Monterey County Emergency Bail Schedule

I. Purpose

Notwithstanding any other law, this rule establishes a countywide Emergency Bail Schedule, which is intended to promulgate uniformity in the handling of certain offenses, during the state of emergency related to the COVID-19 pandemic, and to reduce the local jail population.

II. Mandatory Application

This schedule takes effect as of 5:00 p.m. on November 22, 2020, and applies to the following:

A. To every accused person arrested and in pretrial custody;

B. To every accused person held in pretrial custody.

III. Setting of Bail and Exceptions

Under this schedule, excluding the offenses listed below, bail for all misdemeanor and felony offenses must be set at $0.

A. Exceptions to $0 bail include the offenses listed below:

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;

5. A violation of Penal Code section 262;

6. A violation of Penal Code sections 243(e)(1) or 273.5;

7. A violation of Penal Code section 273.6;

8. A felony violation of Penal Code section 422;

9. A violation of Penal Code section 646.9;

10. A violation of an offense listed in Penal Code section 290(c);

11. A felony violation of Penal Code section 463;

12. A violation of Penal Code section 29800;

13. A violation of Vehicle Code sections 23152 or 23153;

14. A violation of Vehicle Code sections 2800.2, 2800.3 and 2800.4.

IV. Ability to Deny Bail

Nothing in this schedule restricts the ability of the court to deny bail as authorized by article I, section 12, or 28(f)(3) of the California Constitution, or to deviate from this schedule in the court's discretion.

Nothing in this schedule restricts the ability of law enforcement to deviate from this schedule when an arrestee has been re-arrested after release pursuant to this schedule.

V. Application of Countywide Bail Schedule

The current Monterey County Bail Schedule shall remain in effect for all offenses listed in exceptions 1 through 14 of this schedule, including any count-specific conduct enhancements and any status enhancements.

VI. Bail for Violations of Post-Conviction Supervision

A. Under this schedule, bail for all violations of misdemeanor probation shall be set at $0, unless the underlying conviction is listed in exceptions 1 through 14 of this schedule.

B. Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, shall be set at no bail, consistent with the current countywide bail schedule.

VII. Sunset of Rule

This schedule shall remain in effect for 30 days after the effective date of this schedule, subject to early termination or extension, as decided by the Judicial Bail Committee in consultation with the Monterey County Sheriff.