

Local Rules of the Superior Court of California, County of Alameda

Title 4. Criminal and Traffic Rules

Chapter 2. Criminal Rules

Rule 4.115 – Emergency Rule Adopting Temporary Emergency Bail Schedule

~~Pursuant to subsection (b) of Emergency Rule 4 as adopted by the Judicial Council of California (JCC) on April 6, 2020, the Court hereby adopts the JCC Emergency Bail Schedule set forth in Emergency Rule 4, effective April 8, 2020.~~

During the COVID-19 crisis, and as authorized by the Chairperson of the Judicial Council, the Alameda County Superior Court 2020 Bail Schedule is suspended, except as otherwise indicated below, and the emergency bail schedule set forth in this rule is adopted.

~~In addition to its adoption of the JCC Emergency Bail Schedule, and as permitted under subsection (e)(2) of Emergency Rule 4, the following local Alameda County Superior Court emergency bail schedule is also adopted:~~

(a) Bail for misdemeanor and felony offenses

Bail for all misdemeanor and felony offenses will be set at \$0, with the exception of only the offenses listed below, where bail will be set pursuant to the Alameda County Superior Court 2020 Bail Schedule:

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- (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent felony, as defined in Penal Code section 667.5(c);
- (2) A felony violation of Penal Code section 69;
- (3) A violation of Penal Code section 166(c)(1);
- (4) A violation of Penal Code section 136.1 when punishable under section 136.1(c);
- (5) A violation of Penal Code section 236.1;
- (6) A violation of Penal Code section 262;
- (7) A violation of Penal Code sections 243(e)(1) or 273.5;
- (8) A violation of Penal Code section 273.6 if the arrestee made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party;

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- (9) A violation of Penal Code section 422 where the offense is punishable as a felony;
- (10) A violation of Penal Code section 646.9;
- (11) A violation of an offense listed in Penal Code section 290(c);
- (12) A violation of Vehicle Code sections 23152 or 23153;
- (13) A felony violation of Penal Code section 463;
- (14) A violation of Penal Code section 29800; and
- (15) A misdemeanor or felony violation alleged to have been committed when the arrestee had been previously released on their own recognizance or pursuant to \$0 or other monetary bail.

(b) Bail for infraction offenses

Bail for all ~~(1) infractions~~: offenses will be set at \$0.00.

(c) Bail for violations of post-conviction supervision

(1) Misdemeanors

Bail for all violations of misdemeanor probation, whether the arrest is with or without a bench warrant, will be set at \$0.

(2) Felonies

- (i) Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, in which the original, underlying conviction was the same as one or more of those listed in exceptions (a)(1) through (a)(15) above, will be set at the amount listed in the Alameda County Superior Court 2020 Bail Schedule for that conviction, including any enhancements.
- (ii) Violations for failure to comply with terms of felony supervision, including felony probation, parole, or post release community supervision, that do not include ~~as the basis of the petition the alleged~~ commission of a new offense otherwise provided for ~~above in Emergency Rule 4: will be set at \$5,000 (unless this emergency bail schedule~~ ~~Emergency Rule 4~~ mandates setting bail at \$0.00), unless there is a timely bail request pursuant to Penal Code section 1269c per subsection (c)(4) below and emergency Local Rule 4.116.

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- (iii) Where (i) there is a violation for failure to comply with the terms of felony supervision—including felony probation, parole, or post release community supervision—that is based on the commission of a new offense, and (ii) ~~Emergency Rule 4~~ **this emergency bail schedule otherwise** mandates setting bail at ~~\$0.00~~ or \$5,000, any peace officer making a **related** bail request pursuant to Penal Code section 1269c must timely comply with ~~e~~**Emergency Local Rule 4.116**. Only upon timely compliance will the supervision violation based on the commission of a new offense be forwarded to the Probation Department for the completion of a risk assessment.

(d) Ability to deny bail

Nothing in this emergency bail schedule restricts the ability of the Court to set or deny bail as authorized by article I, sections 12 or 28(f)(3) of the California Constitution, including when setting bail on arrest warrants.

(e) Clarification regarding \$0 bail

~~The Court also clarifies that s~~Setting \$0.00 bail is intended to authorize the citation and release of arrestees. It is not the same as declining to set bail or entering a “no bail” order. Accordingly, if necessary for technical reasons, law enforcement agencies may enter a bail amount of \$0.01 in their case management systems for any offense that would otherwise have a bail amount of \$0.00 under ~~Emergency Rule 4 or as indicated above~~ **this emergency bail schedule**.

Rule 4.115 amended June 20, 2020; previously amended May 21, April 22, April 8 and April 3, 2020; adopted effective April 3, 2020.