim -STRIKE: S- 3	100,000	
264(c)(1)	P		9–11–13	Violent rape (261(a)(2)) of child under 14 -STRIKE: S- 3, 6; V- 3, 6 [NOTE: PC 292 crime.]	400,000	
264(c)(2)	P		7–9–11	Violent rape (261(a)(2)) of child 14 or older -STRIKE: S- 3, 6; V- 3, 6 [NOTE: PC 292 crime.]	300,000	
264.1(a)	P		5–7–9	Rape in Concert (261, 262, 289) with Force & Violence -STRIKE: S- 3, 25, 34; V- 3, 11, 18; J- 8 [NOTE: PC 292 crime.]	125,000	
264.1(b)(1)	P		10–12 -14	Rape of child < 14 years (all theories), in concert by force or violence (261, 262, 289) -STRIKE: S- 6, 34; V- 6, 18; J- 6 [NOTE: PC 292 crime.]	500,000	
264.1(b)(2)	P		7–9 -11	Rape of minor 14 years or older (all theories), in concert by force or violence -STRIKE: S- 3, 34; V- 18 [NOTE: PC 292 crime.]	350,000	
266a	P		16–2–3	Procurement for prostitution by force or fraud	10,000	
266b	H		16–2–3	Compelling an illicit relationship by force or fear	10,000	
266c*	P		2–3–4	Inducing commission of sexual act through false representation creating fear	20,000 (10,000)	
266d	P		16–2–3	Paid procuring of person for cohabitation	10,000	
266f	P		16–2–3	Selling prostitute	10,000	
266g	H		2–3–4	Prostituting wife	20,000	
266h(a)	P		3–4–6	Pimping	50,000	
266h(b)(1)	P		3–4–6	Pimping - V= 16+	50,000	
266h(b)(2)	P		3–6–8	Pimping - V < 16	100,000	
266i(a)	P		3–4–6	Pandering	50,000	
266i(a)(1)	P		3–4–6	Pandering- Procure Person for Prostitution	50,000	
266i(a)(2)	P		3–4–6	Pandering- Persuade or Encourage Person to Become Prostitute	50,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
266i(a)(3)	P		3–4–6	Pandering- Procures Place in House of Prostitution for Person	50,000	
266i(a)(4)	P		3–4–6	Pandering- Persuade or Encourage Person to Remain in House of Prostitution	50,000	
266i(a)(5)	P		3–4–6	Pandering- By Fraud or Other Means, Procures Person for Prostitution, to Enter House of Prostitution, or to Enter or Leave State for Prostitution	50,000	
266i(a)(6)	P		3–4–6	Pandering- Pays Person to Procure Another for Prostitution	50,000	
266i(b)(1)	P		3–6–8	Pandering - V minor 16+	50,000	
266i(b)(2)	P		3–6–8	Pandering - V < 16	100,000	
266j	P		3–6–8	Transport Minor under Age 16 for Lewd & Lascivious Act/Cause Minor to Perform Act	100,000	
267	P		16–2–3	Abduction of Minor for Prostitution	75,000	
269(a)	P		15 to Life	Aggravated Sexual Assault - Child < 14 -STRIKE: S- 6, 7; V- 6, 7	1,000,000	
269(a)(1)	P		15 to Life	Aggravated Sexual Assault - Child < 14- Rape 261(a)(2) or (6) -STRIKE: S- 6, 7; V- 6, 7	1,000,000	
269(a)(2)	P		15 to Life	Aggravated Sexual Assault - Child < 14- Rape or Sexual Penetration In Concert 264.1 -STRIKE: S- 6, 7; V- 6, 7	1,000,000	
269(a)(3)	P		15 to Life	Aggravated Sexual Assault - Child < 14- Sodomy 286(c)(2) or (3); 286(d) -STRIKE: S- 6, 7; V- 6, 7	1,000,000	
269(a)(4)	P		15 to Life	Aggravated Sexual Assault - Child < 14- Sexual Penetration 289(a) -STRIKE: S- 6, 7; V- 6, 7	1,000,000	
269(a)(5)	P		15 to Life	Aggravated Sexual Assault Against a Child -STRIKE: S- 6, 7; V- 6, 7	1,000,000	
271*	H		16–2–3	Child Abandonment (Under Age 14)	10,000 (5,000)	
272(a)(1) (Misdo)			1 Year	Contributing to Delinquency of Minor	(5,000)	
273a(a)*	P		2–4–6	Abusing or Endangering Health of Child	50,000 (20,000)	
273a(b) (Misdo)			6 Months	Abusing or Endangering Health of Child	(7,500)	
273ab(a)	P		15 to Life	Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Death -STRIKE: S- 7; V- 7	1,000,000	
273ab(b)	P		Life	Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Comatose State or Permanent Paralysis -STRIKE: S- 7; V- 7	1,000,000	
273d(a)*	H		2–4–6	Child Beating	50,000 (10,000)	
273d(b)	H	ENH	4 years	Prior Conviction of Inflicting Traumatic Injury on Child with Current Conviction of Same Offense	40,000	
273.4(a)	P	ENH	1 year	Felony Conviction of PC §273a(a) Involving Female Genital Mutilation - STRIKE: S- 8	25,000	
273.5(a)*	P		2–3–4	Corporal Injury of Spouse, Former Spouse, Cohabitant, or Former Cohabitant, or Mother or Father of His or Her Child	20,000 (7,500)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
273.5(e)(1)*	P	APE	2–4–5	Inflict Traumatic Injury on Spouse with Prior Conviction of Felony Domestic Violence Crime.	30,000 (17,500)	
273.5(e)(2)*	P	APE	2–3–4	Inflict Traumatic Injury on Spouse with Prior Conviction of Misdemeanor Domestic Violence Crime	20,000 (12,500)	
273.6(a) (Misdo)			1 year	Protective Order Violation Pursuant to Family Code and Code of Civil Procedure	(7,500)	
273.6(b) (Misdo)			1 year	Protective Order Violation Pursuant to Family Code and Code of Civil Procedure w/ Injury	(10,000)	
273.6(d)*	H	APE	16–2–3	Protective Order Violation with Prior Conviction w/in 7 Years and “Act of Violence”	40,000 (15,000)	
273.6(e)*	H	APE	16–2–3	Protective Order Violation with Prior Conviction and Same Victim & Physical Injury	40,000 (20,000)	
273.6(g)(1)	P		16–2–3	Purchases or receives a firearm knowing he/she is prohibited from doing so because of a protective order [Penalty under 29825(a)]	50,000	
273.65(d)*	H	APE	16–2–3	Violation of Protective Order with Prior Domestic Violence Conviction.	30,000 (15,000)	
273.65(e)*	H	APE	16–2–3	Violation of Protective Order with Prior Domestic Violence (Resulting in Injury) Conviction	40,000 (15,000)	
278*	H		2–3–4	Child Stealing	20,000 (10,000)	
278.5(a)*	H		16–2–3	Child Stealing in Violation of Custody Order	20,000 (10,000)	
280(b)*	H		16–2–3	Child Concealment Outside of State	40,000 (20,000)	
285	P		16–2–3	Incest	50,000	
286(b)(1)*	P		16–2–3	Sodomy - If Victim under 18	50,000 (20,000)	
286(b)(2)	P		16–2–3	Sodomy - If Victim under 16 & Defendant over 21	75,000	
286(c)(1)	P		3–6–8	Sodomy - If Victim under 14 & Def. More than 10 Years Older than Victim -STRIKE: S- 6; V- 4; J- 5 [NOTE: PC 292 crime.]	300,000	
286(c)(2)(A)	P		3–6–8	Sodomy by Force or Fear -STRIKE: S- 4, 6; V- 4; J- 5 [NOTE: PC 292 crime.]	100,000	
286(c)(2)(B)	P		9–11–13	Sodomy by Force or Fear - V < 14 -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]	300,000	
286(c)(2)(C)	P		7–9–11	Sodomy by Force or Fear - V minor 14 or older -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]	300,000	
286(c)(3)	P		3–6–8	Sodomy by Threat to Retaliate Against Victim or Victim's Family -STRIKE: S- 4; V- 4; J- 5 [NOTE: PC 292 crime.]	100,000	
286(d)(1)	P		5–7–9	Sodomy - If in Concert with Force & Violence -STRIKE: S- 4; V- 4; J- 5 [NOTE: PC 292 crime.]	200,000	
286(d)(2)	P		10–12–14	Sodomy - If in Concert with Force & Violence - (V < 14) -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]	500,000	
286(d)(3)	P		7–9–11	Sodomy - If in Concert with Force & Violence - (V is minor 14 or older) -STRIKE: S- 6, 4; V- 4; J- 5 [NOTE: PC 292 crime.]	300,000	
286(e)*	P		16–2–3	Sodomy - If Committed in Prison or Jail	50,000 (25,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
286(f)	P		3–6–8	Sodomy - If Victim Unconscious of Nature of Act	100,000	
286(g)	P		3–6–8	Sodomy - Victim Incompetent	100,000	
286(h)*	P		16–2–3	Sodomy - Victim Incompetent, Both Confined for Mental Disorder	50,000 (20,000)	
286(i)	P		3–6–8	Sodomy - Of Victim Overcome by Intoxicant	100,000	
286(j)	P		3–6–8	Sodomy - By Victim's Belief That Accused Is Spouse	100,000	
286(k)	P		3–6–8	Sodomy - By Threat to Use Authority of Public Official	100,000	
288(a)	P		3–6–8	Lewd Act with Child under 14 Years -STRIKE: S- 6; V- 6	100,000	
288(b)(1)	P		5–8–10	Lewd Act with Child under 14 Years w/Force -STRIKE: S- 6; V- 6; J- 6 [NOTE: PC 292 crime.]	200,000	
288(b)(2)	P		5–8–10	Forceful Lewd Act by Caretaker w/Dependent Adult -STRIKE: V- 6 [NOTE: PC 292 crime.]	200,000	
288(c)(1)*	P		1–2–3	Lewd and Lascivious Act w/Child 14 or 15 Def. at Least 10 Yrs. Older	25,000 (10,000)	
288(c)(2)*	P		1–2–3	Lewd and Lascivious Act by Caretaker w/Dependent Adult	25,000 (10,000)	
288(i)(1)	P		Life	Lewd or lascivious act upon child < 14 years + def personally inflicted bodily harm -STRIKE: S- 6, 7, 8; V- 7	1,000,000	
288.2(a)*	P		16–2–3	Distribution or Exhibition of Lewd Material to Minor [NOTE: Straight prison-eligible felony w/ prior conviction 288.2(a).]	10,000 (5,000)	
288.2(a) [prior]	P	APE	16–2–3	Distribution or Exhibition of Lewd Material to Minor with prior 288.2(a) conviction	50,000	
288.2(b)*	P		16–2–3	Distribution or Exhibition of Lewd Material to Minor by Electronic Mail/Internet [NOTE: Straight 1170h felony w/ prior conviction 288.2(b).]	25,000 (10,000)	
288.2(b) [prior]	P	APE	16–2–3	Distribution or Exhibition of Lewd Material to Minor by Electronic Mail/Internet with prior 288.2(a) conviction	50,000	
288.3(a)	P		Per 664/crime intended	Contacting or attempting to contact minor intent to commit 207, 209, 261, 264.1, 273a, 286, 288, 288a, 288.2, 289, 311.1, 311.2, 311.4 or 311.11 - Straight felony - Punish in state prison per 664/crime intended. [NOTE: If the defendant is booked / charged under 288.3(a) with no target crime specified, bail is to be set at \$10,000. If a single target crime is identified, bail must be set using the same rules applicable to an attempt to commit the target crime, except bail shall be no less than \$10,000. Bail for 288.3(a) shall not be stacked even if the target crime is a strike, unless a stackable enhancement or other allegation applies.	Same rules as 664(a) but no less than 10,000 [See note]	
288.3(c)	P	ENH	5 years	Enhance if prior conviction of 288.3(a)	100,000	
288.4(a)(1) (Misdo)				Arranging to meet with minor for purposes of engaging in certain lewd or lascivious behavior	(10,000)	
288.4(a)(2)	P		16–2–3	Arranging to meet with minor for purposes of engaging in certain lewd or lascivious behavior + prior specified sex conviction	25,000	

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MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
288.4(b)	P		2–3–4	Person described in (a) goes to arranged meeting place	50,000	
288.5	P		6–12–16	Continuous Sexual Abuse of Child -STRIKE: S- 6, 35; V- 16	500,000	
288.5(a)	P		6–12–16	Continuous Sexual Abuse of Child Under Age of 14 -STRIKE: S- 6, 35; V- 16	500,000	
288.7(a)	P		25 To Life	Person 18 years or older who engages in sexual intercourse or sodomy with child 10 years or younger -STRIKE: S- 6, 7; V- 7	1,000,000	
288.7(b)	P		15 To Life	Person 18 years or older who engages in oral copulation or sexual penetration with child 10 years or under -STRIKE: S- 6, 7; V- 7	1,000,000	
288a(b)(1)*	P		16–2–3	Oral Copulation - If Victim under 18	10,000 (5,000)	
288a(b)(2)	P		16–2–3	Oral Copulation - If Victim under 16 & Def. Over 21	20,000	
288a(c)(1)	P		3–6–8	Oral Copulation - If Victim under 14 & Def. More than 10 Years Older than Victim -STRIKE: S- 6; V- 5 [NOTE: PC 292 crime.]	100,000	
288a(c)(2)(A)	P		3–6–8	Forcible oral copulation -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	100,000	
288a(c)(2)(B)	P		8–10–12	Forcible oral copulation with child < 14 years -STRIKE: S- 6, 5; V- 5; J- 7 [NOTE: PC 292 crime.]	300,000	
288a(c)(2)(C)	P		6–8–10	Forcible oral copulation with minor 14 years or older -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	200,000	
288a(c)(3)	P		3–6–8	Oral Copulation - By Threat of Retaliation -STRIKE: V- 5; J- 7 [NOTE: PC 292 crime.]	100,000	
288a(d)(1)	P		5–7–9	Oral Copulation - If in Concert with Force and Violence, etc. -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	125,000	
288a(d)(1)(1)	P		5–7–9	Oral Copulation - in Concert -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	125,000	
288a(d)(1)(2)	P		5–7–9	Oral Copulation - Threaten retaliation -STRIKE: V- 5; J- 7 [NOTE: PC 292 crime.]	125,000	
288a(d)(1)(3)	P		5–7–9	Oral Copulation - in Concert with V who is unable to legally consent - -STRIKE: S- 6; V- 5; [NOTE: PC 292 crime.]	125,000	
288a(d)(2)	P		10–12–14	Forcible oral copulation with child < 14 years, in concert -STRIKE: S- 6; V- 5; J- 7 [NOTE: PC 292 crime.]	500,000	
288a(d)(3)	P		8–10–12	Forcible oral copulation with minor 14 years or older, in concert -STRIKE: S- 5; V- 5; J- 7 [NOTE: PC 292 crime.]	300,000	
288a(e)*	P		16–2–3	Oral Copulation - If Committed in S.P. or C.J.	50,000 (20,000)	
288a(f)	P		3–6–8	Oral Copulation - If Victim Unconscious of Nature of Act	100,000	
288a(g)	P		3–6–8	Oral Copulation - If Victim Incompetent	100,000	
288a(h)*	P		16–2–3	Oral Copulation - If Victim Incompetent, Both Confined for Mental Disorder	50,000 (20,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
288a(i)	P		3–6–8	Oral Copulation - If Victim Overcome by Intoxicant	100,000	
288a(j)	P		3–6–8	Oral Copulation - By Victim's Belief That Accused is Spouse	100,000	
288a(k)	P		3–6–8	Oral Copulation - By Threat to Use Authority of Public Official	100,000	
289(a)(1)(A)	P		3–6–8	Forcible Penetration by Foreign Object -STRIKE: S- 25; V- 11; J- 8 [NOTE: PC 292 crime.]	100,000	
289(a)(1)(B)	P		8–10–12	Forcible sexual penetration of child < 14 years -STRIKE: S- 25, 6; V- 11; J- 8 [NOTE: PC 292 crime.]	300,000	
289(a)(1)(C)	P		6–8–10	Forcible sexual penetration of minor 14 years or older -STRIKE: S- 25; V- 11; J- 8 [NOTE: PC 292 crime.]	200,000	
289(a)(2)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object by Threat of Retaliation -STRIKE: S- 25; V- 11; J- 8 [NOTE: PC 292 crime.]	100,000	
289(b)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim Incompetent	100,000	
289(c)*	P		16–2–3	Sexual Penetration w/Foreign or Unknown Object, Victim Incompetent, Both Confined for Mental Disorder	50,000 (20,000)	
289(d)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim Unconscious	100,000	
289(e)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim Overcome by Intoxicant	100,000	
289(f)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, by Victim's Belief That Accused Is Spouse	100,000	
289(g)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, by Threat to Use Authority of Public Official	100,000	
289(h)*	P		16–2–3	Sexual Penetration w/Foreign or Unknown Object, Victim under 18	50,000 (20,000)	
289(i)	P		16–2–3	Sexual Penetration w/Foreign or Unknown Object, Victim under 16, Def over 21	100,000	
289(j)	P		3–6–8	Sexual Penetration w/Foreign or Unknown Object, Victim under 14, Def 10 Years Older - STRIKE: S- 6; V- 11	100,000	
289.5(d)	P	ENH	2 years	Commission of Designated Felony Sex Offense Committed after Fleeing to California to Avoid Prosecution for Sex Offense in Another State	20,000	
289.6(a)(1)**	P		6 Months	Employee of Public Health Facility Engaging in Unaggravated Sexual Activity (per subd. (g)) [APE = Prior Conviction (Penalty per subdiv. (i)); The felony is not a wobbler (16–2–3)] [NOTE: This is an APE Crime. Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has a prior conviction, bail must be set at the felony amount.]	100,000** (20,000) [Felony bail only if the APE applies]	
289.6(a)(1) [APE]	P	APE	16–2–3	Prior conviction re - Employee of Public Health Facility Engaging in Unaggravated Sexual Activity (per subd. (g))		

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
289.6(a)(2)**	P		6 Months	Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate APE1 = Aggravated sexual conduct (see sub.div (d)(1-4)) APE2 = Prior Conviction (subdiv. (i)); The felony is not a wobbler (16–2–3) [NOTE: This is an APE Crime. Bail must be set at the misdemeanor amount unless an APE applies. If either APE applies, bail must be set at the felony amount.]	100,000** (20,000) [Felony bail only if an APE applies]	
289.6(a)(2) [APE]	P	APE	16–2–3	Aggravated Sexual Conduct or Prior Conviction re - Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate		
289.6(a)(3) **	P		6 Months	Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity with With Adult Inmate APE1 = Aggravated sexual conduct (see sub.div. (d)(1-4)) APE2 = Prior Conviction (see subdiv. (i)); The felony is not a wobbler (16–2–3) [NOTE: This is an APE Crime. Bail must be set at the misdemeanor amount unless the APE applies. If either APE applies, bail must be set at the felony amount.]	100,000** (20,000) [Felony bail only if an APE applies]	
289.6(a)(3) [APE]	P	APE	16–2–3	Aggravated Sexual Conduct or Prior Conviction re - Employee of Public Detention Facility Engaging in Unaggravated Consensual Sexual Activity With Adult Inmate		
290.018(a)			1 year	Failing to register based upon misdemeanor conviction or juvenile adjudication.	(10,000)	
290.018(b)	P	APE	16–2–3	Failing to register based upon felony conviction or juvenile adjudication, OR with a prior conviction for failing to register	10,000	
290.018(d)**			1 year	Failing to register based as an MDSO or found NGI of registrable offense [APE = Prior Conviction; The felony is not a wobbler (16–2–3)] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has a prior registration conviction, bail must be set at the felony amount.]	30,000** (10,000) [Felony bail only if the APE applies]	
290.018(d) [APE]	P	APE	1 year	Failing to register based as an MDSO or found NGI of registrable offense with prior conviction of 290.018		
290.018(f)*	P	APE	16–2–3	Failing to register as a sexually violent predator	20,000 (10,000)	
290.018(g)**			6 months	Transient who fails to register per 290.011 based upon registrable conviction (other than as an SVP) or juvenile adjudication [APE = 2 prior convictions. The felony is a wobbler (16–2–3) / 1 year]. [NOTE: This is an <u>APE Crime</u> . . Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has 2 prior convictions, bail must be set at the felony amount.]	30,000** (5,000) [Felony bail only if the APE applies]	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
290.018(g) [APE]	P	APE	16–2–3	Transient who fails to register per 290.011 based upon registrable conviction (other than as an SVP) or juvenile adjudication with two prior convictions		
290.4(c)(1)	H	ENH	5 years	Use of registration information to commit a felony	40,000	
290.45(e)(1)	H	ENH	5 years	Use of DOJ 290 Information to Commit Felony	40,000	
290.46(j)(2)	H	ENH	5 years	Use of registration information on the Internet to commit a felony	40,000	
298.2	P		2–3–4	Tampering with DNA Samples	30,000	
311.1(a)*	P		16–2–3	Sale or Distribution of Obscene Material Depicting Minors	15,000 (7,500)	
311.2(b)	P		2–3–6	Sends or imports into the state, possesses, duplicates or distributes child pornography for commercial purposes	100,000	
311.2(c)*	P		16–2–3	Sale or Distribution of Obscene to Adult of Material Depicting Sexual Conduct by Minor	15,000 (7,500)	
311.2(d)	P		16–2–3	Sale or Distribution of Obscene to Minor of Material Depicting Sexual Conduct by Minor	15,000	
311.3(a)**	P		1 year	Sexual Exploitation of Minor under 18 [APE = Prior 311.3 Conviction. The felony is not a wobbler - (16–2–3)] [NOTE: This is an <u>APE Crime</u> . . Bail must be set at the misdemeanor amount unless the APE applies. If the defendant has a prior registration conviction, bail must be set at the felony amount.]	100,000** (10,000) [Felony bail only if the APE applies]	
311.4(a)*	P		16–2–3	Knowingly uses minor to assist in distribution of child porn or any act described in § 311.2	10,000 (5,000)	
311.4(b)	P		3–6–8	Involving Minor under 18 in Obscene Film or Performance	100,000	
311.4(c)	P		16–2–3	Involving Minor under Age 18 in Posing or Modeling Involving Sexual Conduct	15,000	
311.9(a)	H		16–2–3	Violation of PC §311.2(a), (c), (d), or §311.5 with Prior Conviction of PC§313.1	50,000	
311.9(b)	H		16–2–3	Violation of PC§311.4 with Prior Conviction of PC§311.3 or §311.4	15,000	
311.10(a)*	P		2–3–4	Advertising or Distributing Obscene Material Depicting Minor under 18	30,000 (10,000)	
311.11(a)*	P		16–2–3	Possession of Matter Depicting Sexual Conduct of Child under 18	20,000	
311.11(b)	P	APE	2–4–6	Possession of Matter Depicting Sexual Conduct of Child under 18 with Prior Conviction	50,000	
314.1**	P		6 months	Indecent Exposure APE 1: Defendant has a prior 288 or 314(1) conviction. (Felony: Not wobbler; 16–2–3) APE 2: Defendant enters house without consent to commit 314, (Felony: Wobbler; 16–2–3/ 1 year) [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdemeanor amount unless an APE applies. If either APE applies, bail must be set at the felony amount.]	10,000** (5,000) [Felony bail only if any APE applies]	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
314.2 (Misdo)			6 Months	Procure or Encourage Indecent Exposure	(5,000)	
337	P		16–2–3	Receiving “protection money” or granting privileges to carry one or conduct any game prohibited by § 330	10,000	
337a*	P		16–2–3	Bookmaking [- Generic allegation - should choose specific subsection]	5,000 (3,500)	
337a(1)*	P		16–2–3	Bookmaking	5,000 (3,500)	
337a(2)*	P		16–2–3	Bookmaking	5,000 (3,500)	
337a(3)*	P		16–2–3	Bookmaking	5,000 (3,500)	
337a(4)*	P		16–2–3	Bookmaking	5,000 (3,500)	
337a(5)*	P		16–2–3	Bookmaking	5,000 (3,500)	
337a(6)*	P		16–2–3	Bookmaking	5,000 (3,500)	
347(a)(1)	P		2–4–5	Willful Contamination of Food/Drink/Medicine, etc.	40,000	
347(a)(2)	H	ENH	3 years	Using Poison or Harmful Substance That May Cause Death or Does Cause Great Bodily Injury	50,000	
347(b)*	P		16–2–3	Falsely Reporting Contamination of Food/Drink/Medicine, etc.	10,000 (5,000)	
367f(a)	H		3–4–5	Receive, Sell, Promote Transfer Of Or Transfer Human Organs for Transplantation for Profit	40,000	
367f(b)	H		3–4–5	Removal of Human Organs for Transplantation for Profit	40,000	
367g(a)	H		3–4–5	Unauthorized Use or Implantation of Sperm, Ova, or Embryos in Assisted Reproduction Technology	40,000	
367g(b)	H		3–4–5	Unauthorized Use or Implantation of Sperm, Ova, or Embryos in Assisted Reproduction Technology	40,000	
368(b)(1)*	P		2–3–4	Willful Causing Dependent Adult Pain or Suffering	30,000 (10,000)	
368(b)(2)(A)	P	ENH	3 years	Elder or Dependent Adult Abuse Resulting in Great Bodily Injury	50,000	
368(b)(2)(B)	P	ENH	5 years	Elder or Dependent Adult Abuse Resulting in Great Bodily Injury	50,000	
368(b)(3)(A)	P	ENH	5 years	Elder or Dependent Adult Abuse Resulting in Death	100,000	
368(b)(3)(B)	P	ENH	7 years	Elder or Dependent Adult Abuse Resulting in Death	100,000	
368(c) (Misdo)			6 months	Elder Abuse - Physical [NOTE: This is a misdemeanor <u>APE Crime</u> . No effect on bail. APE 1: Prior conviction. (Misdemeanor 1 year)]	(7,500)	
368(d)(1)*	H		2–3–4	Theft or Embezzlement > \$950 of Dependent Adult	20,000 (10,000)	
368(d)(2) (Misdo)	H		1 year	Theft or Embezzlement not < \$951 of Dependent Adult	(7,500)	
368(e)(1)*	H		2–3–4	Theft or Embezzlement > \$950 by Caretaker of Dependent Adult	20,000 (7,500)	
368(e)(2) (Misdo)	H		2–3–4	Theft or Embezzlement not < \$951 by Caretaker of Dependent Adult	(7,500)	

MONTEREY COUNTY BAIL SCHEDULE

2014

Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
374.2(d)**	H		1 year	Malicious Discharge of Harmful Materials into Public Sewer with Prior Conviction APE 1: Defendant has a prior conviction. (Felony: Wobbler; 16–2–3/ 1year) [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdemeanor amount unless an APE applies. If either APE applies, bail must be set at the felony amount.]	20,000** (10,000) [Felony bail only if any APE applies]	
374.8(b)*	H		16–2–3	Unauthorized Deposit of Hazardous Substances	10,000 (5,000)	
375(d)	H		16–2–3	Release Harmful Substance in Public Place Which May Result in Serious Illness or Permanent Injury	10,000	
386(a)	H		2–3–4	Construction or maintenance of knowingly inoperable fire protection system	20,000	
386(b)	H		5–6–7	Construction or maintenance of knowingly inoperable fire protection system resulting in death or GBI	40,000	
399(a)	P		16–2–3	Allowing Vicious Animals at Large Resulting in Death	10,000	
399(b)*	P		16–2–3	Allowing Vicious Animals at Large Resulting in SBI	10,000 (5,000)	
399.5(a)*	H		2–3–4	Failure of Owner to Exercise Ordinary Care with Dog that Bites Person	20,000 (7,500)	
401	P		16–2–3	Aid/Abet Suicide	10,000	
403 (Misdo)			6 Months	Disturbing an Assembly	(3,500)	
404 (Misdo)			1 Year	Riot	(5,000)	
404.6 (Misdo)			1 Year	Incitement to Riot	(5,000)	
404.6(c)*	H		16–2–3	Inciting Riot in State Prison or County Jail Resulting in Serious Bodily Injury	10,000 (5,000)	
405b	H		2–3–4	Lynching	30,000	
406 (Misdo)			6 Months	Rout	(3,500)	
417(a)(1) (Misdo)			6 Months	Brandishing Weapons Not a Firearm	(5,000)	
417(a)(2)(A) (Misdo)			1 year s	Brandishing a Concealable Firearm in Public Place	(7,500)	
417(a)(2)(B) (Misdo)			6 Month	Other Brandishing of a Firearm	(7,500)	
417(b)*	P		16–2–3	Brandishes loaded firearm on the grounds of any day care or recreation center -STRIKE: S- 8; J- 18	50,000 (25,000)	
417(c)*	H		16–2–3	Draw/Exhibit Firearm in a Threatening Manner in Presence of Police -STRIKE: S- 8; J- 18	20,000 (10,000)	
417.3	H		16–2–3	Draw/Exhibit Firearm to Person in Motor Vehicle -STRIKE: S- 8; J- 18	15,000	
417.6(a)*	P		16–2–3	Inflict Serious Bodily Injury During Violation of §417, §417.1, or §417.8 -STRIKE: S- 8, 23; J- 18	30,000 (10,000)	
417.8	P		2–3–4	Draw/Exhibit Deadly Weapon with Intent to Resist Arrest -STRIKE: S- 8, 23	30,000	
422(a)*	P		16–2–3	Terrorist Threats of G.B.I. or Death -STRIKE: S- 38	15,000 (7,500)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
422.7	H		16–2–3	Hate Crime [Generic - select subdivision]	10,000	
422.7(a)	H		16–2–3	Hate Crime- Ability to injure or injury	10,000	
422.7(b)	H		16–2–3	Hate Crime - >\$950 damage	10,000	
422.7(c)	H		16–2–3	Hate Crime - Prior conviction	10,000	
422.75(a)	P	ENH	1–2–3	Committing Felony / Attempting Felony that is Hate Crime	20,000	
422.75(b)	P	ENH	2–3–4	Acting in Concert with Another/Aiding or Abetting Felony Hate Crime	50,000	
422.75(c)	P	AGGF		Hate Crime with Personal Use of Firearm	50,000	
422.75(d)	P	ENH	1 year per conviction	Prior Conviction of Felony Hate Crime with Current Conviction of Felony Hate Crime	50,000	
424	P		2–3–4	Embezzlement or Falsification of Accounts by Public Officers	20,000	
451(a)	P		5–7–9	Arson Causing G.B.I. -STRIKE: S- 14; V- 10; J- 2	100,000	
451(b)	P		3–5–8	Arson, Inhabited Structure -STRIKE: S- 14; V- 10; J- 2	100,000	
451(c)	P		2–4–6	Arson, Structure or Forest Land -STRIKE: S- 14	50,000	
451(d)	P		16–2–3	Arson, Other Property -STRIKE: S- 14	15,000	
451.1(a)	P	ENH	3–4–5	Conviction of Arson under PC§451 and Designated Circumstance (PC§451.1(a)(1)-(5)) Found True -STRIKE: S- 14	40,000	
451.1(a)(1)	P	ENH	3–4–5	PC§451 Conviction with prior 451 or 452 conviction -STRIKE: S- 14	40,000	
451.1(a)(2)	P	ENH	3–4–5	PC§451 Conviction with GBI to emergency personnel -STRIKE: S- 14	40,000	
451.1(a)(3)	P	ENH	3–4–5	PC§451 Conviction with GBI to more than one V -STRIKE: S- 14	40,000	
451.1(a)(4)	P	ENH	3–4–5	PC§451 Conviction with multiple structures -STRIKE: S- 14	40,000	
451.1(a)(5)	P	ENH	3–4–5	PC§451 Conviction with device designed to accelerate fire or delay ignition -STRIKE: S- 14	40,000	
451.5	P		10 to Life	Aggravated Arson -STRIKE: S- 7, 14; V- 7	1,000,000	
452(a)*	P		2–4–6	Recklessly Causing Fire with G.B.I. -STRIKE: S- 8	50,000 (15,000)	
452(b)*	P		2–3–4	Recklessly Causing Fire, Inhabited Structure	30,000 (15,000)	
452(c)*	P		16–2–3	Recklessly Causing Fire, Structure or Forest Land	10,000 (5,000)	
452.1(a)	P	ENH	1–2–3	Felony Conviction of Unlawfully Causing of Fire under PC§452 and Designated Circumstance	40,000	
452.1(a)(1)	P	ENH	1–2–3	Felony Conviction PC§452 & Prior Conviction of 451 or 452	40,000	
452.1(a)(2)	P	ENH	1–2–3	Felony Conviction PC§452 & Emergency Person Suffers GBI	40,000	
452.1(a)(3)	P	ENH	1–2–3	Felony Conviction PC§452 & Multiple GBI Victims	40,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
452.1(a)(4)	P	ENH	1–2–3	Felony Conviction PC§452 & Multiple Structures	40,000	
453(a)*	H		16–2–3	Explosives, Flammable Matter, Possession	15,000 (7,500)	
454(b)	P		5–7–9	Arson by 451(a), (b), or (c) During State of Emergency -STRIKE: S- 14	100,000	
454(b) (other)	P		3–5–7	Arson by 451(d), or 452(a), (b), or (c) During State of Emergency -STRIKE: S- 14	60,000	
455(a)	P		16–2–3	Attempted Arson -STRIKE: S- 39	20,000	
459 [2nd Degree]*	H		16–2–3	Burglary - All Others (PC 461(b))	10,000 (5,000)	
459 [1st Degree]	P		2–4–6	Burglary - Residential or Other 1st Degree Burglary (PC 461(a)) -STRIKE: S- 18	50,000	
463(a)*	H		16–2–3	Looting - Burglary Second Degree During Emergency Resulting from Earthquake, Flood, Fire, Riot, or Other Natural or Manmade Disaster	10,000 (7,500)	
463(b)*	H		16–2–3	Looting - Grand Theft, Other Than of Firearm, During Emergency Resulting from Earthquake, Flood, Fire, Riot, or Other Natural or Unnatural Disaster [No change effected by Prop 47; section defines looting, not grand theft. Cf., robbery per 211.]	10,000 (7,500)	
463(b)* (Firearm)	P		16–2–3	Looting - Grand Theft of Firearm, During Emergency Resulting from Earthquake, Flood, Fire, Riot, or Other Natural or Unnatural Disaster [No change effected by Prop 47; section defines looting, not grand theft. Cf., robbery per 211.]	10,000 (7,500)	
464	H		3–5–7	Burglary with Explosives	60,000	
470a*	H		16–2–3	Forgery or Counterfeiting Driver's License or I.D. Card (Unaffected by Prop 47.)	10,000 (5,000)	
470b*	H		16–2–3	Displaying or Possessing Forged Driver's License or I.D. Card w/Intent to Accomplish a Forgery (Unaffected by Prop 47.)	10,000 (5,000)	
477	H		2–3–4	Counterfeiting gold or silver coin, bullion, bars, lumps, pieces, or nuggets	20,000	
478	H		2–3–4	Counterfeiting: punishment	20,000	
479	H		2–3–4	Counterfeiting of Coin	20,000	
480	H		2–3–4	Making or possessing counterfeit die or apparatus, including computers	20,000	
481*	H		16–2–3	Counterfeiting, forging or altering transportation fare media	10,000 (5,000)	
481.1(a)*	P		16–2–3	Counterfeiting, forging or altering public transportation fare media	10,000 (5,000)	
483.5(a)*	H		16–2–3	Manufacture, Sale, or Transport of Deceptive Identification Document for Fraudulent Use	10,000 (5,000)	
483.5(b) (Misdo)			16–2–3	Manufacture, Sale, or Transport of Deceptive Identification Document for Fraudulent Use	(5,000)	
484c*	H		16–2–3	Embezzlement of Funds for Construction- > \$950	10,000 (5,000)	
484c [Public Funds]	P	APE	16–2–3	Embezzlement of Public Funds for Construction- > \$950	10,000	
484e(a)*	H		16–2–3	Fraudulent acquisition, use, or transfer of access cards	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
484e(b)*	H		16–2–3	Fraudulent acquisition, use, or transfer of access cards	10,000 (5,000)	
484e(d)*	H		16–2–3	Fraudulent acquisition, use, or transfer of access cards	10,000 (5,000)	
484f(a)*	H		16–2–3	Counterfeit access card	10,000 (5,000)	
484f(b)*	H		16–2–3	Signs Name Without Cardholder Consent	10,000 (5,000)	
484g*	H		16–2–3	Credit Card Obtained in Violation of PC 484(e) or Forged Card; Used for Obtaining Anything of Value (If Value of Goods, etc., Received > \$950 in Consecutive 6 Month Period)	10,000 (5,000)	
484h(a)*	H		16–2–3	Credit Card, Fraudulent - Merchant Furnishing Goods w/Knowledge (If Payment Received > \$950 in Consecutive 6 Month Period)	10,000 (5,000)	
484h(b)*	H		16–2–3	Credit Card Issuer - Merchant Fraudulently Receiving Payment (If Payment Received for Goods etc., Not Furnished Goods > \$950 in Consecutive 6 Month Period)	10,000 (5,000)	
484i(b)*	H		16–2–3	Altering Access Card Without Consent	10,000 (7,500)	
484i(c)*	H		16–2–3	Possession of Access Card Equipment With Intent to Counterfeit	10,000 (7,500)	
487(a)*	H		16–2–3	Grand Theft (> \$950)	10,000 (5,000)	
487(b)(3)*	H		16–2–3	Grand Theft (Embezzle > \$950 During 12-Month Consecutive Period)	10,000 (5,000)	
487(c)**	H		16–2–3	Grand Theft from Person [As misdo it is punishable up to 6 months per § 490.2.] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless 1. The value of the item obtained > \$950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > \$950 or 2. Prior super strike or 3. Mandatory 290 registrant.] The felony is a wobbler.]	10,000** (10,000) [Felony bail only if any <i>APE</i> applies]	
487(d)(1)**	H		16–2–3	Grand Theft of Auto or Listed Farm Animal [As misdo it is punishable up to 6 months per § 490.2.] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless 1. The value of the item obtained > \$950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > \$950 or 2. Prior super strike or 3. Mandatory 290 registrant.] The felony is a wobbler.]	10,000** (10,000) [Felony bail only if any <i>APE</i> applies]	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
487(d)(2)**	P		16–2–3	Grand Theft of Firearm [As misdo it is punishable up to 6 months per § 490.2.]-As a felony it is a STRIKE: S- 26 and therefore prison eligible. [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless 1. The value of the item obtained > \$950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > \$950 or 2. Prior super strike or 3. Mandatory 290 registrant. The felony is a 6-month wobbler EXCEPT when gun value is > \$950 in which case crime is straight felony unaffected by Prop 47.] NOTE: This is a straight felony if the value of the gun is > \$950 as Prop 47 then has no effect.	20,000** (10,000) [Felony bail only if any APE applies]	
487j*	H		16–2–3	Grand Theft Copper, - Value > \$950	10,000 (5,000)	
489(a)	P		16–2–3	Grand Theft Firearm - punishment -STRIKE: S- 26 [See 487(d)(2) above.]	[See 487(d)(2) above.]	
496(a)**			16–2–3	Receiving Stolen Property [As misdo it is punishable up to 1 year per § 496(a) [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless 1. The value of the item obtained > \$950, or 2. Defendant has a prior Super Strike or 3. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Value > \$950 or 2. Prior super strike or 3. Mandatory 290 registrant.] The felony is a 1-year wobbler.]	10,000** (5,000) [Felony bail only if any APE applies]	
496(b)*	H		16–2–3	Negligent Receipt By Swap-Meet Vendor or Pawn Broker of Stolen Property If Value > \$950 (No change by Prop 47.)	10,000 (5,000)	
496(d)*	H		16–2–3	Attempted 496 (No change by Prop 47.)	10,000 (5,000)	
496d(a)*	H		16–2–3	Buying or receiving stolen vehicle or equipment (No change by Prop 47.)	10,000 (5,000)	
499c*	H		16–2–3	Theft of Trade Secrets	10,000 (5,000)	
499d*	H		16–2–3	Theft of Aircraft	10,000 (5,000)	
502(d)(1)*	H		16–2–3	Malicious Alteration/Destruction of Computer Program/Data	10,000 (5,000)	
502.7(a)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(a)(1)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(a)(2)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(a)(3)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(a)(4)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(a)(5)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

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<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
502.7(b)(1)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(b)(2)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.7(c) (Misdo)			6 months	Fraudulently obtaining telephone or telegraph service	(5,000)	
502.7(d)*	P		16–2–3	Fraudulently obtaining telephone or telegraph service	10,000 (5,000)	
502.8(c)*	P		16–2–3	Possess / Use illegal telecommunications equipment to avoid payment w/ prior 502.8(b) conviction	10,000	
502.8(d)*	P		16–2–3	Possession for sale of illegal telecommunications equipment	10,000 (5,000)	
502.8(e)	P		16–2–3	Possession for sale of 10 or more items of illegal telecommunications equipment	10,000	
502.8(f)	P		16–2–3	Mfg for sale of 10 or more items of illegal telecommunications equipment	10,000	
503*	H		16–2–3	Embezzlement - Value > \$950 or Theft of Item Embezzled Would Constitute Grand Theft	10,000 (5,000)	
504*	P		16–2–3	Embezzlement, Misappropriation by Public Officers	10,000 (5,000)	
504a*	H		16–2–3	Embezzlement, Disposal of Personal Property under Lease - Value > \$950	10,000 (5,000)	
504b*	H		16–2–3	Embezzlement of Proceeds of Sale of Secured Property - Value > \$950	10,000 (5,000)	
505*	H		16–2–3	Embezzlement by Carrier - Value > \$950	10,000 (5,000)	
505 [Public Funds]	P	APE	16–2–3	Embezzlement by Carrier -Public Funds- Value > \$950	10,000	
506*	H		16–2–3	Embezzlement, Misappropriation by Trustee, Contractor - Value > \$950	10,000 (5,000)	
506 [Public Funds]	P	APE	16–2–3	Embezzlement, Public Funds Misappropriation by Trustee, Contractor - Value > \$950	10,000	
514*	H		16–2–3	Embezzlement Penalties	10,000 (5,000)	
514 [Public Funds]	P	APE	16–2–3	Embezzlement of Public Funds	10,000	
518	H		2–3–4	Extortion - Punish per § 520	20,000	
522	H		2–3–4	Extortion, Obtaining Signature by Threats	30,000	
523	H		2–3–4	Extortion, Threatening Letters	30,000	
524*	P		16–2–3	Attempt or threat to extort	10,000 (5,000)	
528	P		16–2–3	Marriage by false personation	10,000	
529(a)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529(a)(1)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529(a)(2)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529(a)(3)*	H		16–2–3	False Personation of Another	10,000 (7,500)	
529.5 (Misdo)			1 Year	Manufacturing, Selling or Offering for Sale False Govt. Issued I.D.	(7,500)	
530*	H		16–2–3	Receiving Money/Property in Assumed Character	10,000 (5,000)	

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MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
530.5(a)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(c)(1) (Misdo)	H		1 year	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	(5,000)	
530.5(c)(2)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(c)(3)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(d)(1)*	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000 (5,000)	
530.5(d)(2)	H		16–2–3	Using Personal Identifying Info of Another to Obtain Credit, Goods, Services, or Medical Information	10,000	
530.5(e) (Misdo)	H		1 year	Mail Theft	(5,000)	
532(a)*	H		16–2–3	Obtaining Money/Credit by False Pretenses Where Value Exceeds \$950 or, Theft of Item Would Otherwise Constitute Grand Theft	10,000 (5,000)	
532a(4)*	H		16–2–3	Making False Financial Statement	10,000 (5,000)	
534	P		16–2–3	Spouse Selling Land/Property by False Pretense	10,000	
537(a)(2)*	P		16–2–3	Defrauding Innkeeper of More than \$950	5,000 (3,500)	
537e(a)(3)*	H		16–2–3	Purchase/Possess/Sell Integrated Circuit with Removed/Altered ID/Serial No. Value > \$950	5,000 (3,500)	
538.5*	H		16–2–3	Fraudulent Use of Wire, Radio, or TV Transmissions	7,500 (5,000)	
548(a)	H		2–3–5	Defrauding Insurer	40,000	
548(b)	H	ENH	2 years	Current 548 Conviction With Prior Defrauding Insurer Related Conviction	40,000	
549*	H		16–2–3	Soliciting Fraudulent Insurance Claims	10,000 (5,000)	
550(a)(1)	H		2–3–5	Insurance Fraud - (False Claim)	40,000	
550(a)(2)	H		2–3–5	Insurance Fraud - (Multiple Claims to Multiple Insurers)	40,000	
550(a)(3)	H		2–3–5	Insurance Fraud - (Participate in False Accident)	40,000	
550(a)(4)	H		2–3–5	Insurance Fraud - (False Claim re Theft, Damage of Vehicle or Contents)	40,000	
550(a)(5)	H		2–3–5	Insurance Fraud - (Make, Prepare, or Subscribe to Any False Written Claim)	40,000	
550(a)(6)*	H		2–3–5	Insurance Fraud > \$950 - (Make False Claim for Health Care Benefit)	40,000 (10,000)	
550(a)(7)*	H		2–3–5	Insurance Fraud > \$950 - (Health Care Claim Not Used For Claimant)	40,000 (10,000)	
550(a)(8)*	H		2–3–5	Insurance Fraud > \$950 - (Multiple Claims For Same Health Care Benefit)	40,000 (10,000)	
550(a)(9)*	H		2–3–5	Insurance Fraud > \$950 - (Failing to Concurrently Present Overcharges for Health Care Benefits When Submitting Undercharges)	40,000 (10,000)	
550(a)(10)	H		2–3–5	Insurance Fraud - (“Claim or Claim For Payment of a Health Care Benefit” Also Means “Claim or Claim for Payment Submitted By or On Behalf of Any Workers Comp Health Care Benefits” per Labor Code)	40,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
550(b)(1)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Present or Cause to Be Presented Any Oral or Written Materially False Statement re Insurance Policy Claim)	40,000 (10,000)	
550(b)(2)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Prepare or Make Any Oral or Written Materially False Statement Intended to Be Presented re Insurance Policy Claim)	40,000 (10,000)	
550(b)(3)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Conceal or Not Disclose Material Fact)	40,000 (10,000)	
550(b)(4)*	H		2–3–5	Assist or Conspire With Another to Commit Insurance Fraud - (Prepare or Make Any False Oral or Written Statement re Domicile of Person Domiciled Out of State Seeking Vehicle Insurance)	40,000 (10,000)	
550(c)(1)	H		2–3–5	Filing Fraudulent or Multiple Insurance Claims	40,000	
550(c)(2)(A)*	H		2–3–5	Filing Fraudulent or Multiple Insurance Claims	40,000 (10,000)	
550(c)(3)*	H		2–3–5	Filing Fraudulent or Multiple Insurance Claims	40,000 (10,000)	
550(g)	H	ENH	2 Years/Person	Per Person Who Suffer GBI In Accident for Purpose of False Insurance Claim -STRIKE: S- 8	20,000	
551(d)*	H		16–2–3	Offering Consideration for Referrals to Auto Repair Dealer or Contractor with Prior Conviction	7,500 (5,000)	
593a(b)	P	ENH	3 Years	Spiking Tree Causing Bodily Injury	50,000	
594(b)(1)*	H		16–2–3	Vandalism of \$400 or More	7,500 (3,500)	
594.3(a)*	H		16–2–3	Church Vandalism or Cemetery	10,000 (5,000)	
594.3(b)	H		16–2–3	Vandalism of Place of Worship or Cemetery Committed for Purpose of Deterring Free Exercise of Religious Beliefs	10,000	
594.7*	P	APE	16–2–3	Vandalism - Two Prior Convictions for P.C. 594	15,000 (7,500)	
594.35*	H		16–2–3	Generic: Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (a)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (b)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (c)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.35 (d)*	H		16–2–3	Vandalism of Mortuary; Disturbing or Obstructing Funeral Service	10,000 (5,000)	
594.4(a)*	H		16–2–3	Defacing, Damaging, or Contaminating Property with Noxious or Caustic Chemical or Substance	10,000 (5,000)	
597(a)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597(b)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597(c)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597(d)*	H		16–2–3	Cruelty to Animals	10,000 (5,000)	
597b(c)*	P	APE	16–2–3	Animal fighting or cock fighting, with prior conviction	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
598c(c)	P		16–2–3	Own, sell, or buy horse for human consumption	10,000	
598d(a)**			2 years	Sale of horsemeat for human consumption [APE = Prior 598d conviction [598d(c).] The felony is not a wobbler (2 to 5 years). If applicable, include the APE bail amount (\$20,000) whether or not 598d(c) is specifically alleged.] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless defendant has a prior 598d conviction. Upon fresh arrest, if defendant has a prior 598d conviction, bail must be set at the felony amount. If applicable, the APE must be included whether or not the specific APE section is alleged]	0** (10,000) [See Note]	
598d(b) (Misdo)		APE	2 years	Sale of horsemeat for human consumption - Misdo Punishment [Note: If the defendant is not booked for or charged with the APE Crime under 598d(a), bail must be set at 10,000]	(0) [See Note]	
598d(c)	P	APE	2 to 5 years	Sale of horsemeat for human consumption with prior (Indeterminate term: 2 to 5 years)	20,000	
600(a)*	H		16–2–3	Inflicting Serious Injury on Police Horse or Dog	10,000 (5,000)	
600(d)	P	ENH	2 years	Violates 600(a) and intentionally inflicts GBI on any person -STRIKE: S- 8; V- 8	50,000	
601(a)*	H		16–2–3	Trespass Consisting of Credible Threat to Cause Serious Bodily Injury and Unlawful Entry Into Residence or Onto Contiguous Property Within 30 Days of the Threat With Intent to Execute Threat	10,000 (5,000)	
602.5(b) (Misdo)	H		1 year	Aggravated Trespass	(5,000)	
625b(b)*	H		16–2–3	Tampering with Aircraft	10,000 (5,000)	
625c	P		16–2–3	Tampering with Transit Vehicle with Intent to Cause GBI	50,000	
626.9(b)	H		2–3–5	Possess Firearm In “School Zone” (On or Within 1000 Feet of School Grounds) [NOTE: This is a 1-yeqr wobbler only if punished under 626.9(f)(2)(B)*]	40,000	
626.9(d)	H		3–5–7	Discharging or Attempted Discharge of Firearm with Reckless Disregard of Safety of Others In “School Zone” (On or Within 1,000 Feet of School Grounds) -STRIKE: S- 8, 39	60,000	
626.9(f)(1)	H		2–3–5	Possess Firearm on School Grounds	40,000	
626.9(f)(2)(A)(i)	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - Prior Conviction for Felony or Firearms Offense Listed in 16580	40,000	
626.9(f)(2)(A)(ii)	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - Prohibited Persons	40,000	
626.9(f)(2)(A)(iii)	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - Concealable Firearm	40,000	
626.9(f)(2)(B)*	H		2–3–5	Possess Firearm Within 1000 Feet of School Grounds - If Not Punished Under 626.9(f)(2)(A)	40,000 (15,000)	
626.9(f)(3)	H		3–5–7	Discharging or Attempted Discharge of Firearm with Reckless Disregard of Safety of Others In “School Zone” (On or Within 1,000 Feet of School Grounds) -STRIKE: S- 8, 39	60,000	
626.9(h)	H		2–3–4	Bring or Possess Loaded Firearm on Public or Private College Grounds	30,000	
626.9(i)	H		1–2–3	Bring or Possesses Firearm on Public or Private College Grounds	30,000	

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MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
626.95(a)*	H		1–2–3	Violates PC §§ 417(a)(2) or (b), 12015 [25400] or 12031 [25850] Upon a Playground or Youth Center	20,000 (10,000)	
626.10(a)(1)*	H		16–2–3	Bring/Possess Weapon (not Firearm) on Public or Private School Grounds	10,000 (7,500)	
626.10(b)*	H		16–2–3	Bring/Possess Weapon (not Firearm) on Public/Private College Grounds	10,000 (7,500)	
631(a)*	H		16–2–3	Wiretapping	10,000 (5,000)	
632(a)*	P		16–2–3	Eavesdropping or Recording Confidential Communication	10,000 (5,000)	
632.5(a)*	P		16–2–3	Unlawful Interception of Cellular Radio Telephone Communication	10,000 (5,000)	
632.6(a)*	P		16–2–3	Unlawful Interception of Cordless Telephone Communication	10,000 (5,000)	
632.7(a)*	P		16–2–3	Unlawful Interception of and Recording of Cellular Radio or Cordless Telephone Communication	10,000 (5,000)	
636(a)	H		16–2–3	Electronic Eavesdropping on Privileged Conversation	10,000	
636(b)*	H		16–2–3	Non-Electronic Eavesdropping on Privileged Conversation	10,000 (7,500)	
646.9(a)*	P		16–2–3	Stalking	50,000 (15,000)	
646.9(b)	P		2–3–4	Stalking in Violation of Temporary Restraining Order	75,000	
646.9(c)(1)*	P		2–3–5	Stalking after felony conviction for 273.5, 273.6, or 422	100,000 (25,000)	
646.9(c)(2)	P		2–3–5	Stalking after felony conviction for 646.9	250,000	
647.6(b)*	P		16–2–3	Child Molestation after Entering Inhabited Dwelling Without Consent	15,000 (10,000)	
647.6(c)(1)	P		16–2–3	Child Molestation - 2nd Conviction	25,000	
647.6(c)(2)	P		2–4–6	Child Molestation - Prior Conviction Was 288 PC or 311.4 Involving Minor under Age of 14, or felony conviction under Section 261, 264.1, 269, 285, 286, 288a, 288.5, or 289, any of which involved a minor under 16 years of age, or felony 647.6(c) conviction	100,000	
653f(a)*	H		16–2–3	Solicit Specific Criminal Acts	20,000 (10,000)	
653f(b)	P		3–6–9	Solicit Murder	100,000	
653f(c)	P		2–3–4	Solicit Sexual Acts	50,000	
653h(b)*	H		2–3–5	"Pirated" sound recordings re >1,000 articles	20,000 (7,500)	
653j(a)	H		3–5–7	Solicitation of Minor to Commit Certain Felonies	60,000	
653s(g)	H		2–3–5	Transport of "pirated" recordings of live performance for financial gain re >1,000 articles	20,000	
653w(b)(1)*	H		2–3–5	Offers, sells, resells, rents, manufactures, possesses items . 100 articles	20,000 (10,000)	
664(a)/	U			<i>Attempt to Commit Crime - Generally</i>	<i>1/2 Bail for Target Offense</i>	
664(a)/187 (1st)	P		Life	Attempted 1st Degree Premeditated Murder per PC189 -STRIKE: S- 7, 9, 39; V- 7, 12; J- 12	1,000,000	
664(a)/187 (2nd)	P		5–7–9	Attempted 2nd Degree Murder -STRIKE: S- 9, V- 12; J- 12	500,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
664(a)/(Life Crime)	P		5–7–9	Attempted Other Crime Punishable by Life or Death -STRIKE: S- 22	500,000	
664(a)/ (Serious Felony)	P			Attempt to Commit Serious Felony -STRIKE: S- 39	Same as Target Offense	
664(a)/ (Violent Felony)	P			Attempt to Commit Violent Felony -STRIKE: S- 39	Same as Target Offense	
664(e)	P		Life	Attempted 2nd Degree Murder of Peace Ofc, Firefighter, or Custodial Ofc. -STRIKE: S- 7, 9, 39; V- 7, 12; J- 12	1,000,000	
664(f)	P		15 to Life	Attempted 1st Degree Premeditated Murder of Peace Ofc, Firefighter, or Custodial Ofc. -STRIKE: S- 7, 9, 39; V- 7, 12; J- 12	1,000,000	
666*	P			Petty Theft with Prior Conviction for Theft-Related Crime on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368	10,000 (5,000)	
666(a)*	P			Petty Theft with Prior Conviction for Theft on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368	10,000 (5,000)	
666(a)/484(a)*	P			Petty Theft with Prior Conviction for Theft on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368	10,000 (5,000)	
666(b)*	P			Petty Theft with Prior Conviction for Theft-Related Crime on Which Time Was Served where person is required to register per § 290, has a prior Super Strike conviction, or has any prior conviction for elder financial abuse pursuant to subdivision (d) or (e) of § 368	10,000 (5,000)	
666.5(a)	H	APE	2–3–4	Vehicle Theft with Grand Theft Vehicle Prior (Felony prior and current convictions for any combination of 10851, 487(d), or 496d.)	30,000	
667(a)	P	SPAL	5 years	Prior Conviction of Serious Felony with Current Conviction of Serious Felony	50,000	
667(a)(1)	P	SPAL	5 years	Prior Conviction of Serious Felony with Current Conviction of Serious Felony	50,000	
667(e)(1)	P	SPAL	Double	1 Prior Strike = Double term	50,000	
667(e)(2)	P	SPAL	25 to life	2 Prior Strikes = 25 to life minimum -STRIKE: S- 7	1,000,000	
667.5(a)	P	SPAL	3 years	Prior Prison Term for Violent Felony with Current Conviction of Violent Felony	30,000	
667.5(a)	P	SPAL	3 years	Prior Prison Term for Violent Felony with Current Conviction of Violent Felony	30,000	
667.5(b)	U	SPAL	1 year	Prior Prison or Jail Commitment for Felony with Current Felony Conviction	10,000	
667.5(c)(all)	P	AGGF		Strike authority - “Violent Felony”	0	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
667.51(a)	P	SPAL	5 years	Prior Conviction of 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5, or 289, with Current Conviction of PC § 288 or 288.5 (Lewd Acts with Child) - STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	50,000	
667.51(c)	P	APE	15 to Life	Two Prior Convictions of 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5, or 289, with Current Conviction of PC § 288 or 288.5 (Lewd Acts with Child)-STRIKE: S- 7; V- (See underlying felony)	1,000,000	
667.6(a)	P	SPAL	5 years	Prior Conviction of Specified Sex Offense with Current Conviction of Specified Sex Offense - STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	50,000	
667.6(b)	P	SPAL	10 years	Two or More Prior Prison Terms for Specified Sex Offense with Current Conviction of Specified Sex Offense - STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	200,000	
667.61(a)	P	APE	25 to Life	Aggravated Sex Offense(s) -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.61(b)	P	APE	15 to Life	Aggravated Sex Offense(s) -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.61(j)	P	APE	Life w/o Parole	Aggravated Sex Offense(s); Victim < ? & Defendant is adult -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony) [This is generic - need to specify subdivision (1) or (2)]	1,000,000	
667.61(j)(1)	P	APE	Life w/o Parole	Aggravated Sex Offense(s); Victim < 14 & Defendant is adult -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	No Bail	
667.61(j)(1)	P	APE	25 to Life	Aggravated Sex Offense(s) ; Victim < 14 & Defendant < 18 -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.61(j)(2)	P	APE	25 to Life	Aggravated Sex Offense(s); Victim < 14 -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.61(l)	P	APE	Life w/o Parole	Aggravated Sex Offense(s) with minor 14 or older & Defendant is adult -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	No Bail	
667.61(l)	P	APE	25 to Life	Aggravated Sex Offense(s) with minor 14 or older & Defendant < 18 -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.61(m)	P	APE	25 to Life	Aggravated Sex Offense(s) with minor 14 or older -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.7(a)(1)	P	APE	20 to Life	Habitual Offender Who Inflicts GBI -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	1,000,000	
667.7(a)(2)	P	APE	Life w/o Parole	Habitual Offender Who Inflicts GBI w/ priors -STRIKE: S- 7, (See underlying felony); V- 7, (See underlying felony)	No Bail	
667.71(a)	P	APE	25 to Life	Habitual Sexual Offender -STRIKE: S- 7; V- 7	1,000,000	
667.71(b)	P	APE	25 to Life	Habitual Sexual Offender -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(1)	P	APE	25 to Life	Habitual Sexual Offender - 261(a)(2) or (6) -STRIKE: S- 7; V- 7	1,000,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
667.71(c)(2)	P	APE	25 to Life	Habitual Sexual Offender - 262(a) (1) or (4) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(3)	P	APE	25 to Life	Habitual Sexual Offender - 264.1 -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(4)	P	APE	25 to Life	Habitual Sexual Offender - 288(a) or (b) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(5)	P	APE	25 to Life	Habitual Sexual Offender - 289(a) or (j) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(6)	P	APE	25 to Life	Habitual Sexual Offender - 288.5 -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(7)	P	APE	25 to Life	Habitual Sexual Offender - 286(c) or (d) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(8)	P	APE	25 to Life	Habitual Sexual Offender - 288a(c) or (d) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(9)	P	APE	25 to Life	Habitual Sexual Offender - 207(b) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(10)	P	APE	25 to Life	Habitual Sexual Offender - former 208(d) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(11)	P	APE	25 to Life	Habitual Sexual Offender - 209(b) -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(12)	P	APE	25 to Life	Habitual Sexual Offender - 269 -STRIKE: S- 7; V- 7	1,000,000	
667.71(c)(13)	P	APE	25 to Life	Habitual Sexual Offender - Out of State crime as above -STRIKE: S- 7; V- 7	1,000,000	
667.75	P	APE	Life	Habitual Drug Dealing With Minors (Section 11353, 11353.5, 11361, 11380, or 11380.5) - STRIKE: S- 7; V- 7	1,000,000	
667.8(a)	P	ENH	9 years	Kidnapping Victim for Purpose of Committing Sex Offense -STRIKE: S- 20; V- 14	100,000	
667.8(b)	P	ENH	15 years	Kidnapping Child-Victim for Purpose of Committing Sex Offense -STRIKE: S- 20; V- 14	250,000	
667.85	P	ENH	5 years	Kidnapping to Permanently Deprive Parent of Custody of Child -STRIKE: S- 20; V- 14	40,000	
667.9(a)	P	ENH	1 year	Committing Certain Offenses Against Disabled, Elderly, or Child Victim	20,000	
667.9(b)	P	ENH	2 years	Prior Conviction of Certain Offenses Committed Against Disabled, Elderly, or Child Victim with Current Conviction of Those Offenses	20,000	
667.10	P	ENH	2 years	Prior Conviction of PC§289 with Current Conviction of Same Offense Committed Against Disabled, Elderly, or Child Victim	20,000	
667.15(a)	P	ENH	1 year	Showing Child Pornography to Minor Prior to or During Commission of Lewd Act on the Minor in Violation of PC§288	20,000	
667.15(b)	P	ENH	2 years	Showing Child Pornography to Minor Prior to or During Commission of Sexual Conduct with That Minor in Violation of PC§288.5	20,000	
674(a)	P	ENH	2 years	Sexual abuse of minor by daycare provider	20,000	
674(b)	P	ENH	3 years	Commission of (a) while acting in concert with another	50,000	
836.6(c)*	P		2–3–4	Escape after Being Lawfully Arrested or Remanded to Custody Causing Serious Bodily Injury to Police Officer -STRIKE: S- 8	50,000 (20,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
1170(h)(1)	H	AGGF		Felony Punishable Per 1170(h) With No Term Specified Punishable for 16-2-3 in Jail	0	
1170(h)(2)	H	AGGF		Felony Punishable Per 1170(h) Punishable for Term Specified in Jail	0	
1170(h)(3)	P	AGGF		Exclusion From 1170(h) Treatment: Prior or Current Strike, 290 Registrant, or 186.11 Enhancement Proven or Admitted	0	
1170.12(c)(1)	P	SPAL	Double	Prior Strike Conviction	50,000	
1170.12(c)(2)	P	SPAL	Life	2 Prior Strike Convictions -STRIKE: S- 7; V- 7	1,000,000	
1170.7	P	AGGF		Robbery for purpose of obtaining controlled substance	20,000	
1170.71	U	AGGF		<i>Use of pornography to induce minor to engage in lewd or lascivious acts</i>	20,000	
1170.72	U	AGGF		<i>Controlled substance offenses involving minor younger than 11</i>	50,000	
1170.73	U	AGGF		<i>Excessive quantity of controlled substance</i>	50,000	
1170.74	U	AGGF		<i>Drug offense involving crystal meth.</i>	50,000	
1170.76	U	AGGF		<i>Commission of sex offense on relative or member of household</i>	20,000	
1170.78	P	AGGF		Arson committed in retaliation against owner or occupant of property	35,000	
1170.8(a)	U	AGGF		<i>Robbery or ADW committed against victim while victim is in house of worship</i>	35,000	
1170.8(b)	U	AGGF		<i>Burning religious symbol in connection with PC 451 or 453</i>	35,000	
1170.81	P	AGGF		Attempted life term crime against peace officer	100,000	
1170.82	U	AGGF		<i>Providing controlled substance to pregnant woman</i>	20,000	
1170.84	P	AGGF		Tying, binding or confining victim in connection with commission of serious felony	50,000	
1170.85(a)	U	AGGF		<i>Felony assault or battery against informant</i>	50,000	
1170.85(b)	U	AGGF		<i>Where victim is vulnerable due to age or disability</i>	75,000	
1170.86	U	AGGF		<i>Commission of felony within safe school zone</i>	25,000	
1170.89	P	AGGF		Commission of certain firearm offenses with knowledge that firearm was stolen	25,000	
1192.7(c)(all)	P	AGGF		Strike authority - “Serious Felony”	0	
1192.8(all)	P	AGGF		Strike authority - “Serious Felony”	0	
1203.2 (Misdo)				Probation Violation - Misdemeanor - [Note: Bail shall be set at 7,500, except bail is \$20,000 in misdemeanor probation violation cases where the individual stands convicted of any subdivision of 166(c), 243(e)(1), 273.5, 273.61, 646.9, 647.6, or for DUI with one or more priors. (Cf. section B of “Jail OR Policy,” Appendix D. This rule has no effect on the application of the “Jail OR Policy.”)]	(7,500) [See Note]	
1203.2(a)	U			<i>Probation Violation - Felony</i>	<i>No Bail</i>	

MONTEREY COUNTY BAIL SCHEDULE

2014

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1203.045(a)	U	AGGF		Denial of Probation: Theft > \$100,000	25,000	
1203.046(a)	H	AGGF		Denial of Probation: Using / Soliciting Minor to Commit 653j	25,000	
1203.048(a)	U	AGGF		Denial of Probation: Specified computer crimes- Loss > \$100,000	25,000	
1203.049(a)	U	AGGF		Denial of Probation: Electronic transfer of CalFresh benefits > \$100,00 (W&I 10980(f) or(g))	25,000	
1203.06(a)(all)	P	AGGF		Denial of Probation: Personal Use of Firearm in specified crimes; Armed during commission of a felony, or at time of arrest therefor, with prior specified convictions. [Bail applies to all subsections]	30,000	
1203.065(a)	P	AGGF		Denial of Probation: Specified Sex Crimes	30,000	
1203.065(b)(1)	P	AGGF		Denial of Probation: Specified Sex Crimes	30,000	
1203.066(all)	P	AGGF		Denial of Probation: 288 or 288.5 with specified aggravating factors. [Bail applies to all subsections]	30,000	
1203.07(a)(all)	U	AGGF		Denial of Probation: Specified Drug Offenses. [Bail applies to all subsections]	25,000	
1203.073(a)	U	AGGF		Denial of Probation: Specified Drug Offenses.	25,000	
1203.073(b)(all)	U	AGGF		Denial of Probation: Specified Drug Offenses. [Bail applies to all subsections]	25,000	
1203.074(a)	H	AGGF		Denial of Probation: Violate 11366.6	25,000	
1203.074(b)	H	AGGF		Denial of Probation: Violate 11366.6	25,000	
1203.075(a)(all)	P	AGGF		Denial of Probation: GBI inflicted during commission of specified crimes. [Bail applies to all subsections]	30,000	
1203.08(a)	P	AGGF		Denial of Probation: 2+ prior felony convictions for any felony specified in Section 187, 192, 207, 209, 209.5, 211, 215, 217, 245, 288, or paragraph (2), (6), or (7) of Section 261(a), paragraph (1), (4), or (5) of Section 262(a), Section 460(a), or when great bodily injury occurs in perpetration of an assault to commit robbery, mayhem, or rape, as defined in Section 220.	25,000	
1203.085(a)	P	AGGF		Denial of Probation: Violent-crime parolee commits state prison crime not a wobbler	30,000	
1203.085(b)	P	AGGF		Denial of Probation: Parolee commits violent or serious felony	30,000	
1203.09(all)	P	AGGF		Denial of Probation: Specified crimes against elderly or handicapped [Bail applies to all subsections]	25,000	
1320(b)*	H		16–2–3	Willful Failure to Appear Felony Hearing, When Released on OR	20,000 (10,000)	
1320.5*	H		16–2–3	Willful Failure to Appear Felony Hearing, When Released on Bail	20,000 (10,000)	
1370.5(a)*	P		1 yr & 1 day	Escape from Mental Health Facility	10,000 (5,000)	
1551				Fugitive From Justice - Interstate	No Bail or Same as Out-of-State Warrant	

MONTEREY COUNTY BAIL SCHEDULE

2014

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4131.5*	H		16–2–3	Battery on Non-Inmate by County Jail Prisoner	10,000 (5,000)	
4133*	P		16–2–3	Escape from Industrial Farm	25,000 (10,000)	
4500	P		Life / Death	Aggravated assault by life prisoner -STRIKE: S- 7; V- 7	No Bail	
4501	P		2–4–6	Aggravated assault by prison inmate -STRIKE: S- 13	50,000	
4501.1(a)*	P		2–3–4	Gassing by a state prisoner (but not one confined in county jail) on a peace officer	20,000 (10,000)	
4501.5	P		2–3–4	Battery on Non-Inmate by Prison Inmate	30,000	
4502(a)	H		2–3–4	Prisoner Possessing Deadly Weapon	30,000	
4502(b)	H		16–2–3	Mfg or attempt to mfg dangerous weapon by prison inmate	15,000	
4503	P		3–5–7	Holding of Hostages by Prison Inmate -STRIKE: S- 21	60,000	
4530(a)	P		2–4–6	Escape, Attempted Escape from Prison with Force or Violence	100,000	
4530(b)	P		16–2–3	Escape, Attempted Escape from Prison Without Force or Violence	50,000	
4532(a)(1)*	P		1 yr & 1 day	Escape or attempt after a detention or commitment based upon a misdemeanor	15,000 (7,500)	
4532(a)(2)*	P		2–4–6	Escape or attempt by force or violence based on a misdemeanor detention or commitment	100,000 (30,000)	
4532(b)(1)*	P		16–2–3	Escape or attempt by force or violence based on a misdemeanor detention or commitment	25,000 (10,000)	
4532(b)(2)*	P		2–4–6	Escape or attempt by force or violence based on a felony detention or commitment	100,000 (30,000)	
4532(e)*	P		1 yr & 1 day	Failure of Misdemeanant to Return to Jail Subsequent to Temporary Release	10,000 (5,000)	
4532(e)*	P	APE	16–2–3	Failure of Felon to Return to Jail Subsequent to Temporary Release	25,000 (10,000)	
4535	P		16–2–3	Carries or send into prison or jail anything useful for an escape with intent to facilitate escape	50,000	
4550(a)	H		2–3–4	Rescuing or attempting to rescue a felon convicted of a felony punishable by death, from lawful custody	20,000	
4550(b)*	H		16–2–3	Rescuing or attempting to rescue a felon from lawful custody	10,000 (5,000)	
4571	P		16–2–3	Unauthorized entry on prison or jail grounds by ex-convict	10,000	
4573(a)	H		2–3–4	Smuggling Drugs/Drug Device/Alcohol into Prison / Jail	30,000	
4573.5	P		16–2–3	Bringing Drugs/Paraphernalia into Prison/Jail	10,000	
4573.6	H		2–3–4	Possessing Controlled Substances/Drug Device Where Prisoners Are Kept	30,000	
4573.8	P		16–2–3	Possessing Drugs/Drug Device/Alcohol Where Prisoners Are Kept	10,000	
4573.9	H		2–4–6	Sale of Controlled Substances to Prisoner	50,000	
4574(a)	H		2–3–4	Bring/Send Firearms/Deadly Weapons/Explosives into Prison	50,000	
4574(b)	H		2–3–4	Smuggling Tear Gas into Prison or Jail Resulting in Release of Tear Gas	50,000	
4600(a)	H		16–2–3	Destruction of Prison or Jail, Damage Exceeds \$400	10,000	

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

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11411(c)*	H		16–2–3	Placing or Displaying Nazi Swastika or Other Symbol on Property of Another on 2 or More Occasions for Purpose of Terrorizing the Property Owner	10,000 (5,000)	
11411(d)*	H		16–2–3	Cross-Burning on Private Property of Another or School Property for Purpose of Terrorizing Property Owner, Student, or School Employee	10,000 (5,000)	
11412	P		16–2–3	Religious Terrorism	20,000	
11413(a)	H		3–5–7	Use of Explosives in Terrorism of Specified Places	60,000	
11418(a)(1)	H		4–8–12	Possession, Production, or Transfer of Weapons of Mass Destruction	500,000	
11418(a)(2)	H		5–10–15	Possession, Production, or Transfer of Weapons of Mass Destruction with Prior Conviction of Certain Offenses	250,000	
11418(b)(1)	P		Life	Use of Weapon of Mass Destruction that May Cause Widespread , Disabling Illness or Injury to Humans -STRIKE: S- 7, 41; V- 7, 23	1,000,000	
11418(b)(2)	P		Life w/o Parole	Use of Weapon of Mass Destruction that May Cause Widespread , Disabling Illness or Injury to Humans Which in Fact Causes Death -STRIKE: S- 7, 41; V- 7, 23	No Bail	
11418(b)(3)	P		5–8–12	Use of Weapon of Mass Destruction to Damage and Disrupt Water or Food Supply -STRIKE: S- 41; V- 23	500,000	
11418(b)(4)	P		4–8–12	Use of Weapon of Mass Destruction to Cause Substantial Loss in the Value of Stock Animals or Crops -STRIKE: S- 41; V- 23	500,000	
11418(c)	P		3–4–6	Use of Weapon of Mass Destruction to Damage Public Natural Resources -STRIKE: S- 41; V- 23	500,000	
11418(d)(1)	P		4–8–12	Use of Recombinant Technology to Create New Pathogens for Specified Destructive Purposes	500,000	
11418(d)(2)	P		3–6–9	Use of Recombinant Technology to Create New Pathogens for Specified Destructive Purposes (Natural Resource Destruction)	100,000	
11418.1*	P		16–2–3	False or facsimile of weapon of mass destruction	10,000 (5,000)	
11418.5(a)*	P		3–4–6	Threat of Use of Weapon of Mass Destruction Resulting in Isolation, Quarantine, or Decontamination	50,000 (15,000)	
11419(a)	H		4–8–12	Possession of Restricted Biological Agents	500,000	
12020(a)(1)*	P		16–2–3	Dangerous Weapons, Manufacture, Sale, Possession; Carrying Explosive [REPEALED - X-ref: 19200(a)]	10,000 (5,000)	
12020(a)(2)*	P		16–2–3	Manufactures, Imports, Sells Large Capacity Ammunition [REPEALED - X-ref: 32310]	10,000 (5,000)	
12020(a)(3)*	P		16–2–3	Concealed Explosive or Ammunition [REPEALED - X-ref: 19100]	10,000 (5,000)	
12020(a)(4)*	P		16–2–3	Concealed Dirk or Dagger [REPEALED - X-ref: 21310]	10,000 (5,000)	
12021(a)(1)*	P		16–2–3	Concealable Firearms, Ownership or Possession by Felon, Addict [REPEALED - X-ref: 29800(a)(1)]	20,000 (10,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

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12021(a)(2)*	P		16–2–3	Concealable Firearms, Ownership or Possession by person with 2 or more 417(a)(2) priors [REPEALED - X-ref: 29800(a)(2)]	20,000 (10,000)	
12021(b)*	P		16–2–3	Concealable Firearms, Possession of firearm by minor previously convicted of felony as adult [REPEALED - X-ref: 29800(b)]	20,000 (10,000)	
12021(c)(1)*	P		16–2–3	Concealable Firearms, Owns, possesses, controls a firearm with specified prior [REPEALED - X-ref: 29805]	20,000 (10,000)	
12021(d)(1)*	P		16–2–3	Violation of an express condition of probation [REPEALED - X-ref: 29815(a)]	20,000 (10,000)	
12021(e)(1)*	P		16–2–3	Juvenile offenders of specified offenses; no firearms before 30 years of age [REPEALED - X-ref: 29820(b)]	20,000 (10,000)	
12021(g)(1)*	P		16–2–3	Purchasing/Receiving Firearm When Subject to Domestic Violence Restraining Order [REPEALED - X-ref: 29825(a)]	30,000 (15,000)	
12021.1(a)	P		16–2–3	Possession of Firearms by Felon Convicted of Violent Crimes [REPEALED - X-ref: 29900(a)(1)]	30,000	
12021.1(c)	H		16–2–3	Possession of firearm with prior violent felony conviction in adult court per WIC 707 [REPEALED - X-ref: 29900(b)(1)]	30,000	
12021.5(a)	P	ENH	1–2–3	Carrying Firearm While Committing Street Gang Crime	30,000	
12021.5(b)	H	ENH	2–3–4	Carrying Firearm Together with Detachable Magazine While Committing Street Gang Crime	30,000	
12022(a)(1)	H	ENH	1 year	Being Armed with a Firearm	20,000	
12022(a)(2)	H	ENH	3 years	Being Armed with an Assault Weapon or Machine Gun	50,000	
12022(b)(1)	P	ENH	1 year	Personally Using Deadly Weapon -STRIKE: S- 23	15,000	
12022(b)(2)	P	ENH	1–2–3	Personally Using Deadly Weapon in the Commission of Carjacking, or Personally Using Deadly Weapon in the Commission of Attempted Carjacking -STRIKE: S- 27; V- 17; J- 25	25,000	
12022(c)	H	ENH	3–4–5	Being Personally Armed with a Firearm While Committing Drug Offenses	40,000	
12022(d)	H	ENH	1–2–3	Being a Principal, Knowing Another Principal Is Personally Armed with a Firearm, While Committing Drug Offenses	20,000	
12022.1(b)	U	ENH	2 years	Committing Felony Offenses While Released on Bail or Own Recognizance	20,000	
12022.2(a)	U	ENH	3–4–10	Being Armed with a Firearm and Possessing Metal-Piercing Ammunition	200,000	
12022.2(b)	U	ENH	1–2–5	Wearing Bulletproof Body Vest in the Commission of Violent Felony	50,000	
12022.3(a)	P	ENH	3–4–10	Using Firearm or Deadly Weapon in Commission of 261, 262, 264.1, 286, 288, 288a, or 289 - STRIKE: S- 8, 23; V- 8; J- 18	200,000	
12022.3(b)	P	ENH	1–2–5	Being Armed with a Firearm or Deadly Weapon in Commission of 261, 262, 264.1, 286, 288, 288a, or 289	40,000	
12022.4(a)	P	ENH	1–2–3	Supplying Firearm for Commission of Felony	20,000	

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

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12022.5(a)	P	ENH	3–4–10	Personally Using Firearm -STRIKE: S- 8; V- 8; J- 17	200,000	
12022.5(b)	P	ENH	5–6–10	Personally Using Assault Weapon or Machine Gun -STRIKE: S- 8; V- 8, 22; J- 17	200,000	
12022.53(b)	P	ENH	10 years	Personally Using Firearm While Committing Felony Designated in PC§12022.53(a) -STRIKE: S- 8, 40; V- 22; J- 17	200,000	
12022.53(c)	P	ENH	20 years	Discharging Firearm While Committing Felony Designated in PC§12022.53(a) -STRIKE: S- 8, 40; V- 22; J- 17	250,000	
12022.53(d)	P	ENH	25 to Life	Discharging Firearm Causing GBI or Death While Committing Designated Felony -STRIKE: S- 7, 8, 40; V- 7; J- 17	1,000,000	
12022.55	P	ENH	5–6–10	Discharging Firearm from Vehicle Causing Great Bodily Injury or Death -STRIKE: S- 8; V- 8	500,000	
<i>12022.6(a)(1)</i>	<i>U</i>	<i>ENH</i>	<i>1 year</i>	<i>Taking of or Damage to Property over \$65,000</i>	<i>10,000</i>	
<i>12022.6(a)(2)</i>	<i>U</i>	<i>ENH</i>	<i>2 years</i>	<i>Taking of or Damage to Property over \$200,000</i>	<i>20,000</i>	
<i>12022.6(a)(3)</i>	<i>U</i>	<i>ENH</i>	<i>3 years</i>	<i>Taking of or Damage to Property over \$1,300,000</i>	<i>30,000</i>	
<i>12022.6(a)(4)</i>	<i>U</i>	<i>ENH</i>	<i>4 years</i>	<i>Taking of or Damage to Property over \$3,200,000</i>	<i>100,000</i>	
12022.7(a)	P	ENH	3 years	Personally Inflicting GBI -STRIKE: S- 8; V- 8	50,000	
12022.7(b)	P	ENH	5 years	Personally Inflicting GBI Resulting in Comatose Brain Injury or Permanent Paralysis of Victim -STRIKE: S- 8; V- 8	100,000	
12022.7(c)	P	ENH	5 years	Personally Inflicting GBI on Victim 70 Years of Age or Older -STRIKE: S- 8; V- 8	100,000	
12022.7(d)	P	ENH	4–5–6	Personally Inflicting GBI on Child under 5 Years of Age -STRIKE: S- 8; V- 8	100,000	
12022.7(e)	P	ENH	3–4–5	Personally Inflicting GBI During Commission of Domestic Violence Offense -STRIKE: S- 8; V- 8	50,000	
12022.75(a)	U	ENH	3 years	Administering Controlled Substance Against Victim's Will -STRIKE: S-24	50,000	
12022.75(b)(1)	P	ENH	5 years	Administration of drugs by force or fear to commit specified sex offenses -STRIKE: V- [See Crime]	50,000	
12022.8	P	ENH	5 years	Inflicting GBI in Commission of Sex Offense -STRIKE: S- 8; V- 8	250,000	
<i>12022.85(a)</i>	<i>U</i>	<i>ENH</i>	<i>3 years</i>	<i>Knowing Defendant Carries Aids Virus Committing Sex Offense - 261, 261.5, 262, 286, 288a</i>	<i>250,000</i>	
12022.9	P	ENH	5 years	Personally Inflicting Injury Causing Termination of Pregnancy -STRIKE: S- 8; V- 8	250,000	
12022.95	P	ENH	4 years	Conviction of 273a (Willful Cruelty to Child) Resulting in Death -STRIKE: S- 8	250,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
12025(a)**			1 year	<p>Generic Concealed Weapon (Use this section if defendant is booked / charged with APE only under 12025(b).) [<i>REPEALED - X-ref: 25400(a)(1)</i>]</p> <p>[NOTE: This is an APE Crime. Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</p>	30,000** (5,000) [<i>Felony bail only if any APE applies</i>]	
12025(a)(1)**			1 year	<p>Concealed Weapon in Vehicle w/o License [<i>REPEALED - X-ref: 25400(a)(1)</i>]</p> <p>[NOTE: This is an APE Crime. Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</p>	30,000** (5,000) [<i>Felony bail only if any APE applies</i>]	

MONTEREY COUNTY BAIL SCHEDULE

2014

Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
12025(a)(2)**			1 year	<p>Concealed Weapon on Person w/o License [REPEALED - X-ref: 25400(a)(2)]</p> <p>[NOTE: This is an APE Crime. Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</p>	30,000** (5,000) [Felony bail only if any APE applies]	
12025(a)(3)**			1 year	<p>Causes Concealed Weapon in Vehicle w/o License [REPEALED - X-ref: 25400(a)(3)]</p> <p>[NOTE: This is an APE Crime. Violation of 12025(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12025(b) applies, bail must be set at the misdemeanor amount. If any of the APEs under subdivisions (1) thru (6) of 12025(b) apply, bail must be set at the felony amount (\$30,000) for 12025(a) plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 12025(a), bail must include the \$30,000 felony bail for the generic APE Crime 12025(a) whenever an individual is booked for or charged with an applicable APE under 12025(b). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12025(b) apply. See Bail Schedule Section III]</p>	30,000** (5,000) [Felony bail only if any APE applies]	
12025(b)(1)	H	APE	16–2–3	<p>Conv Felon-Carry Concealed Firearm [REPEALED - X-ref: 25400(c)(1)]</p> <p>[Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]</p>	10,000	
12025(b)(2)	H	APE	16–2–3	<p>Carry Concealed Stolen Weapon [REPEALED - X-ref: 25400(c)(2)]</p> <p>[Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]</p>	10,000	
12025(b)(3)	P	APE	16–2–3	<p>Carry Concealed Weapon: Active Street Gang[REPEALED - X-ref: 25400(c)(3)]</p> <p>[Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]</p>	20,000	
12025(b)(4)	P	APE	16–2–3	<p>Carry Concealed Weapon: Prohibited Class/Unlaw [REPEALED - X-ref: 25400(c)(4)]</p> <p>[Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]</p>	10,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
12025(b)(5)*	H	APE	16–2–3	Carrying a concealed Weapon on Person w/Prior [REPEALED - X-ref: 25400(c)(5)] [Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]	0 (5,000)	
12025(b)(6)*	H	APE	16–2–3	Concealed Firearm-Not Registered Owner [REPEALED - X-ref: 25400(c)(6)] [Note: Book person once for underlying APE Crime - See 12025(a) & Section III of Schedule, above.]	0 (5,000)	
12025(b)(7) (Misdo)			1 Year	Concealed Firearm-Other than Above [REPEALED - X-ref: 25400(c)(6)]	(5,000)	
12031(a)(1)**			1 year	Carrying Loaded Firearm on Person or in Vehicle [REPEALED - X-ref: 25850(c)(1)] [NOTE: This is an APE Crime . Violation of 12031(a)(1) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 12031(a)(2) applies, bail must be set at the misdemeanor amount. If any of the subdivisions (A) thru (F) of 12031(a)(2) apply, bail must be set at the felony amount for 12031(a)(1) plus any additional bail for the applicable subdivision.] See APE for wobbler status. APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs . If the individual is not booked for, or charged with, a subdivision of 12031(a)(1), bail must include the \$30,000 felony bail for the APE Crime 12031(a)(1) whenever an individual is booked for or charged with an applicable APE under 12031(a)(2). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 12031(a)(2) apply. See Bail Schedule Section III]	30,000** (5,000) [Felony bail only if any APE applies]	
12031(a)(2)(A)	P	APE	16–2–3	Carrying Loaded Firearm - Prior Felony Conviction [REPEALED - X-ref: 25850(c)(1)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]	10,000	
12031(a)(2)(B)	P	APE	16–2–3	Carrying Loaded Firearm - Stolen Firearm [REPEALED - X-ref: 25850(c)(2)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]	10,000	
12031(a)(2)(C)	P	APE	16–2–3	Carrying Loaded Firearm - Active Participant in Criminal Street Gang [REPEALED - X-ref: 25850(c)(3)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]	20,000	
12031(a)(2)(D)	P	APE	16–2–3	Carrying Loaded Firearm- Prohibited Person [REPEALED - X-ref: 25850(c)(5)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]	10,000	
12031(a)(2)(E)*	P	APE	16–2–3	Carrying Loaded Firearm - Prior Conviction of a Narcotics Offense or an Offense Against Person or Property [REPEALED - X-ref: 25850(c)(5)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]	0 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
12031(a)(2)(F)*	P	APE	16–2–3	Carrying Loaded Firearm - Not Registered Owner [REPEALED - X-ref: 25850(c)(6)] [Note: Book person once for underlying APE Crime - See 12031(a)(1) & Section III of Schedule, above.]	0 (5,000)	
12034(b)*	P		16–2–3	Permitting Another to Discharge Firearm from Motor Vehicle [REPEALED - X-ref: 26100(b)]	15,000 (7,500)	
12034(c)	P		3–5–7	Personally Shooting from Motor Vehicle -STRIKE: S- 36; J- 28 [REPEALED - X-ref: 26100(c)]	100,000	
12034(d)*	P		16–2–3	Discharging Firearm from Motor Vehicle -STRIKE: S- 36 [REPEALED - X-ref: 26100(d)]	15,000 (7,500)	
12051(c)	P		16–2–3	False Application for License to Carry a Concealed Weapon [REPEALED - X-ref: 26180(b)]	15,000	
12072(g)(3)(all)*	H		16–2–3	Unlawful Firearm Transaction in Violation of PC§12072(a)(2) or (b) and Firearm Used in Felony [REPEALED - X-ref: 27590(b)(all)] [Bail applies to all subsections.]	20,000 (10,000)	
12090	P		16–2–3	Altering or Effacing Identifying Marks on Firearm [REPEALED - X-ref: 23900]	15,000	
12220(a)	H		16–2–3	Possession or Transport of Machine Gun [REPEALED - X-ref: 32625(a)]	50,000	
12220(b)	H		4–6–8	Conversion, Sale, or Manufacture of Machine Gun [REPEALED - X-ref: 32625(b)]	100,000	
12280(a)(1)	H		4–6–8	Manufacture, Transport, or Sale of Assault Weapon [REPEALED - X-ref: 30600(a)]	100,000	
12280(a)(2)	H	ENH	1 year	Selling or Giving Assault Weapon to a Minor [REPEALED - X-ref: 30600(b)]	50,000	
12280(b)*	H		16–2–3	Possession of Assault Weapon [REPEALED - X-ref: 30605(a)]	20,000 (10,000)	
12303*	P		16–2–3	Possession of Destructive Device [REPEALED - X-ref: 18710(all)]	10,000 (5,000)	
12303.1	P		2–4–6	Carrying or Placing Explosive on Common Carrier [REPEALED - X-ref: 18725]	50,000	
12303.1(a)	P		2–4–6	Carrying or Placing Explosive on Common Carrier [REPEALED - X-ref: 18725]	50,000	
12303.1(b)	P		2–4–6	Carrying or Placing Explosive on Common Carrier [REPEALED - X-ref: 18725]	50,000	
12303.1(c)	P		2–4–6	Carrying or Placing Explosive on Common Carrier [REPEALED - X-ref: 18725]	50,000	
12303.2	P		2–4–6	Possession of Destructive Devices or Explosives in Public Places [REPEALED - X-ref: 18715(all)]	50,000	
12303.3	H		3–5–7	Possession of Exploding or Destructive Device or Explosive w/Intent to Injure -STRIKE: S- 15 [REPEALED - X-ref: 18740]	60,000	
12303.6	H		2–3–4	Sale or Transportation of Destructive Device [REPEALED - X-ref: 18730]	20,000	
12308	P		Life	Explosion of Destructive device with Intent to Murder -STRIKE: S- 7, 17, 39; V- 7, 13; J- 13, 29 [REPEALED - X-ref: 18745]	1,000,000	
12309	P		5–7–9	Unlawful Explosion Causing Bodily Injury -STRIKE: S- 16; V- 13; J- 13 [REPEALED - X-ref: 18750]	100,000	
12310(a)	P		Life w/o Parole	Unlawful Explosion Causing Death -STRIKE: S- 7, 16; V- 7, 13; J- 13 [REPEALED - X-ref: 18755(a)]	No Bail	
12310(b)	P		Life	Unlawful Explosion Causing Mayhem or GBI -STRIKE: S- 7, 16; V- 7, 13; J- 13	1,000,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
12312	H		2–3–4	Possession of Materials with Intent to Make Destructive Device or Explosive [<i>REPEALED</i> - <i>X-ref:</i> 18720]]	50,000	
12316(b)(1)*	P		16–2–3	Possession of Ammunition or Reloaded Ammunition by Felon or Mental Patient [<i>REPEALED</i> - <i>X-ref:</i> 30305(a)(1)]	10,000 (5,000)	
12370(a)	H		16–2–3	Unauthorized Possession of Body Armor by Person Convicted of Violent Felony [<i>REPEALED</i> - <i>X-ref:</i> 31360(a)]	50,000	
12403.7(a)*	H		16–2–3	Using Tear Gas Other than in Self-defense [<i>REPEALED</i> - <i>X-ref:</i> 22810(all)]	10,000 (5,000)	
12403.7(g)*	H		16–2–3	Using Tear Gas Against Peace Officer [<i>REPEALED</i> - <i>X-ref:</i> 22810(g)(2)]	25,000 (10,000)	
12520	H		16–2–3	Possession of Firearm Silencer [<i>REPEALED</i> - <i>X-ref:</i> 33410]	50,000	
14166*	P		16–2–3	Money Laundering	10,000 (5,000)	
18710(a)*	P		16–2–3	Possession of destructive device [X-ref: 12303]	10,000 (5,000)	
18715(a)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(1)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(2)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(3)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(4)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18715(a)(5)	H		2–4–6	Possess destructive device- Public location [X-ref: 12303.2]	50,000	
18720	H		2–3–4	Possess material-intent make destruct device [X-ref: 12312]	50,000	
18725	H		2–4–6	Placing destructive device-public transport [X-ref: 12303.1(all)]	50,000	
18730	H		2–3–4	Sell/ transport destructive device [X-ref: 12303.6]	20,000	
18735(c)*	H		16–2–3	2nd Conviction of §18745(a) - Possesses, sells, transports fixed ammo of > .60 caliber with prior [X-ref: 12304]	10,000 (5,000)	
18740	H		3–5–7	Possess explosive or destructive device with intent to injure [X-ref: 12303.3]	60,000	
18745	P		Life	Exploding destructive device-intent to murder -STRIKE: S- 7, 17; V- 7, 13; J- 13, 29 [X-ref: 12308]	1,000,000	
18750	P		5–7–9	Exploding destructive device causing injury -STRIKE: S- 16; V- 13; J- 13 [X-ref: 12309]	100,000	
18755(a)	P		Life w/o Parole	Exploding destructive device causing death -STRIKE: S- 7, 16; V- 7, 13; J- 13 [X-ref: 12310(a)]	No Bail	
18755(b)	P		Life	Exploding destructive device causing GBI -STRIKE: S- 7, 16; V- 7, 13; J- 13 [X-ref: 12310(b)]	1,000,000	
19100*	H		16–2–3	Carry concealed explosive [X-ref: 12020(a)(3)]	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
19200(a)*	H		16–2–3	Certain metal handgrenades-sell/possess/mfg -3rd offense [X-ref: 12020(a)(1)]	10,000 (5,000)	
20110(a)	H		2–3–5	Assembling booby trap/possession with intent [X-ref: 12355(a)]	40,000	
20110(b)*	H		16–2–3	Possession of device w/intent as booby trap [X-ref: 12355(b)]	10,000 (5,000)	
20310*	H		16–2–3	Air gauge knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20410*	H		16–2–3	Belt buckle knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20510*	H		16–2–3	Cane sword-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20610*	H		16–2–3	Lipstick case knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20710*	H		16–2–3	Shobi-zue-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
20910*	H		16–2–3	Writing pen knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
21110*	H		16–2–3	Ballistic knife-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
21310*	H P		16–2–3	Dirk or dagger-sell/possess/mfg [X-ref: 12020(a)(4)]	10,000 (5,000)	
21810*	H		16–2–3	Metal knuckles-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
22010*	H		16–2–3	Nunchaku-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
22210*	H		16–2–3	Billy/blackjack/sandbag/sandclub/sap/slungshot [X-ref: 12020(a)(1)]	10,000 (5,000)	
22410*	H		16–2–3	Shuriken-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
22810(g)(1)*	H		16–2–3	Use of tear gas except self defense [X-ref: 12403.7(a)]	10,000 (5,000)	
22810(g)(2)	H		16–2–3	Using Tear Gas Against Peace Officer [X-ref: 12403.7(g)]	25,000	
22910(a)	H		16–2–3	Alter tear gas weapon serial #/manufacturer [X-ref: 12422]	10,000	
23900	H		16–2–3	Alter firearm serial number [X-ref: 12090]	15,000	
24310*	H		16–2–3	Camouflaging firearm container-sell/possess [X-ref: 12020(a)(1)]	10,000 (5,000)	
24410*	H		16–2–3	Cane gun-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
24510*	H		16–2–3	Firearm not recognizable as firearm [X-ref: 12020(a)(1)]	10,000 (5,000)	
24610*	H		16–2–3	Undetectable firearm-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
24710*	H		16–2–3	Wallet gun-sell/possess/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
25100(a)*	H		16–2–3	1st degree criminal storage of firearm - Negligence and Child causes GBI [X-ref: 12035(b)]	10,000 (5,000)	
25110(a)*	H		16–2–3	Penalty: 1st degree criminal storage of firearm (punishment) [X-ref: 12035(d)]	10,000 (5,000)	
25300(a)*	H		16–2–3	Public firearm possession while masked [X-ref: 12040]	15,000 (7,500)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
25400(a)**			1 year	<p>Generic - Carry Concealed Weapon (Use this section if defendant is booked / charged with APE only under 25400(c).) [X-ref: 12025(a)]</p> <p>[NOTE: This is an <u>APE Crime</u>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</p> <p><u>APE Crime Omitted - Persons booked / charged with only an APE:</u> Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic APE Crime 25400(a) whenever an individual is booked for or charged with an applicable APE under 25400(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25400(c) apply. See Bail Schedule Section III]</p>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>	
25400(a)(1)**			1 year	<p>Carry Concealed Weapon In Vehicle [X-ref: 12025(a)(1)]</p> <p>[NOTE: This is an <u>APE Crime</u>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</p> <p><u>APE Crime Omitted - Persons booked / charged with only an APE:</u> Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic APE Crime 25400(a) whenever an individual is booked for or charged with an applicable APE under 25400(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25400(c) apply. See Bail Schedule Section III]</p>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
25400(a)(2)**			1 year	<p>Carry Firearm Capable Of Being Concealed [X-ref: 12025(a)(2)]</p> <p>[NOTE: This is an <u>APE Crime</u>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</p> <p><u>APE Crime Omitted - Persons booked / charged with only an APE:</u> Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic APE Crime 25400(a) whenever an individual is booked for or charged with an applicable APE under 25400(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25400(c) apply. See Bail Schedule Section III]</p>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>	
25400(a)(3)**			1 year	<p>Occupant Carry Concealable Weapon In Vehicle [X-ref: 12025(a)(3)]</p> <p>[NOTE: This is an <u>APE Crime</u>. Violation of 25400(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25400(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25400(c) apply, bail must be set at the felony amount for 25400(a) plus any additional bail for any applicable APE. See APE for wobbler status.</p> <p><u>APE Crime Omitted - Persons booked / charged with only an APE:</u> Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for, or charged with, a subdivision of 25400(a), bail must include the \$30,000 felony bail for the generic APE Crime 25400(a) whenever an individual is booked for or charged with an applicable APE under 25400(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APEs under 25400(c) apply. See Bail Schedule Section III]</p>	30,000** (5,000) <i>[Felony bail only if any APE applies]</i>	
25400(c)(1)	P	APE	16–2–3	<p>Conv Felon-Carry Concealed Firearm [X-ref: 12025(b)(all)]</p> <p>[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]</p>	10,000	
25400(c)(2)	P	APE	16–2–3	<p>Carry Concealed Stolen Weapon [X-ref: 12025(b)(all)]</p> <p>[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]</p>	10,000	
25400(c)(3)	P	APE	16–2–3	<p>Carry Concealed Weapon: Active Street Gang [X-ref: 12025(b)(all)]</p> <p>[Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]</p>	20,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
25400(c)(4)	P	APE	16–2–3	Carry Concealed Weapon: Prohibited Class/Unlaw [X-ref: 12025(b)(all)] [Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]	10,000	
25400(c)(5)	H	APE	16–2–3	Carrying a concealed Weapon on Person w/Prior [X-ref: 12025(b)(all)] [Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]	0 (5,000)	
25400(c)(6)	H	APE	16–2–3	Concealed Firearm-Not Registered Owner [X-ref: 12025(b)(all)] [Note: Book person once for underlying APE Crime - See 25400(a) & Section III of Schedule, above.]	0 (5,000)	
25400(c)(7) [Misdo]			1 year	Other Concealed Firearm = Misdemeanor	(0)	
25800(a)*	P		16–2–3	Carry loaded firearm - intent to commit felony [X-ref: 12023]	15,000 (7,500)	
25850(a)**			1 year	Carrying a Loaded Firearm [X-ref: 12031(a)(1)])] [NOTE: This is an APE Crime . Violation of 25850(a) by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 25850(c) applies, bail must be set at the misdemeanor amount. If any of subdivisions (1) thru (6) of 25850(c) apply, bail must be set at the felony amount for 25850(a) plus any additional bail for any applicable APE. See APE for wobbler status.] APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APes . If the individual is not booked for, or charged with, a subdivision of 25850(a), bail must include the \$30,000 felony bail for the APE Crime 25850(a) whenever an individual is booked for or charged with an applicable APE under 25850(c). The \$30,000 for the APE Crime is to be added only once regardless of how many APes under 25850(c) apply. See Bail Schedule Section III]	30,000** (5,000) [Felony bail only if any APE applies]	
25850(c)(1)	P	APE	16–2–3	Carry loaded firearm - prior felony conviction [X-ref: 12031(a)(2)(A)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	10,000	
25850(c)(2)	P	APE	16–2–3	Carry loaded firearm - stolen firearm [X-ref: 12031(a)(2)(B)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	10,000	
25850(c)(3)	P	APE	16–2–3	Carry loaded firearm - criminal street gang [X-ref: 12031(a)(2)(C)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	20,000	
25850(c)(4)	P	APE	16–2–3	Carry loaded firearm - prohibited person [X-ref: 12031(a)(2)(D)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	10,000	
25850(c)(5)*	H	APE	16–2–3	Carry a loaded firearm - prior conviction [X-ref: 12031(a)(2)(E)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	0 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
25850(c)(6)*	H	APE	16–2–3	Carry a loaded firearm - not registered owner [X-ref: 12031(a)(2)(F)] [Note: Book person once for underlying APE Crime - See 25850(a) & Section III of Schedule, above.]	0 (5,000)	
25850(c)(7) [Misdo]			1 year	Other Concealed Loaded Firearm = Misdemeanor	(0)	
26100(a) (Misdo)			6 months	Permit Other To Carry Firearm In Vehicle [X-ref: 12034(a)]	(7,500)	
26100(b)*	P		16–2–3	Permit Other- Discharge Firearm from Vehicle [X-ref: 12034(b)]	15,000 (7,500)	
26100(c)	P		3–5–7	Maliciously Shoot From Vehicle At Person -STRIKE: S- 36 [X-ref: 12034(c)]	100,000	
26100(d)*	P		16–2–3	Maliciously Discharge Firearm From Vehicle -STRIKE: S- 36 [X-ref: 12034(d)]	15,000 (7,500)	
26180(b)	P		16–2–3	False statement-CCW permit application-felony [X-ref: 12051(c)]	15,000	
27500(a)	H		2–3–4	Knowingly Sell/Give/Etc Firearm To Prohibited Person (Punish per 27590(b)(1)) [X-ref: 12072(a)]	20,000	
27500(b)*	H		16–2–3	“Having Cause to Believe” Person Prohibited, Sell/Give/Etc Firearm To Prohibited Person (Punish per 27590(c)(1)) [X-ref: 12072(a)]	20,000 (10,000)	
27505(a)**	H		1 year	Sale/transfer of firearm to person under 21 [X-ref: 12072(a)(3)(A)] [NOTE: This is an APE Crime . Violation of 27505 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27505 plus any additional bail for each applicable APE. See APE for wobbler status. APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27505, bail must include the \$20,000 felony bail for the APE Crime 27505 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section III]	20,000** (7,500) [<i>Felony bail only if any APE applies</i>]	
27510**	H		1 year	Licensed dealer providing hand gun to person under 21 or any firearm to minor- [X-ref: 12072(b)] [NOTE: This is an APE Crime . Violation of 27510 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27510 plus any additional bail for each applicable APE. See APE for wobbler status. APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27510, bail must include the \$20,000 felony bail for the APE Crime 27510 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section III]	20,000** (7,500) [<i>Felony bail only if any APE applies</i>]	
27515*	H		16–2–3	Sale/transfer to straw buyer (Punish per 27590(c)(1)) [X-ref: 12072(a)(4)]	10,000 (5,000)	
27515(a)*	H		16–2–3	Sale/transfer to straw buyer (Punish per 27590(c)(1)) [X-ref: 12072(a)(4)]	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
27515(b)*	H		16–2–3	Sale/transfer to straw buyer (Punish per 27590(c)(1)) [X-ref: 12072(a)(4)]	10,000 (5,000)	
27520*	H		16–2–3	Acquire firearm to sell illegally (Punish per 27590(c)(1)) [X-ref: 12072(a)(5)]	20,000 (7,500)	
27540**	H		1 year	<p>Dealer firearm delivery restrictions [X-ref: 12072]</p> <p>[NOTE: This is an APE Crime. Violation of 27540 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27540 plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27540, bail must include the \$20,000 felony bail for the APE Crime 27540 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section III]</p>	20,000** (7,500) <i>[Felony bail only if any APE applies]</i>	
27545**	H		1 year	<p>Non-Dealer firearm transaction restrictions [X-ref: 12072]</p> <p>[NOTE: This is an APE Crime. Violation of 27545 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 27590 applies, bail must be set at the misdemeanor amount. If any of the APEs under 27590 apply, bail must be set at the felony amount (\$20,000) for 27545 plus any additional bail for each applicable APE. See APE for wobbler status.</p> <p>APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs. If the individual is not booked for or charged with 27545, bail must include the \$20,000 felony bail for the APE Crime 27545 whenever an individual is booked for or charged with an applicable APE. The \$20,000 is to be added only once regardless of how many APEs under 27590 apply. See Bail Schedule Section III]</p>	20,000** (7,500) <i>[Felony bail only if any APE applies]</i>	
27590(b)(2)	H	APE	2–3–4	<p>Gun crime - Specified prior conviction [X-ref: 12072(g)(3)]</p> <p>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]</p>	20,000	
27590(b)(3)	H	APE	2–3–4	<p>Gun crime - Specified prior conviction [X-ref: 12072(g)(3)]</p> <p>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]</p>	20,000	
27590(b)(4)	H	APE	2–3–4	<p>Gun crime - Prohibited class [X-ref: 12072(g)(3)]</p> <p>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]</p>	20,000	
27590(b)(5)	H	APE	2–3–4	<p>Gun crime - Active gang member [X-ref: 12072(g)(3)]</p> <p>[Note: Book person once for underlying APE Crime - See 27505, 27510, 27540, or 27545, & Section III of Schedule, above.]</p>	40,000	
27590(b)(6)	H	APE	2–3–4	<p>Gun crime - Violate 27510 with knowledge transaction involves minor [X-ref: 12072(g)(3)]</p> <p>[Note: Book person once for underlying APE Crime - See 27510 & Section III of Schedule, above.]</p>	20,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

Penal Code	Prison	ENH***	Penalty	Description – Strike Authority – Related Sections	Presumptive Bail	OR
27590(c)(2)*	H	APE	16–2–3	Violation of 27505 involving handgun to minor [Note: Book person once for underlying APE Crime - See 27505 & Section III of Schedule, above.]	15,000 (7,500)	
27590(c)(3)*	H	APE	16–2–3	Violation of 27510 involving of handgun [Note: Book person once for underlying APE Crime - See 27510 & Section III of Schedule, above.]	15,000 (7,500)	
27590(c)(4)*	H	APE	16–2–3	Violation of 27540 (a), (c), (d), (e), or (f) involving a handgun [Note: Book person once for underlying APE Crime - See 27540, & Section III of Schedule, above.]	15,000 (7,500)	
27590(c)(5)*	H	APE	16–2–3	Violation of 27545 involving of handgun. [Note: Book person once for underlying APE Crime - See 27545 & Section III of Schedule, above.]	15,000 (7,500)	
27590(d)	H	ENH	1–2–3	Violation of 27510 or 27500(b) and, firearm subsequently used to commit felony	15,000	
29610*	H		16–2–3	Possession of concealable firearm by minor [X-ref: 12101(a)(1)]	10,000 (5,000)	
29650**	H		6 months	Possession of ammunition by minor [X-ref: 12101(b)(1)] [NOTE: This is an APE Crime . Violation of 29650 by itself is a misdemeanor. Upon fresh arrest, unless an Alternative Penalty Enhancement (APE) under 29700 applies, bail must be set at the misdemeanor amount. If any of the APEs under 29700 apply, bail must be set at the felony amount (\$10,000) for 29650 plus any additional bail for each applicable APE. See APE for wobbler status. APE Crime Omitted - Persons booked / charged with only an APE: Officers should book the individual for both the APE Crime and any applicable APEs under 29700(a). If the individual is not booked for or charged with 29650, bail must include the \$10,000 felony bail for the APE Crime 29650 whenever an individual is booked for or charged with an applicable APE under 29700(a). The \$10,000 is to be added only once regardless of how many APEs under 29700(a) apply. See Bail Schedule Section III]	10,000** (3,500)	
29700(a)(1)*	H	APE	16–2–3	Possession of ammunition by minor -Prior conviction “This chapter” [X-ref: 12101(b)(1)] [Note: Book person once for underlying APE Crime - See 29650 & Section III of Schedule, above.]	0 (1,500)	
29700(a)(2)*	H	APE	16–2–3	Possession of ammunition by minor -Prior conviction 29905, 32625, or 33410; or crime specified in 16590 [X-ref: 12101(b)(1)] [Note: Book person once for underlying APE Crime - See 29650 & Section III of Schedule, above.]	0 (1,500)	
29700(a)(3)*	H	APE	16–2–3	Possession of ammunition by minor -Prior conviction 29610 [X-ref: 12101(b)(1)] [Note: Book person once for underlying APE Crime - See 29650 & Section III of Schedule, above.]	0 (1,500)	
29800(a)(1)	P		16–2–3	Felon in possession of firearm [X-ref: 12021(a)(1)]	20,000	
29800(a)(2)	P		16–2–3	Person who owns or has in possession any firearm and has 2 or more convictions for PC § 417(a)(2) [X-ref: 12021(a)(2)]	20,000	
29800(b)	P		16–2–3	Poss. firearm-adult court fel conv while minor [X-ref: 12021(b)]	10,000	
29805*	P		16–2–3	Violate 10-year firearm prohibition [X-ref: 12021(c)(1)]	10,000 (5,000)	
29815(a)*	P		16–2–3	Firearm possession - violation of probation [X-ref: 12021(d)(1)]	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Penal Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
29820(b)*	P		16–2–3	Firearm possession prohibited prior to age 30 [X-ref: 12021(e)(1)]	10,000 (5,000)	
29825(a)*	P		16–2–3	Purchase/receive firearm - restraining order [X-ref: 12021(g)(1)]	30,000 (15,000)	
29825(b) (Misdo)			1 year	Own/possess firearm - restraining order [X-ref: 12021(g)(2)]	(10,000)	
29900(a)(1)	P		16–2–3	Firearm possession - violent felon [X-ref: 12021.1(a)]	30,000	
29900(b)(1)	P		16–2–3	Possess firearm-juvenile ward-violent felony [X-ref: 12021.1(c)]	30,000	
30210(a)*	H		16–2–3	Flechette dart-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
30210(b)*	H		16–2–3	Bullet with explosive agent-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
30305(a)(1)*	P		16–2–3	Person Prohibited In Possession Of Ammunition [X-ref: 12316(b)(1)]	10,000 (5,000)	
30305(b) (Misdo)	P		6 months	Possession of ammo by enjoined gang member [X-ref: 12316(b)(4)-(5)]	(10,000)	
30315*	H		16–2–3	Possess ammo designed to penetrate metal [X-ref: 12320]	10,000 (5,000)	
30320	P		16–2–3	Sale/transport ammo to penetrate metal [X-ref: 12321]	10,000	
30600(a)	H		4–6–8	Transport/sale of assault wpn/.50 BMG rifle [X-ref: 12280(a)(1)]	100,000	
30600(b)	H	ENH	1 year	Violates (a) and lends, sells or gives any assault weapon/ .50 BMG rifle to a minor [X-ref: 12280(a)(2)]	50,000	
30605(a)*	H		16–2–3	Possession of assault weapon [X-ref: 12280(b)]	20,000 (10,000)	
30725(b)*	H		16–2–3	Failure to comply with relinquishment of assault weapon requirements [X-ref: 12281(j)]	10,000 (5,000)	
31360(a)	H		16–2–3	Possess body armor-prior violent felony conv [X-ref: 12370(a)]	50,000	
31500*	H		16–2–3	Unconventional pistol-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
32310*	H		16–2–3	Large capacity magazine-sell/possess/mfg [X-ref: 12020(a)(2)]	10,000 (5,000)	
32625(a)	H		16–2–3	Possession of machinegun [X-ref: 12220(a)]	50,000	
32625(b)	H		4–6–8	Convert firearm to machinegun [X-ref: 12220(b)]	100,000	
32900*	H		16–2–3	Multi-burst trigger activator-possess/sell/mfg [X-ref: 12020(a)(1)]	10,000 (5,000)	
33210*	H		16–2–3	Sell/possess Short-barreled rifle/shotgun [X-ref: 12020(a)(1)]	10,000 (5,000)	
33215*	H		16–2–3	Sell/possess Short-barreled rifle/shotgun [X-ref: 12020(a)(1)]	10,000 (5,000)	
33410	H		16–2–3	Possession of silencer [X-ref: 12520]	50,000	
33600*	H		16–2–3	Manufactures, imports, offers for sale, gives, lends, possess zip gun [X-ref: 12020(a)(1)]	10,000 (5,000)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Health & Safety</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
1522.01(c)	H	ENH	5 years	Use of 290 Registration Information to Commit a Felony	40,000	
1621.5(a)	H		2–4–6	Donation of bodily fluids, organs, or tissue by person knowing he/she has AIDS or HIV	40,000	
7150.75*	P		Not > 5 Years	Sale or purchase of human parts if removal of the part is to take place after death	20,000 (7,500)	
11104(a)	P		16–2–3	Transfer of Substance with Knowledge of Intent to Manufacture Controlled Substance	10,000	
11106(j)*	P		16–2–3	Transferring Controlled Substance Without Permit	10,000 (5,000)	
11153(a)*	H		16–2–3	Issuing Prescription to Addict/Habitual User of Controlled Substance	10,000 (5,000)	
11162.5(a)*	H		16–2–3	Counterfeiting Prescription Blank	10,000 (5,000)	
11350(a)**	H		16–2–3	Illegal Possession of Certain Specific or Classified Controlled Substances [As misdo it is punishable up to 1 year per § 11350(a).] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless 1. Defendant has a prior Super Strike or 2. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Prior super strike or 2. Mandatory 290 registrant.] The felony is not a wobbler.	10,000** (5,000) [Felony bail only if any APE applies]	
11351	H		2–3–4	Possession or Purchase for Sale of Certain Specific or Classified Controlled Substances	30,000	
11351.5	H		3–4–5	Possession or Purchase for Sale of Cocaine Base	40,000	
11352(a) [Simple Transport only]	H		3–4–5	Illegal Transportation of Certain Specific or Classified Controlled Substances [Note: The default bail for 11352(a) is \$10,000. This bail amount is to be applied unless the alleged violation involves more than an allegation of simple transportation. If the allegation involves more than simple transportation such as sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution, bail is to be set at \$40,000.]	10,000	

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* Felony/Misdemeanor /“Wobbler” – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as:

1170(h) = H

Prison-Eligible = P

Serious

Violent

Unknown = U

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Health & Safety</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
11352(a) (Aggravated)	H		3–4–5	Sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution. of Certain Specific or Classified Controlled Substances	40,000	
11352(b)	H		3–6–9	Transportation for Sale Between Noncontiguous Counties	100,000	
11353	P		3–6–9	Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances	100,000	
11353(a)	P		3–6–9	Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances	100,000	
11353(a)(1)	P		3–6–9	Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances	100,000	
11353(a)(2)	P		3–6–9	Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances	100,000	
11353(b)	P		3–6–9	Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances	100,000	
11353(c)	P		3–6–9	Person 18 Years or over Using Minor in Sale, Transportation, or Giving to a Minor Certain Specific or Classified Controlled Substances	100,000	
11353.1(a)(1)	P	ENH	1 year	Using Minor for Drug Transactions Involving Heroin or Cocaine on Grounds of Church, Playground, Etc. - STRIKE: S-24	10,000	
11353.1(a)(2)	P	ENH	2 years	Using Minor for Drug Transactions Involving Heroin or Cocaine on or near School Grounds - STRIKE: S-24	20,000	
11353.1(a)(3)	P	ENH	1–2–3	Using Minor at Least Four Years Younger than Defendant for Drug Transactions	10,000	
11353.4(a)	P	ENH	1–2–3	Prior Conviction of Using Minor for Drug Transactions Involving Cocaine Base Resulting in Prison Sentence with Current Conviction of Same Offense - STRIKE: S-24	20,000	
11353.4(b)	P	ENH	1–2–3	Prior Conviction of Using Minor for Drug Transactions Involving Cocaine Base with Current Conviction of Using Minor 14 Years of Age or Younger for Drug Transactions Involving Cocaine Base - STRIKE: S-24	20,000	
11353.5	H		3–7–9	Sale by Adult to Minor of Controlled Substance at School, Public Playground, Church, Synagogue, or Child Day Care Center	100,000	
11353.6(b)	H	ENH	3–4–5	Selling Drugs to Minor on or near School Grounds	50,000	
11353.6(c)	H	ENH	3–4–5	Selling Drugs to Minor at Least Four Years Younger than Defendant on or near School Grounds	50,000	
11353.7	P		3–6–9	Adult sells or gives away to a minor > 14 years in a public park during park hours	100,000	
11354	P		16–2–3	Minor’s employment of fellow minor for unlawful C/S transactions	10,000	
11354(a)	P		16–2–3	Minor’s employment of fellow minor for unlawful C/S transactions	10,000	
11354(a)(1)	P		16–2–3	Minor’s employment of fellow minor for unlawful C/S transactions	10,000	

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Health & Safety</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
11354(a)(2)	P		16–2–3	Minor’s employment of fellow minor for unlawful C/S transactions	10,000	
11355*	H		16–2–3	Sale or Furnishing Substance Falsely Represented as Controlled Substance, with Respect to Certain Specific or Classified Controlled Substances	10,000 (5,000)	
11356.5(a)(1)	P	ENH	1 year	Volume of Transaction > \$500,000	100,000	
11356.5(a)(2)	P	ENH	2 years	Volume of Transaction > \$2 Million	200,000	
11356.5(a)(3)	P	ENH	3 years	Volume of Transaction > \$5 Million	500,000	
11357(a)**	H		16–2–3	Possession of Concentrated Cannabis [As misdo it is punishable up to 1 year per § 11357(a).] [NOTE: This is an APE Crime. Bail must be set at the misdo amount unless 1. Defendant has a prior Super Strike or 2. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Prior super strike or 2. Mandatory 290 registrant.] The felony is a 1-year wobbler.]	10,000** (5,000) [Felony bail only if any APE applies]	
11357(b) (Infrac)				Possession of Marijuana	(100)	
11358	H		16–2–3	Marijuana: Cultivate, Process	10,000	
11359	H		16–2–3	Marijuana, Possession for Sale	20,000	
11360(a)	H		2–3–4	Marijuana: Transportation, Sale, Furnishing	30,000	
11361(a)	P		3–5–7	Marijuana: Adult Using Minor in Sale, Transportation, Giving to Minor	60,000	
11361(b)	P		3–4–5	Marijuana: Adult who furnishes, gives, administers MJ to a minor 14 years or older	20,000	
11363*	P		16–2–3	Peyote: Cultivating, Processing	10,000 (5,000)	
11364.7(b)*	P		16–2–3	Manufacturing drug paraphernalia	10,000 (5,000)	
11366*	P		16–2–3	Maintaining Place for Selling, Giving, Using of Certain Specific or Classified Controlled Substance	10,000 (5,000)	
11366.5(a)*	H		16–2–3	Allowing Location to Be Used for Use or Sale of Drugs	10,000 (5,000)	
11366.5(b),(c)	H		2–3–4	Fortifying Location to Be Used for Use or Sale of Drugs; or with prior violation of (a).	20,000	
11366.6	H		3–4–5	Using Fortified Location for	40,000	
11366.7(b)*	P		16–2–3	Sale of chemical, laboratory apparatus, or device for the unlawful manufacture of C/S	10,000 (5,000)	
11368*	P		16–2–3	Narcotic Drug: Forging, Altering Prescription	10,000 (5,000)	
11370.1(a)	P		2–3–4	Possession of Controlled Substance While Armed with a Loaded Operable Firearm	30,000	
11370.2(a)	H	ENH	3 years	Prior Conviction of 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383 with Current Conviction of 11351, 11351.5, or 11352	30,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Health & Safety</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
11370.2(b)	H	ENH	3 years	Prior Conviction of 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383 with Current Conviction of 11378.5, 11379.5, 11379.6, 11380.5, or 11383	30,000	
11370.2(c)	H	ENH	3 years	Prior Conviction of 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383 with Current Conviction of 11378 or 11379	30,000	
11370.4(a)(1)	H	ENH	3 years	Amount > 1 kg (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	50,000	
11370.4(a)(2)	H	ENH	5 years	Amount > 4 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	75,000	
11370.4(a)(3)	H	ENH	10 years	Amount > 10 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	200,000	
11370.4(a)(4)	H	ENH	15 years	Amount > 20 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	250,000	
11370.4(a)(5)	H	ENH	20 years	Amount > 40 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	400,000	
11370.4(a)(6)	H	ENH	25 years	Amount > 80 kgs (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	400,000	
11370.4(b)(1)	H	ENH	3 years	Amount > 30 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	50,000	
11370.4(b)(2)	H	ENH	5 years	Amount > 100 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	75,000	
11370.4(b)(3)	H	ENH	10 years	Amount > 200 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	200,000	
11370.4(b)(4)	H	ENH	15 years	Amount > 400 liters (Heroin, cocaine, cocaine base, PCP or Methamphetamine by weight)	250,000	
11370.6*	H		2–3–4	Possession of Funds over \$100,000 to Purchase Controlled Substance	20,000 (10,000)	
11370.9*	P		2–3–4	Transaction involving proceeds in excess of \$25,000 derived from C/S offense	20,000 (7,500)	
11371*	H		16–2–3	Violate/Solicit Minor to Violate Controlled Substance Prescription Laws	10,000 (5,000)	
11371.1*	H		16–2–3	Violate/Solicit Minor to Violate Controlled Substance Laws	10,000 (5,000)	
11374.5(a)*	H		2–3–4	Unlawful Disposal of Hazardous Substance Used in Manufacturing Controlled Substance	50,000 (25,000)	
11375(b)(1)*	P		16–2–3	Possession for Sale of Designated Controlled Substance	10,000 (5,000)	
11377**	H		16–2–3	Possession of Controlled Substances [As misdo it is punishable up to 1 year per § 11377(a).] [NOTE: This is an <u>APE Crime</u> . Bail must be set at the misdo amount unless 1. Defendant has a prior Super Strike or 2. Defendant is required to register per PC § 290. Upon fresh arrest, if an APE applies, bail must be set at the felony amount.] [APE = 1. Prior super strike or 2. Mandatory 290 registrant.] The felony is a 1-year wobbler.]	10,000** (5,000) [Felony bail only if any <i>APE</i> applies]	
11378	H		16–2–3	Possession of Controlled Substances for Sale	20,000	
11378.5	H		3–4–5	Possession or Purchase for Sale of PCP	40,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Health & Safety</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
11379(a) [Simple Transport only]	H		2–3–4	Transportation of Certain Specific or Classified Controlled Substances [Note: The default bail for 11379(a) is \$10,000. This bail amount is to be applied unless the alleged violation involves more than an allegation of simple transportation. If the allegation involves more than simple transportation such as sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution, bail is to be set at \$40,000.]	10,000	
11379(a) (Aggravated)	H		2–3–4	Sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution- Specified Controlled Substances [Not simple transportation only]	40,000	
11379(b)	H		3–6–9	Transport for Sale of Controlled Substances Between Noncontiguous Counties	100,000	
11379.2*	P		16–2–3	Sells or possesses for sale ketamine	10,000 (5,000)	
11379.5(a) [Simple Transport only]	H		3–4–5	Simple Transportation Only of PCP [Note: The default bail for 11379.5(a) is \$10,000. This bail amount is to be applied unless the alleged violation involves more than an allegation of simple transportation. If the allegation involves more than simple transportation such as sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution, bail is to be set at \$40,000.]	10,000	
11379.5(a) (Aggravated)	H		3–4–5	Sale, importation, furnishing, administering, giving away, or possession or transportation for sale or distribution- PCP- [Not simple transportation only]	40,000	
11379.5(b)	H		3–6–9	Transports for Sale PCP Between Noncontiguous Counties	100,000	
11379.6(a)	H		3–5–7	Manufacture or Process Controlled Substance	75,000	
11379.6(c)	H		3–4–5	Offer to Manufacture or Process Controlled Substance	40,000	
11379.7(a)	P	ENH	2 years	Manufacturing or Possessing Precursors of Methamphetamine or PCP with Intent to Manufacture in Structure Where Minor under 16 Years of Age Present	20,000	
11379.7(b)	P	ENH	5 years	Manufacturing or Possessing Precursors of Methamphetamine or PCP with Intent to Manufacture and Causing GBI to Minor under 16 Years of Age -STRIKE: S- 8; V- 8	40,000	Y
11379.8(a)(1)	H	ENH	3 Years	Substance exceeds three gallons of liquid by volume or one pound of solid substances by weight	30,000	
11379.8(a)(2)	H	ENH	5 Years	Substance exceeds ten gallons of liquid by volume or three pounds of solid substances by weight	50,000	
11379.8(a)(3)	H	ENH	10 Years	Substance exceeds twenty-five gallons of liquid by volume or ten pounds of solid substances by weight	200,000	
11379.8(a)(4)	H	ENH	15 Years	Substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substances by weight	500,000	
11379.9(a)	P	ENH	1 year per death or injury	Manufacturing or Possessing Precursors of Methamphetamine or PCP with Intent to Manufacture and Causing Death or GBI (No limit to victim death enhancements) -STRIKE: S- 8	100,000	Y
11380(a)	P		3–6–9	Soliciting Minor Re: Controlled Substances	100,000	
11380.1(a)(1)	P	ENH	1 year	Using Minor for Drug Transactions Involving PCP, Methamphetamine or LSD on Grounds of Church, Playground, Etc.	10,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Health & Safety</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
11380.1(a)(2)	P	ENH	2 years	Using Minor for Drug Transactions Involving PCP, Methamphetamine, or LSD on or near School Grounds	20,000	
11380.1(a)(3)	P	ENH	1–2–3	Using Minor at Least 4 Years Younger than Defendant for Drug Transactions	10,000	
11382*	H		16–2–3	Selling or Furnishing Substance Falsely Represented to Be Controlled Substance	10,000 (5,000)	
11383(a)	H		2–4–6	Possession of Precursors with Intent to Manufacture Methamphetamine	50,000	
11383(b)	H		2–4–6	Possession of Precursors with Intent to Manufacture PCP	50,000	
11383(c)	H		2–4–6	Possession of Materials with Intent to Manufacture Methamphetamine	50,000	
11383(d)	H		2–4–6	Possession of precursors to manufacture PCP	40,000	
11383.5(a)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(b)(1)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(b)(1)(all)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(b)(2)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)(1)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)(2)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(c)(3)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(d)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(e)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11383.5(f)	H		2–4–6	Possession of precursors to manufacture Meth	40,000	
11390*	P		16–2–3	Cultivating Mushrooms for Controlled Substance	10,000 (5,000)	
11391*	P		16–2–3	Sale or Transportation of Mushrooms for Controlled Substance	10,000 (5,000)	
11550(e)*	P		16–2–3	Under Influence of Controlled Substance While in Possession of Loaded Firearm	20,000 (5,000)	
11550(f)	P		2–3–4	Second or Subsequent Conviction of §11550(e)	20,000	
12305	P		16–2–3	Unlawful Possession of Explosive	10,000	
12761*	P		16–2–3	Use or possession of flame throwing device without a valid permit	10,000 (5,000)	
25189.5(e)	H	Enh	1–2–3	Unauthorized Waste Disposal Causing GBI	20,000	
25189.6(b)	H		3–6–9	Recklessly treats, handles, transports, disposes or stores hazardous waste that causes or places another person in imminent danger of death or SBI	100,000	
115215(b)(2)	H		3–5–7	Disposes any radioactive material at unlicensed facility and is in violation of Ch. 8 (Radiation Control Law) or an regulation or order adopted pursuant thereto + caused GBI or probability of death	40,000	

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i><u>Health & Safety</u></i>	<i><u>Prison</u></i>	<i><u>ENH***</u></i>	<i><u>Penalty</u></i>	<i><u>Description – Strike Authority – Related Sections</u></i>	<i><u>Presumptive Bail</u></i>	<i><u>OR</u></i>
115215(c)(2)	H		3–5–7	Transports radioactive material + caused GBI/prob. Death	40,000	
116750(a)	H		3–4–5	Tampering with Public Water System	50,000	
116750(b)	H		16–2–3	Tampering or threaten to tamper with Public Water System	20,000	
120291(a)	P		3–5–8	Willfully Infecting Another with HIV by Engaging in Unprotected Sex	250,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Vehicle Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
2800.1 (Misdo)			1 Year	Evade Peace Officer	(5,000)	
2800.2(a)*	P		16–2–3	Attempting to Evade Peace Officer While Driving Recklessly	30,000 (15,000)	
2800.3(a)*	P		3–4–7	Willful Flight Causing Serious Bodily Injury -STRIKE: S- 8, 23	100,000 (25,000)	
2800.3(b)	P		4–6–10	Willful Flight Causing Death -STRIKE: S- 8, 23	200,000	
2800.4(a)*	H		16–2–3	Attempting to Evade Peace Officer While Driving Wrong Way	30,000 (15,000)	
4463(a)*	H		16–2–3	Ownership Certificate, License Forgery	10,000 (5,000)	
4463(a)(1)*	H		16–2–3	Ownership Certificate, License Forgery	10,000 (5,000)	
4463(a)(2)*	H		16–2–3	Ownership Certificate, License Forgery	10,000 (5,000)	
10801*	H		2–3–4	Owens or operates chop shop	30,000 (15,000)	
10803(a)*	H		2–4–6	Sells or transfers vehicle or parts knowing VIN altered, defaced, obliterated	40,000 (20,000)	
10851(a)*	H		16–2–3	Driving Car Without Consent of Owner	10,000 (5,000)	
10851(b)	H		2–3–4	Drives or takes ambulance, law enforcement vehicle, disabled person’s vehicle: party, accessory or accomplice	30,000	
10851(e)	H		2–3–4	Vehicle Theft with Felony Prior Conviction	30,000	
14601(a) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended- Negligent Operator	(1,000) [+ 1,000 Per Each Charged Prior Conviction]	
14601.1(a) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended - Misc Reasons	(1,000) [+ 1,000 Per Each Charged Prior Conviction]	
14601.2(a)(Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended for DUI priors	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	

RDS

* Felony/Misdemeanor /“Wobbler” – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as:

1170(h) = **H**

Prison-Eligible = P

Serious

Violent

Unknown = **U**

RDS

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Vehicle Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
14601.2(b) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Restricted for DUI priors	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	
14601.3(e)(3) (Misdo)			6 Months	14601.2 Violation by Habitual Driving Offender for DUI related crimes. [Requires 180 days/\$2000 consec penalty.]	(20,000)	
14601.5(a) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Suspended for Refusal	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	
14601.5(b) (Misdo)			6 Months–1 Year with Prior	Driving While Privilege Restricted for Refusal	(5,000) [+ 5,000 Per Each Charged Prior Conviction]	
20001(a)*	P		16–2–3	Hit and Run Driving With Injury (Punish per 20001(b)(1)) [Note: Book / charge for only 20001(a) or 20001(b)(1), but not for both]	10,000 (5,000)	
20001(b)(1)*	P		16–2–3	Hit and Run Driving With Injury - (Punishment for 20001(a)) [Note: Book / charge for only 20001(a) or 20001(b)(1), but not for both]	10,000 (5,000)	
20001(b)(2)*	P		2–3–4	Hit and Run Driving Causing Death or Permanent Serious Injury -STRIKE: S -8.	50,000 (15,000)	
20001(c)	P	ENH	5 years	Fleeing the Scene after Committing Vehicular Manslaughter under PC§191.5, 192(c)(1), 192(c)(3), 192.5(a), or 192.5(c)	50,000	
23103(a) (Misdo)			90 Days	Reckless Driving	(3,500)	
23103(b) (Misdo)			90 Days	Reckless Driving	(3,500)	
23104(a) (Misdo)			6 Months	Reckless Driving Causing Bodily Injury	(5,000)	
23104(b)*	H		16–2–3	Reckless Driving Causing Great Bodily Injury with Prior Conviction - Strike S- 8, 23	30,000 (15,000)	
23105(a)*	H		16–2–3	Reckless Driving Causing Specific Bodily Injury - Strike S- 8, 23	30,000 (15,000)	
23109(a) (Misdo)			90 Days	Speed Contest	(5,000)	
23109(f)(3)*	P		16–2–3	Speed Contest Causing Serious Bodily Injury with Prior Conviction - Strike S- 8, 23	30,000 (15,000)	
23109.1(a)*	H		16–2–3	Speed Contest Causing Specific Bodily Injury - Strike S- 8, 23	30,000 (15,000)	
23110(a) (Misdo)			6 Months	Throwing Substance at Vehicle	(7,500)	
23110(b)	P		16–2–3	Throwing Substance at Vehicle Capable of Causing Serious Bodily Injury	10,000	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Vehicle Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
23152(a)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]	0** (5,000)	
23152(b)**			6 Months	DUI alcohol/drugs/addiction (per 23536) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]	0** (5,000)	
23153(a)*	P		16–2–3	DUI alcohol/drugs w/ injury (per 23554) [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: 1 prior DUI - 23560* - [+20k (+15k)] APE: 2 prior DUIs - 23566(a) - [+70k + (50k/ea. additional prior > 2)] APE: 2 prior DUIs or more with GBI - 23566 (b) & (c) - [+120k] + [50k/ea. additional prior > 2]] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]	30,000 (15,000)	
23153(b)*	P		16–2–3	DUI alcohol/drugs w/ injury (per 23554) [NOTE: For fresh arrests, bail for any felony violation of 23153(b) and all enhancements, special allegation, or aggravating factors is “\$0.00”] [NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.] APE: Felony DUI related prior - 23550.5* - [+0 (+15k)] + [+0 (+50k)/ea. additional prior > 1] APE: 1 prior DUI - 23560* - [+0 (+15k)]	0 (15,000)	
23222(b) (Infrac)			0-0-0	Marijuana in Vehicle	(100)	

MONTEREY COUNTY BAIL SCHEDULE

2014

<i>Vehicle Code</i>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
23536(a) (Misdo)		APE	6 Months	23152 - 1st Offense in 10 years	(0)	
23540(a) (Misdo)		APE	1 Year	23152 - 1 Prior in 10 years	(5,000)	
23546(a) (Misdo)		APE	1 Year	23152 - 2 Priors in 10 years	(10,000)	
23550(a)*	H	APE	16–2–3	23152 - 3 Priors in 10 years	30,000 (15,000) [Add 50,000 (50,000) for each prior above the third]	
23550.5*	P	APE	16–2–3	23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction.	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]	
23550.5(a)*	P	APE	16–2–3	23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]	
23550.5(a)(1)*	P	APE	16–2–3	23152 or 23153 with a prior Felony 23152 (23550) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]	
23550.5(a)(2)*	P	APE	16–2–3	23152 or 23153 with any prior Felony 23153 conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]	
23550.5(a)(3)*	P	APE	16–2–3	23152 or 23153 with a prior Felony 192(c)(1) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]	
23550.5(b)*	P	APE	16–2–3	23152 or 23153 with either a prior 192.5(a) or Felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]	
23554*	P	APE	16–2–3	23153 - 1st Offense in 10 years	0 (0)	
23558	P	ENH	1 Year/Vict	23153 Causing Bodily Injury or Death to Multiple Victims.	50,000 [per Victim]	
23560*	P	APE	16–2–3	23153 - 1 Prior in 10 years.	20,000 (15,000)	
23566(a)	P	APE	2–3–4	23153 - 2 Priors in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	70,000 [Add 50,000 for each prior above the second]	
23566(b)	P	APE	2–3–4	23153 with GBI with 2 Priors or More Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	120,000 [Add 50,000 for each prior above the second]	

MONTEREY COUNTY BAIL SCHEDULE

2 0 1 4

<i><u>Vehicle Code</u></i>	<i><u>Prison</u></i>	<i><u>ENH***</u></i>	<i><u>Penalty</u></i>	<i><u>Description – Strike Authority – Related Sections</u></i>	<i><u>Presumptive Bail</u></i>	<i><u>OR</u></i>
23566(c)	P	ENH	3 years	23153 with GBI convicted under 23566(b) with 4+ Priors Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 [Add 50,000 for each prior above the fourth]	
38318(b)	H		16–2–3	With GBI intent, Discharges firearm at off-road vehicle or throws item capable of doing GBI-Strike: S- 8, 23	10,000	

MONTEREY COUNTY BAIL SCHEDULE 2014

<u>Business & Professions</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
729*	H		16–2–3	Sexual Exploitation by Physician, Psychotherapist, or Alcohol and Drug Abuse Counselor Involving Two or More Victims	20,000 (10,000)	
1282.3(b)(1)*	H		16–2–3	Improper Collection, Storage, or Labeling of Biological Specimen with Willful or Wanton Disregard for Safety	10,000 (5,000)	
1282.3(b)(2)	H		2–4–6	Improper Collection, Storage, or Labeling of Biological Specimen with Willful or Wanton Disregard for Safety with Prior Conviction	50,000	
2052*	H		16–2–3	Practice Medicine Without License/Certificate	10,000 (5,000)	
4324(a)*	H		16–2–3	Forgery of Prescription	10,000 (5,000)	
7027.3*	P		16–2–3	Fraudulent Use of Contractor's License Number	10,000 (5,000)	
21653*	P		16–2–3	Junk dealer reselling item > \$950	10,000 (5,000)	
25603	P		16–2–3	Bring Alcohol into Prison/Jail, Etc.	10,000	

<u>Fish & Game</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
3009	P		16–2–3	Failure to Render Aid After Shooting Person While Hunting - Strike: S- 8, 23	10,000	
12001	P		16–2–3	Hunting with Revoked/Suspended License	10,000	
12004(b)*	H		16–2–3	Illegal Hunting, Possession, or Sale of Specified Fish with Prior Conviction	10,000 (5,000)	

* Felony/Misdemeanor /“Wobbler” – The misdemeanor presumptive bail amount is reflected in parenthesis. Upon fresh arrest, the presumptive bail to be applied is the felony amount.

** APE Crime - Misdemeanor bail is to be applied unless a Felony APE enhancement applies.

***Enhancement (ENH) or Aggravating Factor (AGGF) or Special Allegation (SPAL) or Alternate Penalty Enhancement (APE)

Serious & Violent Felonies are indicated as:

1170(h) = H

Prison-Eligible = P

Serious

Violent

Unknown = U

MONTEREY COUNTY BAIL SCHEDULE

2014

<u>Harbors & Navigation</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
668(g)*	H		16–2–3	Operating Vessel under the Influence and Causing Bodily Injury	10,000 (5,000)	
668(k)	P	ENH	5 Years	Vessel hit and run per § 192.5(a),(b), or (c)	50,000	

<u>Insurance Code</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
1871.4(a)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(1)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(2)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(3)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(4)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(5)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(a)(6)*	H		2–3–5	Worker's Compensation Fraud	20,000 (7,500)	
1871.4(c)	H	ENH	2 years	Worker's Compensation Fraud - Prior Felony Enhancement	20,000	
11760(a)*	H		2–3–5	False or fraudulent statement to reduce cost of workers' compensation insurance	20,000 (7,500)	
11760(b)	H	ENH	2 years	Worker's Compensation Fraud - Prior Felony Enhancement	20,000	
11880(a)*	H		2–3–5	False or fraudulent statement for purpose of reducing premium, rate, or cost of workers' compensation insurance from the State Compensation Insurance Fund	20,000 (7,500)	
11880(b)	H	ENH	2 years	Worker's Compensation Fraud - Prior Felony Enhancement	20,000	

<u>Water Code</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
13387(d)(1)	H		5–10–15	Discharge Contaminant Into State Waters Knowingly Causing Risk of GBI	250,000	
13387(d)(1) [w/ prior]	H	APE	10–20–30	Discharge Contaminant Into State Waters Knowingly Causing Risk of GBI (with prior conviction)	1,000,000	

<u>Welfare & Institutions</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
707(d)		SPAL		Fitness - Juvenile over specified age.	0	
707(d)(1)		SPAL		Fitness - Juvenile over 15.	0	

MONTEREY COUNTY BAIL SCHEDULE

2014

<u>Welfare & Institutions</u>	<i>Prison</i>	<i>ENH***</i>	<i>Penalty</i>	<i>Description – Strike Authority – Related Sections</i>	<i>Presumptive Bail</i>	<i>OR</i>
707(d)(2)		SPAL		Fitness - Juvenile over 13.	0	
707(d)(3)		SPAL		Fitness - Juvenile over 15 with prior specified offense.	0	
1768.7(a)*	H		16–2–3	Escape or attempt from CYA or while in CYA custody without force or violence.	10,000 (5,000)	
1768.7(b)*	P		2–4–6	Force or violence used to escape or attempt from CYA or while in CYA custody. [Note: "Without force" is punishable as wobbler (1 year) and per 1170h (16-2-3.)]	100,000 (30,000)	
1768.8(b)	P		2–4–6	Assault with a DW or instrument, or by any means of force likely to produce great bodily injury on a person not confined therein	40,000	
1768.85(a)*	H		2–3–4	Battery by gassing upon a peace officer or CYA employee	30,000 (10,000)	
10980(f)	P		16–2–3	Welfare fraud involving use of electronic transfer (Embezzlement of Public Funds)	10,000	
10980(h)(1)(A)	H	ENH	1 year	Amount > \$50,000	10,000	
10980(h)(1)(B)	H	ENH	2 years	Amount > \$150,000	20,000	
10980(h)(1)(C)	H	ENH	3 years	Amount > \$1 million	75,000	
10980(h)(1)(D)	U	ENH	4 years	Amount > \$2.5 million	100,000	
14107(a)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(b)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(b)(1)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(b)(2)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(b)(3)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(b)(4)(A)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(b)(4)(B)*	P		2–3–5	Fraudulent welfare claim	40,000 (15,000)	
14107(d)	U	ENH	4 years per victim	Fraudulent Welfare Scheme Likely to Cause or Causing GBI or Serious Bodily Harm to More than one victim	20,000	
15656(a)*	P		2–3–4	Willfully causing pain or suffering to elder or dependent person under circumstances likely to produced great bodily harm or death	50,000 (25,000)	
15656(c)*	P		2–3–4	Elder or dependent person abuse (theft or embezzlement) by caretaker & value > \$950	20,000 (7,500)	

STRIKE STATUTES
- PC §§667.5(C), 1192.7(C), 1192.8; W&I §707(B) -

Penal Code Section 667.5(c) states:

(c) For the purpose of this section, "violent felony" shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755 [formerly 12308, 12309, and 12310.]
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of *Section 186.22 of the Penal Code*.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of *Section 186.22 of the Penal Code*.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

Penal Code Section 1192.7(c) states:

(c) As used in this section, "serious felony" means any of the following:

- (1) Murder or voluntary manslaughter;
- (2) Mayhem;
- (3) Rape;
- (4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (6) Lewd or lascivious act on a child under 14 years of age;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- (9) Attempted murder;
- (10) Assault with intent to commit rape or robbery;
- (11) Assault with a deadly weapon or instrument on a peace officer;
- (12) Assault by a life prisoner on a noninmate;

STRIKE STATUTES
- PC §§667.5(C), 1192.7(C), 1192.8; W&I §707(B) -

- (13) Assault with a deadly weapon by an inmate;
- (14) Arson;
- (15) Exploding a destructive device or any explosive with intent to injure;
- (16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- (17) Exploding a destructive device or any explosive with intent to murder;
- (18) Any burglary of the first degree;
- (19) Robbery or bank robbery;
- (20) Kidnapping;
- (21) Holding of a hostage by a person confined in a state prison;
- (22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) Any felony in which the defendant personally used a dangerous or deadly weapon;
- (24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of *Section 11055 of the Health and Safety Code*, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of *Section 11055* or subdivision (a) of *Section 11100 of the Health and Safety Code*;
- (25) Any violation of subdivision (a) of *Section 289* where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (26) Grand theft involving a firearm;
- (27) Carjacking;
- (28) Any felony offense, which would also constitute a felony violation of *Section 186.22*;
- (29) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of *Section 220*;
- (30) Throwing acid or flammable substances, in violation of *Section 244*;
- (31) Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of *Section 245*;
- (32) Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of *Section 245.2, 245.3, or 245.5*;
- (33) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of *Section 246*;
- (34) Commission of rape or sexual penetration in concert with another person, in violation of *Section 264.1*;
- (35) Continuous sexual abuse of a child, in violation of *Section 288.5*;
- (36) Shooting from a vehicle, in violation of subdivision (c) or (d) of *Section 26100 [formerly 12034]* ;
- (37) Intimidation of victims or witnesses, in violation of *Section 136.1*;
- (38) Criminal threats, in violation of *Section 422*;
- (39) Any attempt to commit a crime listed in this subdivision other than an assault;
- (40) Any violation of *Section 12022.53*;
- (41) A violation of subdivision (b) or (c) of *Section 11418*; and
- (42) Any conspiracy to commit an offense described in this subdivision.

Penal Code § 1192.8 - Serious felony further defined:

(a) For purposes of subdivision (c) of *Section 1192.7*, "serious felony" also means any violation of *Section 191.5*, paragraph (1) of subdivision (c) of *Section 192*, subdivision (a), (b), or (c) of *Section 192.5* of this code, or *Section 2800.3*, subdivision (b) of *Section 23104*, or *Section 23153* of the Vehicle Code, when any of these offenses involve the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon, within the meaning of paragraph (8) or (23) of subdivision (c) of *Section 1192.7*.

(b) It is the intent of the Legislature, in enacting subdivision (a), to codify the court decisions of *People v. Gonzales*, 29 Cal. App. 4th 1684, and *People v. Bow*, 13 Cal. App. 4th 1551, and to clarify that the crimes specified in subdivision (a) have always been, and continue to be, serious felonies within the meaning of subdivision (c) of *Section 1192.7*.

Welfare & Institutions Section 707(b) states:

- (b) Subdivision (c) shall be applicable in any case in which a minor is alleged to be a person described in *Section 602* by reason of the violation of one of the following offenses:
- (1) Murder.

STRIKE STATUTES
- PC §§667.5(C), 1192.7(C), 1192.8; W&I §707(B) -

- (2) Arson, as provided in subdivision (a) or (b) of *Section 451 of the Penal Code*.
- (3) Robbery.
- (4) Rape with force, violence, or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) A lewd or lascivious act as provided in subdivision (b) of *Section 288 of the Penal Code*.
- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (8) An offense specified in subdivision (a) of *Section 289 of the Penal Code*.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purposes of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.
- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.
- (15) Discharge of a firearm into an inhabited or occupied building.
- (16) An offense described in *Section 1203.09 of the Penal Code*.
- (17) An offense described in *Section 12022.5 or 12022.53 of the Penal Code*.
- (18) A felony offense in which the minor personally used a weapon described in any provision listed in *Section 16590 of the Penal Code*.
- (19) A felony offense described in *Section 136.1 or 137 of the Penal Code*.
- (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of *Section 11055 of the Health and Safety Code*.
- (21) A violent felony, as defined in subdivision (c) of *Section 667.5 of the Penal Code*, which also would constitute a felony violation of subdivision (b) of *Section 186.22 of the Penal Code*.
- (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of *Section 871* if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- (23) Torture as described in *Sections 206 and 206.1 of the Penal Code*.
- (24) Aggravated mayhem, as described in *Section 205 of the Penal Code*.
- (25) Carjacking, as described in *Section 215 of the Penal Code*, while armed with a dangerous or deadly weapon.
- (26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of *Section 209 of the Penal Code*.
- (27) Kidnapping as punishable in *Section 209.5 of the Penal Code*.
- (28) The offense described in subdivision (c) of *Section 26100 [formerly 12034] of the Penal Code*.
- (29) The offense described in *Section 18745 [formerly 12308] of the Penal Code*.
- (30) Voluntary manslaughter, as described in subdivision (a) of *Section 192 of the Penal Code*.



SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

240 Church Street · Salinas, California · 93901 • (831) 775-5400

Judge Russell D. Scott

scottr@monterey.courts.ca.gov

1170(h) Quick Reference Guide

CRIMES PUNISHABLE BY JAIL PER 1170(H), OR PRISON

This **1170(h) Quick Reference Guide** is intended to provide a comprehensive resource to those interested in identifying whether a crime is punishable pursuant to **PC § 1170(h)** or is **Prison-Eligible**. It assumes an individual has been charged with a felony offense. It is not intended to identify whether or not a crime is in fact a felony. Please email any corrections or additions to Judge Russell Scott at scottr@monterey.courts.ca.gov.

Subsections:

The table lists each code section identifying relevant subsections. If a code section includes several subsections, the section is listed first, followed by each applicable subsection separated by commas (e.g., **148(b),(c),(d)(all)**.) If a subsection has several sub-subsections, those sub-subsections appear in parentheses next to the subsection as reflected by "(all)" in the preceding example.

"(All)" means that all relevant subsections or sub-subsections are included. If a subsection or sub-subsection is treated differently, it is given a separate listing.

Designations - Prison-Eligible or 1170(h)

Color coding is used to distinguish **Prison-Eligible** and **1170(h)** crimes. **Prison-Eligible** crimes are in **RED text**; **1170(h)** crimes are in **GREEN text**. For those who print in B&W, **Prison-Eligible** crimes are underlined and in bold font. When the proper designation is **Unknown** either because more information is required or because the law is unclear, it is designated in **blue text**. For B&W printing, **Unknown** is designated by **italic text**.

General Rules

Prison-Eligible crimes are those felonies not punishable pursuant to 1170(h) (PC § 18(a)), unless it is a Vehicle Code felony with no punishment specified, in which case it is punishable by commitment to jail (VC § 42000.)

P.C. § 1170(h)(3) further provides that **prison** is to be imposed if any of the following apply:

1. Conviction of a current or prior serious or violent felony conviction listed in sections 667.5(c) or 1192.7(c),
2. When the defendant is required to register as a sex offender under section 290; or
3. When the defendant is convicted and sentenced for aggravated theft under the provisions of section 186.11.

Mixed 1170(h) & Prison-Eligible Sentences:

If sentenced to **prison** for any charge in any case, the entire sentence is to be served in **prison**, whether the sentences are **consecutive (§ 1170(a))** or **concurrent (§ 669(d))**. See *P v. Torres* (2013) 213 Cal. App. 4th 1151.

Enhancements

Enhancements sometimes specify "prison" (e.g., 12022.4.) It is unclear whether or not the enhancement would affect if the sentence is to be served in prison when attached to an 1170(h) crime. 1170.1(a) provides that if either the principal or subordinate term is prison-eligible, the entire sentence is to be served in prison. It says nothing about enhancements.

Thanks to:

Judge Richard Couzens and Justice Tricia A. Bigelow, as well as the Honorable Gale Kaneshiro, Judge of the Superior Court, County of San Diego.

Post Script

This table in modified form is now included as Appendix I of *Felony Sentencing After Realignment* by Judge Richard Couzens and Justice Tricia A. Bigelow, (http://www.courts.ca.gov/partners/documents/felony_sentencing.pdf) beginning at p. 119.

Business &	Professions	580	581	582	583
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584	25372	28821	18573	18453	19340
585	25603	28880	18575(a-b)	18454	19360
601	25618	29100	18578	18454.5	19363
650(all)	Civil	29101	18611	18457	19403
654.1	892(a),(b)	29102	18613	22100	19440
655.5(all)	1695.6	29520	18614	22169	19441
729(b)(3),(4),(5)	1695.8	29535(all)	18620	22170(all)	35283(all)
1282.3(b)(1),(2)	1812.116(b),(c)(all)	29536	18621	22753	80072
1701(all)	1812.125	29538(all)	18640	22755	80073
1701.1(all)	1812.217	29550(a),(b)	18660	22780	80111
1960(all)	2945.4	31110	18661	31800	80114
2052(all)	2945.7	31200	18680	31801	80151
2273	2985.2	31201	Finance	31802	80152
2315(b)	2985.3	31202	236	31822	80174
2417.5	Corporations	31203	752	31823	18313.8
4324(a),(b)	2255(all)	31204(all)	753	31825	Government
5536.5	2256	31210	754	31826	1026
6126(b),(c)	6811	31410	761	31827	1090
6152	6812(all)	31411	765	31828	1090.1(all)
6153	6813(all)	35301	768	31829	1091(all)
6788	6814	Education	787	31880	1093
7027.3	8812	7054(a)(c)	971	50500	1094
7028.16	8813(all)	17312	1591	Fish & Game	1097
7502.3	8814(all)	81144	1810	3009	1195
7565	8815	Election	1867(all)	4758	1368
7587.13	12672	14240	3510	8685.5	1369
7592.6	12673(all)	18002	3531	8685.6	1855(all)
7735	12674(all)	18100(a),(b)	3532	8685.7	3108
7738	12675	18101	5300	8688	3109
7739	14085(all)	18102	5302(a),(b)	12001	5503(all)
10238.6(all)	14086	18106	5303	12004(b)	5951
11010	14087	18110(c)	5304(all)	12005(a)(2)	5954
11010.1	22001	18200	5305	Food & Ag	6200(all)
11010.8	22002(a),(b),(c)	18201	5306	6306	6201
11013.1	25110	18203	5307	10786	6254.21(b)
11013.2	25120(a)	18204	5308	12996(b)	8214.2
11013.4	25130	18205	6525.5(all)	17551(all)	8227.3
11018.2	25164(b)	18310	10004	17701	8670.64(a),(c)
11018.7	25166	18311(a),(b)	12102	18841	8920(all)
11019	25210(all)	18400	12200	18842	8924
11020(all)	25214	18403	12200.3	18843	8925
11022	25216(all)	18500	14150	18844	8926
11023	25218	18501	14752	18845	9050
11226(all)	25230	18502	14753	18846	9052
11227	25232.2	18520(a),(b),(c)	14754	18847	9053
11234	25234(a)	18521(a),(b),(c),(d)(1-4)	14755	18848	9054
11244(all)	25235	18522(a)(1-3),(b)(1-4)	14756	18849	9056
11245	25238	18523	14758	18850	9130.5
11283	25243	18524	14759	18851	27443(all)
11286(all)	25243.5	18540(a),(b)	14764	18852	51012.3
11287	25244	18541(all)	14765	18853	51013
11320	25245	18543(all)	14766	18854	51013.5(all)
14491	25246	18544(a)	14767	18855	51014
16721	25300(a)	18545	14768	18856	51014.3
16721.5	25400	18560(a),(b),(c)	17200	18857	51014.5
16727	25401	18561(a),(b)	17414(a)(all)	18932	51014.6
16755(a)(2)	25402	18564(all)	17700	18933	51015
17511.9(all)	25403	18564(if abettor)	17702	19240	51015.05
17550.14(all)	25404(all)	18565(all)	17703(all)	19260	51015.2
17550.15(b),(c)	25540(a),(b),(c)	18566(all)	18349.5(all)	19280	51015.4
17550.19(b),(c)	25541(a),(b)	18566(if abettor)	18435	19300	51015.5
19437	27201	18567	18436	19300.5	51017.1 (all)
19439	27202	18567(if abettor)	18445	19306	51017.2
21653	28800	18568(all)	18446	19310	51018
22430(a),(d)	28801	18568(if abett)	18447	19313.5	51018.7(a)
23301	28802	18569	18448	19320	81004

RED (Underlined) text crimes are prison eligible; BLUE (Italicized) text crimes are unknown or depend on other information

91002	11370.4(all)	829	37(a)	166(c)(4)	243(c)(all),(d)
Harbors & Navigation	11370.6(a)	830	38	166(d)(1)	243.1
264(all)	11370.9(all)	833(all)	67	168(all)	243.3
302	11371	844	67.5(b)	171b(a)(all)	243.4(a),(b),(c),(d),(i)
304	11371.1	845	68(all)	171c(a)(1)	243.6
305	11374.5(a)	853	69	171d(all)	243.7
306	11375(b)(1)	900.9	71(all)	181	243.9(a)
310	11377(a)	1043	72	<i>182(all felonies)</i>	244
655(f)	11378	1215.10(d),(e)	72.5(all)	182.5	244.5(all)
656.2	11378.5	1760.5	76(all)	186.10(all)	245(a)(all)
656.3	11379(all)	1761	85	186.11(all)	245(b)
668(c)(1),(g)	11379.2	1763	86	186.22(all)	245(c)
668(k)	11379.5(all)	1764	92(all)	186.26(all)	245(d)(all)
Health & Safety	11379.6(a),(c)	1764.1	93(all)	186.28(all)	245.2
1349	11379.7(all)	1764.2	95(all)	186.33(b)(all)	245.3
1390	11379.8(all)	1764.3	95.1	187(all)	245.5(all)
1522.01(c)	11379.9(a)	1764.4	96	189(all)	245.6(d)
1621.5(a)	11380(a)	1764.7	99	190(all)	246
7051	11380.1(a)(all)	1765.1	100	191.5(a)	246.3(a)
7051.5	11380.7(a)	1765.2	107	191.5(b)	247(a),(b)
7150.75	11382	1767	109	191.5(c)(1)	247.5
8113.5(b)(2),(3)	11383(all)	1780	110	191.5(c)(2)	261(a)(all)
8785	11383.5(all)	1800	113	191.5(d)	261.5(c),(d)
11100(f)(2)	11383.6(all)	1800.75	114	192(a)	262(all)
11100.1(b)(2)	11383.7(all)	1802.1	115(all)	192(b)	264(all)
11104	11390	1810.7	115.1(all)	192(c)(1),(3)	264.1(all)
11105(all)	11391	1814	115.5(b)	192.5(a),(c)	265
11106(j)	11550(e),(f)	1871.4(all)	116	192.5(b)	266
11153(all)	12305	10192.165(e)	117	192.5(e)	266a
11153.5(a-b)	12401	11160	118	193(a)	266b
11154(all)	12700(b)(3),(4)	11161	118a	193(b)	266c
11155	12761	11162(all)	118.1	193(c)(1),(3)	266d
11156(all)	17061(b)	11163	126	193.5(a),(c)	266e
11162.5(a)	18124.5	11760(all)	127	193.5(b)	266f
11173(all)	25160(all)	11880(all)	128	203	266g
11174	25161(all)	12660	129	204	266h(all)
11350(a),(b)	25162(all)	12815	132	205	266i(all)
11351	25163(a)	12830	134	206	266j
11351.5	25180.7(c)	12835	136.1(all)	206.1	267
11352(all)	25186.5(all)	12845	136.2(d)(3)	207(all)	269(all)
11353(all)	25189.5(all)	14080	136.5	208(all)	270
11353.1(all)	25189.6(all)	15053	136.7	209(all)	271
11353.4(all)	25189.7(b),(c)	Labor	137(a)	209.5(all)	271a
11353.5	25190(b)	227	137(b)	210	273(c),(d),(e)
11353.6(b)	25191(all felonies)	1778	138(all)	210.5	273a(a)
11353.6(c)	25395.13(b)	3215	139(a)	211	273ab(all)
11353.7	25507	3218	<i>139(b)</i>	212.5(all)	273d(all)
11354	25515(a)	3219(all)	140(all)	213(all)	273.4(a)
11355	25541	6425(a),(b)	141(b)	214	273.5(all)
11356.5(all)	42400.3(c)	6425(b)	142(a)	215(all)	273.6(d),(e)
11357(a)	44209	6425(c)	146a(b)(all)	217.1(a)	273.6(q)(1)
11358	100895(all felonies)	7770	146e(b)	217.1(b)	273.65(d),(e)
11359	103800	7771	148(b),(c),(d)(all)	218	278
11360(a)	109335	Military & Vets	148.1(all)	218.1	278.5(a)
11361(all)	109370	145	148.3(b)	219	280(b)
11363	115215(b)(1-2),(c)(1-2)	421	148.4(b)(all)	219.1	281(all)
11364.7(b)	116730(all felonies)	616	148.10(a)	219.2	283
11366	116750(all)	1318	149	220(all)	284
11366.5(all)	118340(c),(d)	1670	151(a)(2)	222	285
11366.6	120291(a)	1671	153(1),(2)	236	286(all)
11366.7(all)	131130(b)	1672(a)	154(b)	236.1(a),(b),(c)(all)	288(all)
11366.8(a),(b)	Insurance	1672(b)	155(b)	236.4(b),(c)	288a(all)
11368	700(b)	1673(a)	155.5(b)	237(a),(b)	288.2(all)
11370.1(all)	750(b)	Penal Code	156	241.1	288.3(all)
11370.2(all)	827	32	157	241.4	288.4(a)(2),(b)
	828	33	165	241.7	288.5(all)

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<u>288.7(all)</u>	<u>451(all)</u>	502(c)(1),(2),(4),(5)	594.3(all)	<u>667.9(all)</u>	<u>12022.75(b)(all)</u>
<u>289(all)</u>	<u>451.1(all)</u>	502(c)(3)	594.35(all)	<u>667.10(all)</u>	<u>12022.8</u>
<u>289.5(d)</u>	<u>451.5(all)</u>	502(c)(6),(7)	594.4(a)(all)	<u>667.15(all)</u>	<u>12022.85(all)</u>
<u>289.6(all felonies)</u>	<u>452(a),(b),(c)</u>	502(c)(8)	<u>594.7</u>	<u>667.16(all)</u>	<u>12022.9</u>
<u>290.018(all felonies)</u>	<u>452.1(all)</u>	502(d)(1),(2)(B),(3)(C),(597(all)	<u>667.17</u>	<u>12022.95</u>
290.4(c)(1)	453(all)	4)(502.5	<u>597b(c)</u>	670(all)	<u>12023(all)</u>
290.45(e)(1)	<u>454</u>	<u>502.7(a)(all),(b)(all),(d)</u>	597.5(a)(all)	<u>674(all)</u>	<u>12025(a)(all)</u>
290.46(j)(2)	<u>455(a)</u>	<u>.(g)</u>	<u>598c(all)</u>	<u>675(all)</u>	12025(b)(1),(2),(5),(6)(a
<u>298.2(all)</u>	<u>459 1st</u>	<u>502.8(c) thru (f)</u>	<u>598d(c)</u>	<u>836.6(c)</u>	ll)
<u>299.5(all)</u>	459 2nd	503	600(a),(c)	1320(b)	<u>12025(b)(3),(4)</u>
<u>311.1(all)</u>	<u>461(a)</u>	<u>504/514 (Public funds)</u>	<u>600(d)</u>	1320.5	<u>12031(a)(all)</u>
311.2(a)	461(b)	504a	601(all)	<u>1370.5(all)</u>	<u>12034(b),(c),(d)</u>
<u>311.2(b),(c),(d)</u>	463(a)	504b	607	<u>2042</u>	12035(b)(1),(d)(1)
<u>311.3(all)</u>	463(b)	505	610	2772	12040
<u>311.4(all)</u>	<u>463(b)[Gun]</u>	<u>505 (Public funds)</u>	617	2790	<u>12051(c)(all)</u>
311.5	464	506	620	4011.7	12072(g)(2)(all),(3)(all)
311.7	470(all)	<u>506 (Public funds)</u>	621	4131.5	12072(g)(4)(all)
311.9(all)	470a	506b	625b(b)	<u>4133</u>	12076(b)(1),(c)(1)
<u>311.10(all)</u>	470b	507	<u>625c</u>	<u>4500</u>	12090
<u>311.11(all)</u>	471	508	626.9(f)(all),(h),(i)	<u>4501</u>	12101(all felonies)
313.4	472	514(except "public	626.95(all)	<u>4501.1(all)</u>	12220(all)
<u>314(1)</u>	473	funds")	626.10(a)(1),(b)	<u>4501.5</u>	12280(a)(all),(b)
<u>327</u>	474	<u>514(Public funds)</u>	629.84	4502(all)	12281(all)
332(a)	475	520	631(all)	<u>4503</u>	<u>12303</u>
334(a)	476	522	<u>632(all)</u>	<u>4530(all)</u>	<u>12303.1(all)</u>
<u>337</u>	476a(all)	523	<u>632.5(all)</u>	<u>4532(all)</u>	<u>12303.2</u>
<u>337a(all)</u>	477	<u>524</u>	<u>632.6(all)</u>	4533	12303.3
337b	478	<u>528</u>	<u>632.7(all)</u>	4534	12303.6
337c	479	529(all)	<u>634</u>	<u>4535</u>	12304
337d	480(all)	529a	<u>635</u>	<u>4536(all)</u>	<u>12308</u>
337e	481	530	636(all)	4550(all)	<u>12309</u>
337f(all)	<u>481.1(a)</u>	530.5(a),(c)(2),(3),(d)(a	637	<u>4571</u>	<u>12310(all)</u>
<u>337i</u>	483.5(a),(f)	l)	637.1	4573(all)	12312
<u>337j</u>	484b	532(all)	<u>639</u>	<u>4573.5</u>	<u>12316(b)(1)</u>
337.3	484c	532a(4)	<u>639a</u>	4573.6(all)	12320
337.4	<u>484c(Public funds)</u>	532f(all)	<u>641</u>	<u>4573.8</u>	<u>12321</u>
337.7	484e(a),(b),(d)	533	<u>641.3(all)</u>	4573.9(all)	12355(all)
<u>347(all)</u>	484f(all)	<u>534</u>	642	4574(a),(b)	<u>12370(all)</u>
350(a)(2),(b),(c)	484g	535	<u>646.9(all)</u>	4600(all)	12403.7(g)
367f(all)	484h(all)	<u>537(a)(2)</u>	<u>647f</u>	11411(c),(d)	12422
367g(all)	484i(b),(c)	537e(a)(3)	<u>647.6(b),(c)(all)</u>	<u>11412</u>	12520
<u>368(b)(all)</u>	484.1(a)	538	<u>648</u>	11413(all)	<u>14166(all)</u>
368(d),(e),(f)	485	538.5	653f(a),(d)(all),(e)	11418(a)(1),(2)	<u>18710(all)</u>
374.2(all)	487(all, except (d)(2))	548(all)	<u>653f(b),(c)</u>	<u>11418(b)(all),(c),(d)(all)</u>	18715(all)
374.8(b)	<u>487(d)(2)</u>	549	653h(all felonies)	18720	18720
375(d)	487a(all)	550(all felonies)	653j(all)	<u>11418.1</u>	18725(all)
382.5	487b	550(c)(1),(2)(A),(3)	653s(all)	<u>11418.5(a)</u>	18730
382.6	487d	551(c),(d)	653t(all felonies)	11419(all)	18735(all)
386(all)	487e	560	653u(all felonies)	<u>12020(all)</u>	18740
387(all)	<u>487g</u>	560.4	653w(b)(1),(3)	<u>12021(a)(all),(b),(g)(1)</u>	<u>18745</u>
<u>399(all)</u>	487h(all)	566	<u>664(a)(all)</u>	<u>12021.1(all)</u>	<u>18750</u>
399.5(a)	487i	570	<u>664(e),(f)</u>	12021.5(a)	<u>18755(all)</u>
<u>401</u>	487j	571	<u>666(a)</u>	<u>12021.5(b)</u>	19100
404.6(c)	<u>489(a)</u>	577	<u>666(b)(all)</u>	12022(a)(1),(2)	19200(all)
405a	489(b)	578	666.5(all)	<u>12022(b)(all)</u>	20110(all)
405b	496(all)	580	<u>667(a)</u>	12022(c),(d)	20310
<u>417(b),(c)</u>	496a(all)	581	<u>667.5(a)</u>	<u>12022.1(all)</u>	20410
417.3	496c	587	<u>667.5(b)</u>	<u>12022.2(all)</u>	20510
<u>417.6(a)</u>	496d(all)	587.1(b)	<u>667.51(all)</u>	<u>12022.3(all)</u>	20610
<u>417.8</u>	497	<u>588a</u>	<u>667.6(all)</u>	<u>12022.4(all)</u>	20710
<u>422(a)</u>	<u>497 (Public funds)</u>	591	<u>667.61(all)</u>	<u>12022.5(all)</u>	20910
422.7(all)	<u>498(any felony)</u>	<u>592(b)</u>	<u>667.7(all)</u>	<u>12022.53(all)</u>	21110
<u>422.75(all)</u>	<u>499(all)</u>	593	<u>667.71(all)</u>	<u>12022.55</u>	21310
<u>424</u>	499c(c)	<u>593a(all)</u>	<u>667.75</u>	<u>12022.6(all)</u>	21810
<u>425</u>	499d	<u>593c</u>	<u>667.8(all)</u>	<u>12022.7(all)</u>	22010
<u>432</u>	500(a)(all),(b)(2)	<u>593d(b),(d)(2)(A),(B)</u>	<u>667.85</u>	<u>12022.75(a)</u>	22210
		594(b)(1)			

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22410	<u>10423</u>	<u>60707</u>	Water Code
22810(all)	<u>10522</u>	Streets & Hwys	13375
22910(all)	<u>10523</u>	<u>2101</u>	13376
23900	10870	<u>2101.5</u>	13387(all)
24310	10871	<u>2101.6</u>	Welfare & Institutions
24410	10872	<u>2102</u>	<u>871(b)</u>
24510	10873	<u>2103</u>	871.5(a)
24610	Public Resource	<u>2104</u>	<u>871.5(b)</u>
24710	5097.99(b),(c)	<u>2105</u>	1001.5(a)
25100(a)	<u>5190</u>	<u>2106</u>	<u>1001.5(b)</u>
25110(a)	14591(b)(2)	<u>2107</u>	<u>1152(b)</u>
25300(all)	25205(g)	<u>2108</u>	1768.7(all)w/o force
<i>25400(a)(all)</i>	48650.5(d)	<u>2109</u>	<u>1768.7(all)with force</u>
<u>25400(c)(1),(2),(3),(4)</u>	48680(b)(1)	<u>2110</u>	<u>1768.8(b)</u>
25400(c)(5),(6)	Public Utilities	<u>2110.3</u>	1768.85(a)
<u>25800(all)</u>	<u>827(all)</u>	<u>2110.5</u>	3002
<i>25850(a)(all)</i>	<u>2114</u>	<u>2110.7</u>	<u>6330</u>
<u>25850(c)(1),(2),(3),(4)</u>	<u>7676</u>	<u>2111</u>	7326
25850(c)(5),(6)	<u>7679</u>	<u>2112</u>	8100(a),(b),(g)
<u>26100(b),(c),(d)</u>	7680	<u>2114</u>	8101(a),(b)
<u>26180(b)(all)</u>	7724(all)	<u>2115</u>	8103(i)
27500(a),(b)	7903	<u>2116(all)</u>	10980(all except (f))
27505(all felonies)	<u>8285(a)</u>	<u>2117.5</u>	<u>10980(f)</u>
27510	21407.6(b)	2118.5	11054
27515(all)	Revenue & Tax	<u>2119</u>	11482.5
27520(all)	7093.6(j),(n)	<u>2120</u>	11483
27540(a),(c),(d),(e),(f)	<u>7153.5</u>	<u>2121</u>	11483.5
27545	<u>8103</u>	<u>2122</u>	Vehicle Code
27550(all)	9278(j),(n)		<u>14014</u>
27590(b),(c),(d)	<u>9354.5</u>	1808.4(d)	<u>14025(all)</u>
28250(b)	14251	2470	<u>14107(a)</u>
29610	16910	2472	<u>14107(all felonies)</u>
29650	18631.7(d)(2)	2474	14107.2(a)(2),(b)(2)
29700(a)(all)	<u>19542.3</u>	2476	14107.3(all)
<u>29800(all)</u>	19705(all)	2478(b)	14107.4(all)
<u>29805</u>	<u>19706</u>	<u>2800.2(all)</u>	<u>15656(a),(c)</u>
<u>29815(all)</u>	19708	<u>2800.3(all)</u>	17410
<u>29820(all)</u>	<u>19721(all)</u>	<u>2800.4</u>	
<u>29825(a)</u>	30459.15(p)(all)	4463(a)(all)	
<u>29900(all)</u>	<u>30473</u>	10501(b)	
30210(all)	<u>30475</u>	10752(all)	
<u>30305(a)(all)</u>	<u>30480</u>	10801	
30315	32471.5(p)(all)	10802	
<u>30320</u>	32552	10803(all)	
30600(all)	32553	10851(all)	
30605(a)	32555	<u>20001(all)</u>	
<i>30615</i>	38800(l)(all)	21464(all felonies)	
30720	<u>40187</u>	21651(c)	
30725(b)	40211.5(l)(all)	23104(b)	
<u>31360(all)</u>	<u>41143.4</u>	23105(all)	
31500	41171.5(p)(all)	<u>23109(f)(3)</u>	
32310	43522.5	23109.1(all)	
32625(all)	43604	<u>23110(b)</u>	
32900	43606	23152(all)	
33210	45867.5(l)(all)	<u>23152(per 23550.5)</u>	
33215	45953	<u>23153(all)</u>	
33410	45955	23550(all)	
33600	46628(p)(all)	<u>23550.5(a),(b)</u>	
Probate	46703	<u>23554</u>	
<u>2253</u>	46705	<u>23558</u>	
Public Contract	50156.18(n)	<u>23560</u>	
10280	55332.5(p)	<u>23566(all)</u>	
10281	55363	38318(b)	
10282	<u>60106.3</u>	38318.5(b)	
10283	<u>60503.2</u>	42000	
<u>10422</u>	60637(p)		

RED (Underlined) text crimes are prison eligible; BLUE (Italicized) text crimes are unknown or depend on other information

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF

VS.

DEFENDANT

NO. _____

REQUEST FOR ORDER & DECLARATION IN
SUPPORT OF SETTING BAIL IN EXCESS OF
SCHEDULED AMOUNT AND/OR REFUSAL OF
FELONIOUSLY OBTAINED BAIL

(PENAL CODE §§ 1275.1 AND/OR 1269(C)/1270.1(e))

Current Bail per Countywide Bail Schedule is: \$_____.

[Check the appropriate box for the order that is being requested]

☐ 1269c/1270.1(e) Request for Order increasing bail to: \$_____.

☐ 1275.1 Request for Order prohibiting release and acceptance of bail pending further Court Order.

The undersigned hereby declares that he/she is a sworn police officer and, upon information and belief, that:

- The defendant named herein has been booked for the following crime(s):

- The defendant committed said offense(s) in the manner and means set forth below and as further described in any listed documents, which documents are attached hereto and incorporated herein by reference as though fully set forth:

[Justification for Penal Code Section 1275.1 Request]

I have probable cause to believe that the source of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution on behalf of the defendant was, or will be, feloniously obtained as set forth below:

[Justification for Penal Code Section 1269(c)/1270.1(e) Request]

I have reasonable cause to believe that the amount of bail set forth in the bail schedule for the above offense(s) is insufficient to assure the defendant's appearance and/or adequately protect public safety as set forth below:

I believe the defendant's criminal history indicates ☐ a strong likelihood that the defendant will fail to appear at the trial or hearing, ☐ demonstrates a public safety risk:

- ☐ The number of times the defendant has failed to appear in previous cases;
- ☐ The defendant is on misdemeanor or felony probation;
- ☐ The defendant is on parole;
- ☐ The defendant has a criminal record that would make a state prison sentence mandatory if convicted of the present offense;
- ☐ _____

The documents referred to by me were prepared in the ordinary course of business and pursuant to the sworn duty of the officer(s) subscribing same, and that the declarant believes the contents thereof to be true.

[Orders:]

On _____, at _____, I personally contacted Judge _____,
(Date) (Time) (Name)

The content of this declaration was discussed with the judge who then ordered that

- ☐ Pursuant to §1269c/1270.1, bail is set in the amount of: \$ _____
- ☐ Pursuant to §1275.1, the defendant shall not be released nor bail accepted pending further Court Order

Executed on _____, in Monterey County, California.

I DECLARE UNDER PENALTY OF PERJURY AND THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Officer's Signature

Distribution (NO LATER THAN THE NEXT BUSINESS MORNING):

Original	- -	Court (with any supporting documents)
Copy	----	County Jail
Copy	----	Arresting Agency
Copy	----	District Attorney

Jail Own Recognizance (O.R.) Policy

April 2, 2012*

1107.23 Own Recognizance (O.R.) Policy

- A. Inmates who qualify under subsections B through H, below, that meet the following requirements shall be released on their own recognizance (O.R.) after booking.
 - 1. Able to understand the conditions of the O.R. release and agree to sign the agreement to appear in court.
 - 2. Provide formal identification (i.e., State ID card, Driver's License, Matrícula Consular card, Military ID) or if jail employees are able to establish identification through a prior booking photograph, personal recognition or positive identification from the DOJ fingerprint identification printout.
 - 3. Able to provide a residence address in the State of California.
- B. All misdemeanor fresh and misdemeanor warrant arrests shall be O.R'd except for the following:
 - 1. Penal Code Sections 166(c)(1) or 166(c)(2), 243(e)(1), 273.5, 273.61, 646.9, and 647.6.
 - 2. Persons arrested for charges 23152(a) and 23152(b) with one or more priors.
- C. The following felony fresh arrests shall be considered for release on their own recognizance:
 - 1. Penal Code Sections 459 (2nd Degree only), 470, 475, 476, 470b, 496a, and 594.
 - 2. Health & Safety Code Sections 11350 (a), 11377(A), and 11357(A).
 - 3. To be released on O.R. with felony charges the inmates must have a residence address within Monterey County and meet the identification guidelines above.
 - 4. No felony warrant arrests shall be O.R'd.
- D. Intoxicated inmates shall remain in custody until sober unless there is a responsible adult to whom the inmate can be released.
- E. Probation Violations:
 - 1. Misdemeanors: Bail/O.R. determinations for individuals arrested for violating probation shall be based on the same criteria used for misdemeanors generally.
 - 2. Felonies: Individuals arrested for violation of felony probation shall be held on a "NO BAIL" status unless a bail amount has been set by warrant or other court order.
- F. Criminal History Check: The booking person shall complete a criminal history check, using "*The Involved Persons Display*"/CJIS and a RAP Sheet, to determine if there are past Felony strikes within the meaning of PC Sections 667.5, 1192.7 and 1192.8. Persons who have a strike prior shall not be released on O.R.
- G. *Multiple or "NO O.R." Warrants*: No subject shall be released O.R. when arrested on three or more warrants. No inmate shall be released O.R. when the warrant states "NO O.R."
- H. *Dangerous and Non-Dangerous Defendants*: Notwithstanding the above, whenever the booking officer or other jail staff has information suggesting the defendant presents a danger to the community, before releasing the defendant on his/her O.R., a supervisor shall contact the on-duty judge for consideration of O.R. release unless the supervisor determines not to O.R. the subject.
- I. *O.R. Dates to Appear*: Inmates who are eligible to be released on their own recognizance shall be given a court appearance date within five (5) to ten (10) court business days from the date of release. The booking agency shall be responsible for scheduling appearances to avoid excessive numbers of inmates being arraigned on the same date.

**As approved by Judges, July 14, 2004. Revised March 7, 2007 RDS.
Revised by Presiding Judge Timothy P. Roberts April 2, 2012.*

FILED

MAY 27, 2005

PRESIDING JUDGE
DIRECTIVE ORDER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MONTEREY

In the Matter of

CONTINUED DETENTION OF JAIL INMATES WHO HAVE OUT-OF-COUNTY HOLDS

ORDER DIRECTING CONTINUED DETENTION OF JAIL INMATES WHO HAVE OUT-OF-COUNTY HOLDS – PROCEDURE

Pursuant to Penal Code section 1318 and 1320, a defendant ordered released from jail on his or her own recognizance is not to be so released if the Sheriff determines that the defendant has an out-of-county hold based on an outstanding warrant, an immigration hold, a parole hold, a military hold, a 1551 out-of-state extradition hold, a U.S. Marshal's Office hold, or any other such hold, unless the release was ordered by the Court specifically notwithstanding said hold.

Whenever the Sheriff determines that an inmate with an out-of-county hold has been ordered released on his or her own recognizance, and the order for OR release does not address any existing out-of-county hold, the Sheriff will immediately make reasonable efforts to contact the judge who ordered the OR release to determine what action the Court wishes to take. If the judge indicates that, in view of the hold, the matter needs to be re-evaluated, the Court will arrange to have the matter placed back on calendar within a reasonable time, and shall cause counsel for the parties to be so notified.

If the case has been assigned for all purposes to a different judge following the OR release, any hearing re-evaluating the OR release shall be heard before the judge assigned for all purposes. This directive is made in accordance with the consensus of all judges attending the last regularly scheduled judges' meeting and it was subjected to electronic review prior to publication. It is further made in accord with the principles set out in *People v. Alberto* (2002) 102 Cal.App.4th 421.

If, after the exercise of reasonable diligence, the Sheriff is unable to contact the judge ordering the OR release, the Sheriff shall contact the Presiding Judge, or his or her designee, to determine what action to take. In any event, the matter should be calendared expeditiously for re-evaluation.

Dated: MAY 27 2005

--- Signed Order on File ---

Stephen A. Sillman
Presiding Judge of the Superior Court

cc: Court – All Judges & Commissioners; Lisa Galdos, Court Executive Officer; Dan Ropp, Assistant Court Executive Officer; Minnie Monarque, Deputy Court Executive Officer; Rosalinda Chavez, Deputy Court Executive Officer

MCSO – Chief Liebersbach, Captain McLaughlin, Commander Hunton, Commander Budd, Commander Barrera, Commander Winant

BAIL SCHEDULE - SOME RELEVANT STATUTES

CALIFORNIA CONSTITUTION

Art. I § 12 (2012)

§ 12. Bail; Release on own recognizance

A person shall be released on bail by sufficient sureties, except for:

- (a) Capital crimes when the facts are evident or the presumption great;
- (b) 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 based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or
- (c) 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.

Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration 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.

A person may be released on his or her own recognizance in the court's discretion.

Art. I § 28(f)(3) (2012)

(3) Public Safety Bail. A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. 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.

A person may be released on his or her own recognizance in the court's discretion, subject to the same factors considered in setting bail.

Before any person arrested for a serious felony may be released on bail, a hearing may be held before the magistrate or judge, and the prosecuting attorney and the victim shall be given notice and reasonable opportunity to be heard on the matter.

When a judge or magistrate grants or denies bail or release on a person's own recognizance, the reasons for that decision shall be stated in the record and included in the court's minutes.

CODE OF CIVIL PROCEDURE

§ 1993. Issuance of warrant to arrest witness; Failure to appear notice

(a)

(1) As an alternative to issuing a warrant for contempt pursuant to paragraph (5) or (9) of subdivision (a) of Section 1209, the court may issue a warrant for the arrest of a witness who failed to appear pursuant to a subpoena or a person who failed to appear pursuant to a court order. The court, upon proof of the service of the subpoena or order, may issue a warrant to the sheriff of the county in which the witness or person may be located and the sheriff shall, upon payment of fees as provided in *Section 26744.5 of the Government Code*, arrest the witness or person and bring him or her before the court.

(2) Before issuing a warrant for a failure to appear pursuant to a subpoena pursuant to this section, the court shall issue a "failure to appear" notice informing the person subject to the subpoena that a failure to appear in response to the notice may result in the issuance of a warrant. This notice requirement may be omitted only upon a showing that the appearance of the person subject to the subpoena is material to the case and that urgency dictates the person's immediate appearance.

(b) The warrant shall contain all of the following:

- (1) The title and case number of the action.
- (2) The name and physical description of the person to be arrested.
- (3) The last known address of the person to be arrested.
- (4) The date of issuance and county in which it is issued.
- (5) The signature or name of the judicial officer issuing the warrant, the title of his or her office, and the name of the court.

BAIL SCHEDULE - SOME RELEVANT STATUTES

(6) A command to arrest the person for failing to appear pursuant to the subpoena or court order, and specifying the date of service of the subpoena or court order.

(7) A command to bring the person to be arrested before the issuing court, or the nearest court if in session, for the setting of bail in the amount of the warrant or to release on the person's own recognizance. Any person so arrested shall be released from custody if he or she cannot be brought before the court within 12 hours of arrest, and the person shall not be arrested if the court will not be in session during the 12-hour period following the arrest.

(8) A statement indicating the expiration date of the warrant as determined by the court.

(9) The amount of bail.

(10) An endorsement for nighttime service if good cause is shown, as provided in *Section 840 of the Penal Code*.

(11) A statement indicating whether the person may be released upon a promise to appear, as provided by Section 1993.1. The court shall permit release upon a promise to appear, unless it makes a written finding that the urgency and materiality of the person's appearance in court precludes use of the promise to appear process.

(12) The date and time to appear in court if arrested and released pursuant to paragraph (11).

PENAL CODE

§ 292. Sex offenses deemed to involve violence and great bodily harm under constitutional bail provisions

It is the intention of the Legislature in enacting this section to clarify that for the purposes of subdivisions (b) and (c) of Section 12 of Article I of the California Constitution, a violation of paragraph (2) or (6) of subdivision (a) of Section 261, paragraph (1) or (4) of subdivision (a) of Section 262, Section 264.1, subdivision (c) or (d) of Section 286, subdivision (b) of Section 288, subdivision (c) or (d) of Section 288a, or subdivision (a) of Section 289, shall be deemed to be a felony offense involving an act of violence and a felony offense involving great bodily harm.

§ 810. Designation of on call magistrate

(a) The presiding judge of the superior court in a county shall, as often as is necessary, designate on a schedule not less than one judge of the court to be reasonably available on call as a magistrate for the setting of orders for discharge from actual custody upon bail, the issuance of search warrants, and for such other matters as may by the magistrate be deemed appropriate, at all times when a court is not in session in the county.

(b) The officer in charge of a jail, or a person the officer designates, in which an arrested person is held in custody shall assist the arrested person or the arrested person's attorney in contacting the magistrate on call as soon as possible for the purpose of obtaining release on bail.

(c) Any telephone call made pursuant to this section by an arrested person while in custody or by such person's attorney shall not count or be considered as a telephone call for purposes of *Section 851.5 of the Penal Code*.

§ 815a. Amount of bail

At the time of issuing a warrant of arrest, the magistrate shall fix the amount of bail which in his judgment 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, and said magistrate shall indorse upon said warrant a statement signed by him, with the name of his office, dated at the county, city or town where it is made to the following effect "The defendant is to be admitted to bail in the sum of _____ dollars" (stating the amount).

§ 875. Order for commitment for bailable offense

If the offense is bailable, and the defendant is admitted to bail, the following words must be added to the order, "and that he be admitted to bail in the sum of _____ dollars, and is committed to the sheriff of the county of _____ until he gives such bail."

§ 978.5. Bench warrant of arrest

(a) A bench warrant of arrest may be issued whenever a defendant fails to appear in court as required by law including, but not limited to, the following situations:

(1) If the defendant is ordered by a judge or magistrate to personally appear in court at a specific time and place.

(2) If the defendant is released from custody on bail and is ordered by a judge or magistrate, or other person authorized to accept bail, to personally appear in court at a specific time and place.

BAIL SCHEDULE - SOME RELEVANT STATUTES

(3) If the defendant is released from custody on his own recognizance and promises to personally appear in court at a specific time and place.

(4) If the defendant is released from custody or arrest upon citation by a peace officer or other person authorized to issue citations and the defendant has signed a promise to personally appear in court at a specific time and place.

(5) If a defendant is authorized to appear by counsel and the court or magistrate orders that the defendant personally appear in court at a specific time and place.

(6) If an information or indictment has been filed in the superior court and the court has fixed the date and place for the defendant personally to appear for arraignment.

(b) The bench warrant may be served in any county in the same manner as a warrant of arrest.

§ 979. Bench warrant for person on bail

If the defendant has been discharged on bail or has deposited money or other property instead thereof, and does not appear to be arraigned when his personal presence is necessary, the court, in addition to the forfeiture of the undertaking of bail or of the money or other property deposited, may order the issuance of a bench warrant for his arrest.

§ 985. Ordering defendant charged with felony into custody unless increased bail is given

When the information or indictment is for a felony, and the defendant, before the filing thereof, has given bail for his appearance to answer the charge, the court to which the indictment or information is presented, or in which it is pending, may order the defendant to be committed to actual custody, unless he gives bail in an increased amount, to be specified in the order.

§ 986. Defendant, if present when order made, to be committed; if not, bench-warrant to issue

If the defendant is present when the order is made, he must be forthwith committed. If he is not present, a bench-warrant must be issued and proceeded upon in the manner provided in this chapter.

§ 1129. Commitment to custody of defendant on bail

When a defendant who has given bail appears for trial, the court may, in its discretion, at any time after his appearance for trial, order him to be committed to the custody of the proper officer of the county, to abide the judgment or further order of the court, and he must be committed and held in custody accordingly.

§ 1166. Proceedings upon general verdict of conviction or special verdict; Remand or commitment; Bail

If a general verdict is rendered against the defendant, or a special verdict is given, he or she must be remanded, if in custody, or if on bail he or she shall be committed to the proper officer of the county to await the judgment of the court upon the verdict, unless, upon considering the protection of the public, the seriousness of the offense charged and proven, the previous criminal record of the defendant, the probability of the defendant failing to appear for the judgment of the court upon the verdict, and public safety, the court concludes the evidence supports its decision to allow the defendant to remain out on bail. When committed, his or her bail is exonerated, or if money is deposited instead of bail it must be refunded to the defendant or to the person or persons found by the court to have deposited said money on behalf of said defendant.

§ 1195. Failure of defendant to appear after release on bail or deposit; Forfeiture; Issuance of bench warrant; Exoneration of bail or return of deposit where defendant appears

If the defendant has been released on bail, or has deposited money or property instead thereof, and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money or property deposited, must, on application of the prosecuting attorney, direct the issuance of a bench warrant for the arrest of the defendant.

If the defendant, who is on bail, does appear for judgment and judgment is pronounced upon him or probation is granted to him, then the bail shall be exonerated or, if money or property has been deposited instead of bail, it must be returned to the defendant or to the person or persons found by the court to have deposited said money or property on behalf of said defendant.

§ 1269b. Persons authorized to approve and accept bail; Adoption of uniform countywide schedule of bail; Criteria; Transmittal of money and surety bonds; Failure to appear

(a) The officer in charge of a jail in which an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or is employed at a fixed police or sheriff's facility and is acting under an agreement with the agency that keeps the jail in which an arrested person is held in custody, an employee of a sheriff's department or police department of a city who is assigned by the department to collect bail, the clerk of the superior court of the county in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending may approve and accept bail in the amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail in cash or surety

BAIL SCHEDULE - SOME RELEVANT STATUTES

bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof.

(b) If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information, the bail shall be in the amount fixed by the judge at the time of the appearance. If that appearance has not been made, the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to the uniform countywide schedule of bail for the county in which the defendant is required to appear, previously fixed and approved as provided in subdivisions (c) and (d).

(c) It is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with *Section 40310 of the Vehicle Code*.

(d) A court may, by local rule, prescribe the procedure by which the uniform countywide schedule of bail is prepared, adopted, and annually revised by the judges. If a court does not adopt a local rule, the uniform countywide schedule of bail shall be prepared, adopted, and annually revised by a majority of the judges.

(e) In adopting a uniform countywide schedule of bail for all bailable felony offenses the judges shall consider the seriousness of the offense charged. In considering the seriousness of the offense charged the judges shall assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, including, but not limited to, additional bail for charges alleging facts that would bring a person within any of the following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or *Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code*.

In considering offenses in which a violation of Chapter 6 (commencing with *Section 11350*) of *Division 10 of the Health and Safety Code* is alleged, the judge shall assign an additional amount of required bail for offenses involving large quantities of controlled substances.

(f) The countywide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the judges of the county determine to be appropriate for all the offenses not specifically listed in the schedule. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each city jail within the county, to each superior court judge and commissioner in the county, and to the Judicial Council.

(g) Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court.

(h) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his or her release from custody, Sections 1305 and 1306 apply.

§ 1269c. Orders setting bail in excess of, or less than, schedule amount

If a defendant is arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and 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, 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, as defined in Section 808, or his or her commissioner, in the county in which the offense is alleged to have been committed or having personal jurisdiction over the defendant, requesting an order setting a higher bail. Except where the defendant is charged with an offense listed in subdivision (a) of Section 1270.1, the defendant, either personally or through his or her attorney, friend, or family member, also may make application to the magistrate for release on bail lower than that provided in the schedule of bail or on his or her own recognizance. The magistrate or commissioner to whom the application is made is authorized to set bail in an amount that he or she deems sufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, and to set bail on the terms and conditions that he or she, in his or her discretion, deems appropriate, or he or she may authorize the defendant's release on his or her own recognizance. If, after the application is made, no order changing the amount of bail is issued within eight hours after booking, the defendant shall be entitled to be released on posting the amount of bail set forth in the applicable bail schedule.

BAIL SCHEDULE - SOME RELEVANT STATUTES

§ 1270.1. Hearing prior to bail for person arrested for serious or violent felony or for certain other offenses including domestic violence or violation of domestic violence protective order; Reasons for departure from bail schedule; Departure from schedule without hearing

(a) Except as provided in subdivision (e), before any person who is arrested for any of the following crimes may be released on bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense, or may be released on his or her own recognizance, a hearing shall be held in open court before the magistrate or judge:

(1) A serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5, but not including a violation of subdivision (a) of Section 460 (residential burglary).

(2) A violation of Section 136.1 where punishment is imposed pursuant to subdivision (c) of Section 136.1, Section 262, 273.5, or 422 where the offense is punished as a felony, or Section 646.9.

(3) A violation of paragraph (1) of subdivision (e) of Section 243.

(4) A violation of 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.

(b) The prosecuting attorney and defense attorney shall be given a two-court-day written notice and an opportunity to be heard on the matter. If the detained person does not have counsel, the court shall appoint counsel for purposes of this section only. The hearing required by this section shall be held within the time period prescribed in Section 825.

(c) At the hearing, the court shall consider evidence of past court appearances of the detained person, the maximum potential sentence that could be imposed, and the danger that may be posed to other persons if the detained person is released. In making the determination whether to release the detained person on his or her own recognizance, the court shall consider the potential danger to other persons, including threats that have been made by the detained person and any past acts of violence. The court shall also consider any evidence offered by the detained person regarding his or her ties to the community and his or her ability to post bond.

(d) If the judge or magistrate sets the bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense, the judge or magistrate shall state the reasons for that decision and shall address the issue of threats made against the victim or witness, if they were made, in the record. This statement shall be included in the record.

(e) Notwithstanding subdivision (a), a judge or magistrate, pursuant to Section 1269c, may, with respect to a bailable felony offense or a misdemeanor offense of violating a domestic violence order, increase bail to an amount exceeding that set forth in the bail schedule without a hearing, provided an oral or written declaration of facts justifying the increase is presented under penalty of perjury by a sworn peace officer.

§ 1272. Admission to bail on application for probation or on appeal

After conviction of an offense not punishable with death, a defendant who has made application for probation or who has appealed may be admitted to bail:

1. As a matter of right, before judgment is pronounced pending application for probation in cases of misdemeanors, or when the appeal is from a judgment imposing a fine only.

2. As a matter of right, before judgment is pronounced pending application for probation in cases of misdemeanors, or when the appeal is from a judgment imposing imprisonment in cases of misdemeanors.

3. As a matter of discretion in all other cases, except that a person convicted of an offense subject to this subdivision, who makes a motion for release on bail subsequent to a sentencing hearing, shall provide notice of the hearing on the bail motion to the prosecuting attorney at least five court days prior to the hearing.

§ 1274. When bail is matter of discretion, notice of application must be given to district attorney

When the admission to bail is a matter of discretion, the court or officer to whom the application is made must require reasonable notice thereof to be given to the district attorney of the county.

§ 1275. Matters considered in fixing amount of bail; Reduction of bail below approved schedule

(a) In setting, reducing, or denying bail, the 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 hearing of the case. The public safety shall be the primary consideration.

In considering the seriousness of the offense charged, the judge or magistrate shall include consideration of the alleged injury to the victim, and alleged threats to the victim or a witness to the crime charged, the alleged use of a firearm or other deadly weapon in the commission of the crime charged, and the alleged use or possession of controlled substances by the defendant.

(b) In considering offenses wherein a violation of Chapter 6 (commencing with *Section 11350*) of *Division 10 of the Health and Safety Code* is alleged, the judge or magistrate shall consider the following: (1) the alleged amounts of controlled substances involved in the

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BAIL SCHEDULE - SOME RELEVANT STATUTES

commission of the offense, and (2) whether the defendant is currently released on bail for an alleged violation of Chapter 6 (commencing with *Section 11350*) of *Division 10 of the Health and Safety Code*.

(c) Before a court reduces bail below the amount established by the bail schedule approved for the county, in accordance with subdivisions (b) and (c) of Section 1269b, for a person charged with a serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5, the court shall make a finding of unusual circumstances and shall set forth those facts on the record. For purposes of this subdivision, "unusual circumstances" does not include the fact that the defendant has made all prior court appearances or has not committed any new offenses.

§ 1275.1. Feloniously obtained bail

(a) Bail, pursuant to this chapter, shall not be accepted unless a judge or magistrate finds that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.

(b) A hold on the release of a defendant from custody shall only be ordered by a magistrate or judge if any of the following occurs:

(1) A peace officer, as defined in Section 830, files a declaration executed under penalty of perjury setting forth probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.

(2) A prosecutor files a declaration executed under penalty of perjury setting forth probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained. A prosecutor shall have absolute civil immunity for executing a declaration pursuant to this paragraph.

(3) The magistrate or judge has probable cause to believe that the source of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained.

(c) Once a magistrate or judge has determined that probable cause exists, as provided in subdivision (b), a defendant bears the burden by a preponderance of the evidence to show that no part of any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was obtained by felonious means. Once a defendant has met such burden, the magistrate or judge shall release the hold previously ordered and the defendant shall be released under the authorized amount of bail.

(d) The defendant and his or her attorney shall be provided with a copy of the declaration of probable cause filed under subdivision (b) no later than the date set forth in Section 825.

(e) Nothing in this section shall prohibit a defendant from obtaining a loan of money so long as the loan will be funded and repaid with funds not feloniously obtained.

(f) At the request of any person providing any portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution, the magistrate or judge, at an evidentiary hearing to determine the source of the funds, may close it to the general public to protect the person's right to privacy in his or her financial affairs.

(g) If the declaration, having been filed with a magistrate or judge, is not acted on within 24 hours, the defendant shall be released from custody upon posting of the amount of bail set.

(h) Nothing in this code shall deny the right of the defendant, either personally or through his or her attorney, bail agent licensed by the Department of Insurance, admitted surety insurer licensed by the Department of Insurance, friend, or member of his or her family from making an application to the magistrate or judge for the release of the defendant on bail.

(i) The bail of any defendant found to have willfully misled the court regarding the source of bail may be increased as a result of the willful misrepresentation. The misrepresentation may be a factor considered in any subsequent bail hearing.

(j) If a defendant has met the burden under subdivision (c), and a defendant will be released from custody upon the issuance of a bail bond issued pursuant to authority of Section 1269 or 1269b by any admitted surety insurer or any bail agent, approved by the Insurance Commissioner, the magistrate or judge shall vacate the holding order imposed under subdivision (b) upon the condition that the consideration for the bail bond is approved by the court.

(k) As used in this section, "feloniously obtained" means any consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution which is possessed, received, or obtained through an unlawful act, transaction, or occurrence constituting a felony.

§ 1277. What magistrates may admit to bail

When the defendant has been held to answer upon an examination for a public offense, the admission to bail may be by the magistrate by whom he is so held, or by any magistrate who has power to issue the writ of habeas corpus.

§ 1284. When offense not capital

BAIL SCHEDULE - SOME RELEVANT STATUTES

When the offense charged is not punishable with death, the officer serving the bench warrant must, if required, take the defendant before a magistrate in the county in which it is issued, or in which he is arrested, for the purpose of giving bail. If the defendant appears before such magistrate without the bench warrant having been served upon him, the magistrate shall deliver him into the custody of the sheriff for the purpose of immediate booking and the recording of identification data, whereupon the sheriff shall deliver the defendant back before the magistrate for the purpose of giving bail.

§ 1289. Increase or reduction of bail

After a defendant has been admitted to bail upon an indictment or information, the Court in which the charge is pending may, upon good cause shown, either increase or reduce the amount of bail. If the amount be increased, the Court may order the defendant to be committed to actual custody, unless he give bail in such increased amount. If application be made by the defendant for a reduction of the amount, notice of the application must be served upon the District Attorney.

§ 1319. Violent felonies; Requirement of hearing prior to own recognizance release

(a) No person arrested for a violent felony, as described in subdivision (c) of Section 667.5, may be released on his or her own recognizance until a hearing is held in open court before the magistrate or judge, and until the prosecuting attorney is given notice and a reasonable opportunity to be heard on the matter. In all cases, these provisions shall be implemented in a manner consistent with the defendant's right to be taken before a magistrate or judge without unreasonable delay pursuant to Section 825.

(b) A defendant charged with a violent felony, as described in subdivision (c) of Section 667.5, shall not be released on his or her own recognizance where it appears, by clear and convincing evidence, that he or she previously has been charged with a felony offense and has willfully and without excuse from the court failed to appear in court as required while that charge was pending. In all other cases, in making the determination as to whether or not to grant release under this section, the court shall consider all of the following:

(1) The existence of any outstanding felony warrants on the defendant.

(2) Any other information presented in the report prepared pursuant to Section 1318.1. The fact that the court has not received the report required by Section 1318.1, at the time of the hearing to decide whether to release the defendant on his or her own recognizance, shall not preclude that release.

(3) Any other information presented by the prosecuting attorney.

(c) The judge or magistrate who, pursuant to this section, grants or denies release on a person's own recognizance, within the time period prescribed in Section 825, shall state the reasons for that decision in the record. This statement shall be included in the court's minutes. The report prepared by the investigative staff pursuant to subdivision (b) of Section 1318.1 shall be placed in the court file for that particular matter.

MONTEREY COUNTY DUI BAIL TABLE

NOTE: To bail amounts in the table, add any **amount** for applicable enhancements, special allegations and aggravating factors.[Bail upon arrest for violation of probation: Misdemeanor VOP - Double bail amount in table; Felony VOP - NO BAIL]

Crime	0 priors	1 prior	2 priors	3 priors	4 priors	5 priors	Each Additional prior
23152(a)**	0** (5,000) [23536(a)] Misd	0** (10,000) [23540(a)] Misd	0** (15,000) [23546(a)] Misd	30,000 (20,000) [23550(a)]*	80,000 (70,000) [23550 +50K]*	130,000 (120,000) [23550 + 100K]*	50,000 (50,000) [23550]*
23152(b)**	0** (5,000) [23536] Misd	0** (10,000) [23540] Misd	0** (15,000) [23546] Misd	30,000 (20,000) [23550]*	80,000 (70,000) [23550 +50K]*	130,000 (120,000) [23550 + 100K]*	50,000 (50,000) [23550]*
23152(a)* or (b)* w/ “felony” DUI-related prior [23550.5(all)]	N/A	50,000 (25,000) [23550.5]* [Felony DUI- related prior]	100,000 (75,000) [23550.5 +50k]* [Any other prior]	150,000 (125,000) [23550.5 +100k]* [Any other prior]	200,000 (175,000) [23550.5 +150k]* [Any other prior]	250,000 (225,000) [23550.5 +200k]* [Any other prior]	50,000 (50,000) [23550.5(all)]*
23153(a)*	30,000 (15,000) [23554]*	50,000 (30,000) [23560]*	100,000 [23566(a)]	150,000 [23566(a) + 50k]	200,000 [23566(a) + 100k]	250,000 [23566(a) + 60k]	50,000 [23566(a)]
23153(b)*	0 (15,000) [23554]*	0 (30,000) [23560]*	0 [23566(a)]	0 [23566(a)]	0 [23566(a)]	0 [23566(a)]	0 [23566(a)]
23153(a)*w/ “felony” DUI-related prior [23550.5(all)]	N/A	80,000 (35,000) [23550.5]* [Felony DUI- related prior]	130,000 (85,000) [23550.5 +50k]* [Any other prior]	180,000 (135,000) [23550.5 +100k]* [Any other prior]	230,000 (185,000) [23550.5 +150k]* [Any other prior]	280,000 (235,000) [23550.5 +200k]* [Any other prior]	50,000 (50,000) [23550.5(all)]*
23153(b)* w/ “felony” DUI-related prior [23550.5(a)(all)]	N/A	0 (35,000) [23550.5]* [Felony DUI- related prior]	0 (85,000) [23550.5 +50k]* [Any other prior]	0 (135,000) [23550.5 +100k]* [Any other prior]	0 (185,000) [23550.5 +150k]* [Any other prior]	0 (235,000) [23550.5 +200k]* [Any other prior]	0 (50,000) [23550.5(all)]*
23153(a) w/ GBI and 2 or more priors [23566(b) & (c)]	N/A	N/A	150,000 [23566(b)]	200,000 [23566(b)+50k]	300,000 [23566(b) & (c)]	400,000 [23566(b)&(c)+100k]	100,000 [23566(b) & (c)]
23153(b) w/ GBI and 2 or more priors [23566(b) & (c)]	N/A	N/A	0 [23566(b)]	0 [23566(b)]	0 [23566(c)]	0 [23566(c)]	0 [23566(b) & (c)]

* = Wobbler	** = APE Crime	“Misd” = Misdemeanor Only	Misd Bail in (Parentheses)	Felony Bail not in Parentheses
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DUI BAIL TABLE - RELATED BAIL SCHEDULE SECTIONS

23152(a)**			6 Months	<p>DUI alcohol/drugs/addiction (per 23536)</p> <p>[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]</p> <p>APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]</p>	0** (5,000)
23152(b)**			6 Months	<p>DUI alcohol/drugs/addiction (per 23536)</p> <p>[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]</p> <p>APE: 1 prior: -23540 - [0** (+5k)] APE: 2 priors -23546 - [0** (+10k)] APE: 3 priors -23550* - [30k (+15k) + (50k/ea. Additional prior > 3)] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]</p>	0** (5,000)
23153(a)*	P		16–2–3	<p>DUI alcohol/drugs w/ injury (per 23554)</p> <p>[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]</p> <p>APE: 1 prior DUI - 23560* - [+20k (+15k)] APE: 2 prior DUIs - 23566(a) - [+70k + (50k/ea. additional prior > 2)] APE: 2 prior DUIs or more with GBI - 23566 (b) & (c) - [+120k] + [50k/ea. additional prior > 2]] APE: Felony DUI related prior - 23550.5* - [+50k (+15k)] + [+50k (+50k)/ea. additional prior > 1]</p>	30,000 (15,000)
23153(b)*	P		16–2–3	<p>DUI alcohol/drugs w/ injury (per 23554)</p> <p>[NOTE: For fresh arrests, bail for any felony violation of 23153(b) and all enhancements, special allegation, or aggravating factors is “\$0.00”]</p> <p>[NOTE: Include any applicable APE in the bail calculation whether or not the APE section is expressly alleged.]</p> <p>APE: Felony DUI related prior - 23550.5* - [+0 (+15k)] + [+0 (+50k)/ea. additional prior > 1] APE: 1 prior DUI - 23560* - [+0 (+15k)]</p>	0 (15,000)
23536(a) (Misdo)		APE	6 Months	23152 - 1st Offense in 10 years	(0)
23540(a) (Misdo)		APE	1 Year	23152 - 1 Prior in 10 years	(5,000)
23546(a) (Misdo)		APE	1 Year	23152 - 2 Priors in 10 years	(10,000)

DUI BAIL TABLE - RELATED BAIL SCHEDULE SECTIONS

23550(a)*	H	APE	16–2–3	23152 - 3 Priors in 10 years	30,000 (15,000) [Add 50,000 (50,000) for each prior above the third]
23550.5*	P	APE	16–2–3	23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]
23550.5(a)*	P	APE	16–2–3	23152 or 23153 with either a prior Felony DUI-related conviction w/in 10 yrs, or any prior 191.5(a), 192.5(a), or felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]
23550.5(a)(1)*	P	APE	16–2–3	23152 or 23153 with a prior Felony 23152 (23550) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]
23550.5(a)(2)*	P	APE	16–2–3	23152 or 23153 with any prior Felony 23153 conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]
23550.5(a)(3)*	P	APE	16–2–3	23152 or 23153 with a prior Felony 192(c)(1) conviction w/in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]
23550.5(b)*	P	APE	16–2–3	23152 or 23153 with either a prior 192.5(a) or Felony 191.5(b) conviction. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 (20,000) [Add 50,000 (50,000) for each prior above the first]
23554*	P	APE	16–2–3	23153 - 1st Offense in 10 years	0 (0)
23558	P	ENH	1 Year/Vict	23153 Causing Bodily Injury or Death to Multiple Victims.	50,000 [per Victim]
23560*	P	APE	16–2–3	23153 - 1 Prior in 10 years.	20,000 (15,000)
23566(a)	P	APE	2–3–4	23153 - 2 Priors in 10 years. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	70,000 [Add 50,000 for each prior above the second]
23566(b)	P	APE	2–3–4	23153 with GBI with 2 Priors or More Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	120,000 [Add 50,000 for each prior above the second]
23566(c)	P	ENH	3 years	23153 with GBI convicted under 23566(b) with 4+ Priors Within 10 Years -STRIKE: S- 8. [NOTE: Bail does not apply to 23153(b) fresh arrest.]	50,000 [Add 50,000 for each prior above the fourth]

191.5(a)	P		4–6–10	Gross Vehicular Manslaughter while Intoxicated [Punish: §191.5(c)(1)] -STRIKE: S- 8, 23	200,000
191.5(b)*	H		16–2–4	“Ordinary” Vehicular manslaughter while intoxicated without gross negligence [Punish: §191.5(c)(2)] -STRIKE: S- 8	50,000 (25,000)

DUI BAIL TABLE - RELATED BAIL SCHEDULE SECTIONS

191.5(c)(1)	P		4–6–10	Penalty for 191.5(a) Gross Vehicular Manslaughter While Intoxicated unless 191.5(d) applies - STRIKE: S- 8, 23	200,000
191.5(c)(2)*	H		16–2–4	Penalty for 191.5(b) “Ordinary” Vehicular Manslaughter While Intoxicated. -STRIKE: S- 8	50,000 (25,000)
191.5(d)	P	APE	15 to Life	Penalty Gross Vehicular Manslaughter while Intoxicated (191.5(a)) with specified Prior Convictions -STRIKE: S- 7; V- 7	1,000,000
192(a)	P		3–6–11	Manslaughter - Voluntary [Punish: §193(a)] -STRIKE: S- 1; V- 1; J- 30	200,000
192(b)	H		2–3–4	Manslaughter - Involuntary - [Punish: §193(b) -1170(h)] -STRIKE: S- 8, 23	50,000
192(c)(1)*	P		2–4–6	Gross Vehicular Manslaughter [Punish: §193(c)(1)] -STRIKE: S- 8	50,000 (25,000)
192(c)(2) (Misdo)			1 Year	“Ordinary” Vehicular Manslaughter - Driving Vehicle w/o Gross Negligence [Punish: §193(c)(2)]	(10,000)
192(c)(3)*	P		4–6–10	Vehicular Manslaughter During Violation of PC 550 (Insurance Fraud) [Punish: §193(c)(3)] - STRIKE: S- 8, 23	200,000 (50,000)
192.5(a)	P		4–6–10	Gross Vessel Manslaughter While Intoxicated [Punish: §193.5(a)] -STRIKE: S- 8	200,000
192.5(b)*	H		16–2–4	“Ordinary” Vessel Manslaughter While Intoxicated w/o Gross Negligence [Punish: §193.5(b) - 1170(h)] -STRIKE: S- 8	50,000 (25,000)
192.5(c)*	P		2–4–6	Gross Vessel Manslaughter Without Intoxication [Punish: §193.5(c)] -STRIKE: S- 8	50,000 (25,000)
192.5(d)			1 year	“Ordinary” Vessel Manslaughter Without Intoxication [Punish: §193(d)]	(10,000)
192.5(e)	P	ENH	5 years	Vessel “hit and run” after committing a violation of §§192.5 (a), (b), or (c)	50,000

Order Adopting Bail Schedule

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

In the Matter of)
SETTING A BAIL SCHEDULE) ORDER SETTING BAIL SCHEDULE
FOR MONTEREY COUNTY)

Pursuant to Penal Code sections 1269b(c) and 1269b(d), we, the Judges of Superior Court State of California, County of Monterey, hereby approve the use of the attached Monterey County Criminal Bail Schedule as the uniform, county-wide schedule of bail for all bailable offenses.

Date Adopted: July 9, 2014

Hon. Marla O. Anderson
Presiding Judge

Hon. Mark E. Hood
Assistant Presiding Judge

Hon. Robert A. Burlison

Hon. Pamela L. Butler

Hon. Julie R. Culver

Hon. Larry E. Hayes

Hon. Efren N. Iglesia

Hon. Sam, Jr. Lavorato

Hon. Albert H. Maldonado

Hon. Susan J. Matcham

Hon. Elisabeth K. Mineta

Hon. Camie M. Panetta

Hon. Timothy P. Roberts

Hon. Russell D. Scott

Hon. Vanessa W. Vallarta

Hon. Lydia M. Villarreal

Hon. Thomas W. Wills

