

## **FELONY BAIL SCHEDULE**

### **Effective January 1, 2011**

The following is the presumptive felony bail schedule for Nevada County as required by Penal Code Section 1269b(c). Unless bail has been set by the magistrate, in an arrest warrant or otherwise, the presumptive bail schedule shall be applied.

If in the opinion of the arresting or booking officer the presumptive bail appears to be, under the circumstances of any particular case, excessively high or excessively low a modification of the presumptive bail schedule can be obtained upon a showing of good cause to a magistrate. Any attempt to obtain such a modification of bail by law enforcement or corrections staff should be made through the Office of the District Attorney.

If a detainee is booked for multiple offenses and enhancements occurring on the same date, bail will be limited to double the amount for the offense carrying the highest bail. If the detainee is booked for offenses occurring on separate dates, the bail shall be cumulative for each offense date.

If a detainee is booked for a felony offense not set forth in the bail schedule, the bail shall be \$10,000.00. This amount shall be subject to the arresting or booking officer's right to obtain a modified bail amount telephonically from a magistrate upon a showing of good cause as previously set forth.

Certain bail enhancement may apply for the commission of specific offenses. The bail enhancements set are attached hereto. If not specifically set forth, then the detainee is subject to a \$15,000.00 enhancement.

If the detainee has one prior serious or violent felony conviction (strike) his/her bail is to be enhanced by \$25,000.

If the detainee has two or more serious or violent felony convictions (strikes) his/her bail is to be enhanced by \$150,000.

A violent felony is defined in Penal Code Section 667.5(c)(1) through (22).

A serious felony is defined in Penal Code Section 1192.7(c)(1) through (41).

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PENAL CODE SECTION	OFFENSE	PRESUMPTIVE BAIL
114	False Documents to Conceal Citizenship	5,000
136.1 (c)&(d)	Prevent/Attempt Testimony w/threat of Violence	50,000
136.5	Possess Deadly Weapon to Dissuade Witness	50,000
137(a)(b)	Induce False Testimony (a) bribe; (b) threat	25,000
139	Threatening Witness or Victim	25,000
140	Threat or Force or Violence Witness or Victim	25,000
141(b)	Peace Officer Filing False Evidence	25,000
148.10(a) – (d)	False Bomb Report – Report/poss Facsimile Bomb	25,000
151(a)(2)	Advocating Death-Injury to P.O., Resulting in Death-Injury	50,000
182 (to commit Felony)	To Commit Crime Against Person of Certain Federal or State Officers	Same as target offense
182(a)(6)	Conspiracy to Commit Crime on Person or Designated Federal or State Officials	100,000
182.5	Criminal Street Gang Conspiracy Against Public Official	50,000
186.22 to 186.28	Various Re: Street Gangs	15,000
187	Murder	NO BAIL
191.5	Gross Vehicular/Vessel Manslaughter	75,000
192(a)	Voluntary Manslaughter	75,000
192(b)	Involuntary Manslaughter	25,000
192(c)	Vehicular Manslaughter	25,000
203	Mayhem	25,000
205	Aggravated Mayhem	100,000
206	Torture	100,000
207	Kidnapping	100,000
209(a)	Kidnapping for Ransom or Extortion	250,000
209(b)	Kidnapping for Robbery	250,000
209.5	Kidnapping Commission of Carjacking	250,000
211	Robbery	50,000
212.5(a)(b)	First Degree Robbery	50,000
212.5(c)	Second Degree Robbery	25,000
213(a)(1)	Robbery of Inhabited Dwelling	75,000
215	Carjacking	50,000
217.1(b)	Attempt to Kill Government Official	250,000
218	Train Wrecking; Attempt	100,000
219	Train Derailing or Wrecking	250,000
219.1	Throwing Missiles at Common Carrier Resulting in GBI	25,000
220	Assault with Intent to Rape; Mayhem - Sodomy, etc.	50,000
243(d)	Battery with Serious Bodily Injury	15,000
243.4	Sexual Battery	20,000

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244	Assault with Chemicals	50,000
245(a)(1)(2)	Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury	25,000
245(a)(3)	Assault with a Machine Gun	75,000
245(b)	Assault with Semi-Automatic Weapon	50,000
245(c)	Assault with Deadly Weapon – Peace Officer	50,000
245(d)(1)(2)(3)	Assault with Firearms – Peace Officer	50,000
245.5	Assaults on School Employees – Likely GBI	25,000
246	Shooting at Inhabited Building or Vehicle	50,000
261	Rape	50,000
262	Spousal Rape	50,000
264.1	Rape in Concert with Force or Violence	75,000
273a	Mistreating Child – Likely to Produce GBI or Death	35,000
273.5	Spousal or Co-habitant Beating	25,000
278	Child Stealing	25,000
286(c)(1)(2)(3)	Sodomy	50,000
286(d)	Sodomy – In Concert Forcible - GBI	50,000
286(f)(g)(i)(j)(k)	Sodomy – Specific Circumstances	25,000
288(a)(b)	Lewd Act	75,000
288a(c)	Oral Copulation – Victim Under 14 (or forcible)	50,000
288a(d)	Oral Copulation – In Concert with Force, etc.	75,000
288a(f)	Oral Copulation – Victim Unconscious of Nature of Act	50,000
288a(g) to (k)	Oral Copulation – Mentally Ill Victim – Other Circumstances	50,000
289	Rape by Foreign Object	50,000
405b	Lynching	15,000
417.8	Brandishing with Intent to Resist P.O.	15,000
451(a)	Arson - With GBI	75,000
451(b)	Arson - Inhabited Structure or Property	50,000
451(c)	Arson – Structure or Forest Land	50,000
452(a)	Recklessly Causing Fire	25,000
452(b)	Inhabited Structure	15,000
454	Arson During State of Emergency	75,000
459/460(a)	Burglary - Residential	25,000
464	Burglary – With Explosives	50,000
470 to 566	Forgery, Theft, Embezzlement, False Impersonation & Fraud – Insurance, Malicious Mischief	10,000
	If Value of Loss in Excess of \$5,000	15,000
	If Value of Loss in Excess of \$10,000	25,000
	If Threat of Personal Injury to Victim or Others	25,000
626.9	Guns on School Grounds	20,000
Except 626.9(d)	Reckless Discharge of Gun on School Grounds	50,000
646.9(b)	Stalking	35,000
646.9(b)(c)	Stalking with Restraining Order in Effect or Specified Priors of 273.5, 273.6 or 422	35,000

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646.9(c)(2)	Stalking with prior 646(a)	75,000
647.6(c)(2)	Child Molestation	20,000
653f(b)	Solicitation of Murder	100,000
653f(c)	Solicitation or Commission of 264.1/288/289	25,000
653j	Solicitation of Minor to Commit Specified Crimes	50,000
664 (same as target crime)	Attempts	Same as target crime
664(1)	Completed Crime Punishable by State Prison	Same as for substantive offense
836.6	Escape with GBI to Peace Officer	50,000
1552.1	Fugitive from Another State	NO BAIL until arraignment
4500 & 4501	Assault with Deadly Weapon - Prison Inmate	NO BAIL
4501.1	Aggravated Battery on Non-Inmate by Prison Inmate	NO BAIL
4501.5	Battery by Inmate on Non-Inmate	NO BAIL
4502	Possession of Weapon by Prison Inmate	NO BAIL
4503	Holding of Hostages by Prison Inmate	NO BAIL
4530	Escape from Prison - Attempt:	NO BAIL
4532(a)(2)	With force – Escape from County Jail or Custody	50,000
4532(b)(2)	With force	50,000
4573.6	Inmate Unauthorized Possession of Drugs	15,000
4573.9	Non-Inmate Selling/Furnishing Drugs to Inmates	20,000
4574	Smuggling Weapon into Jail or Prison	15,000
11413	Terrorism – Use of Destructive Device/Arson	100,000
11418(a)	Possession of Weapon of Mass Destruction	250,000
11418(b)	Use of Weapon of Mass Destruction	1,000,000
11419	Possession of Restricted Biological Agents	250,000
12034(c)	Discharge of Firearm From a Motor Vehicle at Another	25,000
12021	Firearms – Possession by Felon or Addict	15,000
12220(b)	Sale – Conversion to – Manufacture Machine Gun	50,000
12280(a)	Manufacture, Distribute, Transport, Sell Assault Weapon	50,000
12303.1	Carries or Places Explosive or Destructive Device	250,000
12303.2	Carrying or Placing Explosive in Public Place	250,000
12303.3	Destructive Device or Explosive - Possession, Ignition, or Explosion with Intent to Injure	250,000
12308	Destructive Device or Explosion (and Attempt) with the Intent to Murder	250,000
12309	Use Destructive Device Causing Bodily Injury	250,000
12310	Destructive Device or Explosive – Causing Death or Mayhem	NO BAIL
12320, 12321	Possession, etc., of Armor-Piercing Ammunition	25,000
12312	Possession of Materials with Intent to Make Destructive Device or Explosive	100,000
12355(a)	Manufacture, Maintain, Places a Booby Trap	20,000
12370	Possession of Body Armor by Felon	20,000

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**VEHICLE CODE**

(Same as our current schedule except for the following)

<b>VEHICLE CODE SECTION</b>	<b>OFFENSE</b>	<b>PRESUMPTIVE BAIL</b>
2800.3	Evading PO Causing Serious Injury or Death	50,000
20001	Hit and Run – Personal Injury	25,000
23152/23550	DUI – 3 or more priors	75,000
23153	DUI – Causing Injury	25,000
23153 w/prior(s)	DUI – Causing Injury	75,000

**WELFARE & INSTITUTIONS**

<b>WELFARE &amp; INSTITUTIONS CODE SECTION</b>	<b>OFFENSE</b>	<b>PRESUMPTIVE BAIL</b>
1768.7(a)	Escape/Attempt from CYA w/o Force	20,000
1768.7(b)	Escape/Attempt from CYA with Force or Violence	50,000
1768.8(b)	Assault by CYA Inmate on Non-Inmate Likely to Cause GBI	50,000

**HEALTH & SAFETY**

(Same as our current schedule except for the following)

<b>HEALTH &amp; SAFETY CODE SECTION</b>	<b>OFFENSE</b>	<b>PRESUMPTIVE BAIL</b>
1621.5	Blood or Organ Violation by Person Knowing He/She has AIDS	50,000
11351	Possess/Purchase Controlled Substance for Sale	35,000
11351.5	Possess/Purchase Cocaine for Sale	50,000
11352	Illegal Transport of Cont. Sub.	35,000
11353 to 11353.7	Cont. Sub – Selling, Giving and Utilizing Minors	50,000
11361	Person Over 18 Using Minor in Sale, Transporting, etc., Furnishing, Giving to Minor	35,000
11378	Possession for Sale – Controlled Substance	35,000
11378.5	Possession for Sale – PCP	35,000
11379	Unlawful Transportation, Sale, etc., Cont. Sub.	25,000
11379.5	Sale, Transportation, etc. – PCP	35,000

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11379.5(b)	Transport Phencyclidine/Etc. for Sale	35,000
11379.6	Manufacture or Offer to Manufacture Methamphetamines	50,000
11380	Person Over 18 Using Minor as Agent Inducing Violation by Minor, Furnishing Minor with Cont. Sub.	75,000
11380.5	Same – PCP	75,000
11383(a)	Possession – Pre-cursors of Methamphetamine with intent to Manufacture	50,000
11383(b)	Possession – Pre-cursors of PCP with intent to Manufacture	50,000
25189.6(b)	Violation of 25189.6(a) That Exposes Others to GBI	75,000
115215(b)(2)	Unauthorized Disposal of Radioactive Waste Causing GBI	75,000
116750(a)	Tampering with Public Water Supply	50,000
120291(a)	Willfully Engaged in Unprotected Sex to Infect HIV	75,000

**BAIL INCREMENTS FOR ENHANCEMENTS AND  
OTHER EXTRAORDINARY CIRCUMSTANCES**

If the detainee is subject to any sentence enhancement pursuant to provisions of the Penal Code or Health & Safety Code, bail shall be enhanced by \$15,000 per enhancement except as provided for the following enhancements:

PENAL CODE SECTION	OFFENSE	PRESUMPTIVE BAIL
186.10(c)(1)(C)	Money Laundering – Value Greater Than \$1,000,000	25,000
186.10(c)(1)(D)	Money Laundering – Value Greater Than \$2,500,000	35,000
186.11(a)(2)	Comm. of 2 or more Fraud/Embezzlement Felonies Values Greater than \$500,000	50,000
273d(b)	Prior Conviction Inflicting Injury on a Child	50,000
368(b)(2)	Elder or Dependent Abuse with GBI	35,000
368(b)(3)	Elder or Dependent Abuse Resulting in Death	35,000
451.1	Conviction of person with Designated Circumstances	25,000
667	Prior Conviction of Serious Felony with Current Charge a Serious Felony	50,000
667.51(a)	Prior Sex Offense with Current Charge 288	75,000
667.6(a)	Prior Serious Sex Offense with Current Charge a Serious Sex Offense	75,000
667.6(b)	2 or more Prior Prison Terms for Serious Sex Offense with Current Serious Sex Offense	100,000
667.8(a)	Kidnapping for Purpose of Sex Offense	75,000
667.8(b)	Kidnapping Child for Purpose of Committing Sex Offense	100,000
667.85	Kidnapping to Permanently Deprive Parent of Custody	25,000

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1203.066	Sex Crimes Involving Aggravated Sexual Abuse of a Child	50,000
1203.073	Drug Offenses Involving Amounts in Excess of Those Specified in this Section	25,000
1203.09	Crimes Committed Against Persons 60 Years of Age or Older, Blind Persons, Paraplegics or Quadriplegics	50,000
12022.2(a)	Armed and Possession of Metal Piercing Ammunition	35,000
12022.3(a)	Using Firearm or Deadly Weapon in Commission of Sex Offense	75,000
12022.5(all)	Personal Use or Discharge of Firearm	50,000
12022.53(b)	Personal Use of Firearm While Committing Offense Set forth 12022.33(a)	75,000
12022.53(c)	Discharge of Firearm in Commission of Offense Set Out 12022.53(a)	100,000
12022.53(d)	Discharge Firearm Causing GBI or Death Comm. of 12022.53(a)	250,000
12022.55	Discharge Firearm From Vehicle Causing GBI or Death	50,000
12022.6(a)(4)	Taking of or Damage to Property over \$2 Million	35,000
12022.7(all)	Personally Inflicting GBI	35,000
12022.8	Inflicting GBI Comm. of Sex Offense	35,000
12022.9 (all)	Inflicting GBI re: Pregnancy – Causing Paralysis	25,000
12022.95	Willful Cruelty to Child Resulting in Death	25,000

HEALTH & SAFETY	OFFENSE	PRESUMPTIVE BAIL
11353.6(b) or (c)	Commission of Specific CS Offenses on or within 1000 Feet of a School	25,000
11370.4(a)(2)	Cocaine or Cocaine Base Exceeds four (4) Kilograms	25,000
11370.4(a)(3)	Cocaine or Cocaine Base Exceeds 10 Kilograms	50,000
11370.4(a)(4)	Cocaine or Cocaine Base Exceeds 20 Kilograms	75,000
11370.4(a)(5)	Cocaine or Cocaine Base Exceeds 40 Kilograms	100,000
11370.4(a)(6)	Cocaine or Cocaine Base Exceeds 80 Kilograms	150,000
11379.8(a)(1)	11379.6 Where Substance Exceeds 3 Gal. Liquid/1 lb. Solid	50,000
11379.8(a)(2)	11379.6 Where Substance Exceeds 10 Gal. Liquid/3 lb. Solid	75,000
11379.8(a)(3)	11379.6 Where Substance Exceeds 25 Gal. Liquid/10 lb. Solid	100,000
11379.8(a)(4)	11379.6 Where Substance Exceeds 105 Gal. Liquid/44 lb. Solid	150,000