

Bail amount is generally predetermined by the Uniform Bail Schedule of each county where the alleged crime was committed. Each year or so, a panel of judges from around the county come together in order to discuss and adopt a countywide bail schedule which sets the bail amounts for each specific crime. They take into consideration a number of factors that are specific to that areas needs and jurisdiction. This is why each county has different bail amounts for the same type of crime.

It is the intent of the Uniform Fine/Bail Schedule to provide assistance to the judge in determining the appropriate bail to be assessed in a particular case and to minimize disparity of bails imposed by different courts for similar offenses. However, as you will see, there are a number of factors which allow for the deviation from these guidelines. First, according to the 8th Amendment of the US Constitution, bail shall not be punitive. This means that bail shall not be set so high as to be a punishment in itself. The purpose of bail is simply to secure the appearance of the defendant. This may mean that bail could be reduced for an indigent and raised for someone with excessive wealth.

The prime concern in setting, reducing, or denying bail is “public safety.” Other less important considerations are the seriousness of the offense, prior criminal record and the probability that the defendant will show up for subsequent hearings. Unlike federal law, California state law does not usually authorize preventive detention, that is, setting no bail at all. Thus, judges must usually set bail at an amount that both permits the release of the defendant and ensures public safety.

Additionally, if public safety is an issue, the court may make an inquiry where it may consider allegations of injury to the victim, threats to the victim or a witness, the use of a deadly weapon, and the defendant's use or possession of controlled substances. A judge or magistrate setting bail in other than a scheduled or usual amount must state on the record the reasons and address the issue of threats made against a victim or a witness. The court must also consider evidence offered by the detained person regarding ties to the community and ability to post bond.

Below is the current uniform bail schedule in use in Orange County California. If you have a friend or loved one in need of a bail bond, please contact us immediately. We have agents available to meet with you 24 hours a day, in our office, your home, or a convenient location to you. We can also assist you or your criminal defense lawyer in preparation for a bail reduction hearing. Please call us today:

Toll Free: 888-SOS-BAIL or 888-767-2245

Check The Next Pages For The Orange County Bail Schedule

2007 / 2008 UNIFORM BAIL SCHEDULE (Felony and Misdemeanor)

SUPERIOR COURT OF

CALIFORNIA

COUNTY OF ORANGE

2008 FELONY BAIL SCHEDULE

A. The Felony Bail Schedule shall be applicable throughout Orange County and is applicable to all arrests without a warrant for bailable felony offenses.

B. Persons not entitled to be released on bail are those charged with:

1. Capital crimes (i.e. murder with special circumstance), when the facts are evident or the presumption great. Penal Code section 1270.5 & California Constitution, Article 1, Section 12(a).

2. Felony offenses involving act of violence 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

3. Felony offenses when the facts are evident or the presumption great and the court finds based upon 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. California Constitution, Article 1, Section 12(c).

C. Bail for offenses involving larceny under the Penal Code, as listed in this schedule (e.g.

P.C. 487, 496, 504, etc.), is the scheduled amount or the amount of [loss], whichever is higher. This policy is also to apply to fraud type offenses of other Codes (e.g. Insurance Code, Revenue and Taxation Code, etc) for which no presumptive bail is specified in this schedule, at the presumptive bail for top term potential, below, or the amount of loss, whichever is higher.

D. For all offenses and enhancements for which no presumptive bail is specified in this schedule, the presumptive bail shall be set according to state prison top term potential for the offense plus enhancement:

Top term 3 years 20,000 Top term 4 years 25,000 Top term 5 years 30,000 Top term 6 years 35,000 Top term 7 years 40,000 Top term 8 years 45,000 Top term 9 years 50,000 Top term 10 years 55,000 Top term 11 years 65,000 Top term 12 years 70,000 Top term 13 years 75,000 Top term 14 years 80,000 Top term 15 years 90,000 Top term 16 years 100,000 All life sentences 1,000,000

E. Penal Code section 1270.1 prohibits the release of an arrestee on bail in an amount OTHER THAN THAT SET FORTH ON THE BAIL SCHEDULE prior to a hearing in open court for:

1. Violent felonies as described in Penal Code section 667.5(c), but not 460(a);
2. Serious felonies as described in Penal Code section 1192.7(c) (including those listed in Penal Code section 1192.8); and
3. Violations of Penal Code sections 136.1(c), 243(e)(1),

262, 273.5, 273.6, 422 (as a felony), and 646.9.

F. Bail Limit for Multiple Offenses - A bail limit for a case with multiple charges will be established as follows:

1. Felony only. The highest bail amount for any one felony offense, plus enhancement, will apply.
2. Felony with misdemeanor or infraction violations. The highest bail amount for any one felony offense, plus enhancement, will apply. Misdemeanor and infraction bails will not be considered.

G. Holds for Out-of-County Charges - The Felony Bail Schedule will apply to holds placed for out-of-county charges when no amount has been previously established or shown on a warrant.

H. Violation of Probation -

1. Arrest without a warrant shall have NO BAIL if violation is for FELONY PROBATION.
2. BAIL will be set at \$15,000.00 if violation is a

MISDEMEANOR PROBATION.

I. All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.

J. Revisions/Additions to the Felony Bail Schedule The following procedure is established to make interim changes to the bail schedule without a formal meeting of the bail committee:

1. The staff will present to the chairperson of the Uniform Bail Procedures Committee all proposed interim changes to the approved bail schedule.

2. When the changes have been approved, a revised page for the bail schedule will distributed to all agencies holding authorized copies.

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE FELONY BAIL SCHEDUL

E

PENAL CODE

PENAL CODE	SECTION	OFFENSE	BAIL
pc 114		Using false documents to conceal true citizenship	50,000
pc	182	Conspiracy	Same as substantive
pc	187	Murder - with special circumstance	None
		All other murders	\$1,000,000
pc	191.5	Vehicular homicide	100,000 with gross negligence
pc	192(a)	Manslaughter - voluntary	100,000
pc	192(b)	Manslaughter - involuntary	25,000
pc 192(c)		Manslaughter - vehicle with gross negligence	100,000
pc 192(c)(3)		Vehicular homicide (without gross negligence)	100,000
pc	192(c)(4)	Vehicular homicide (accident caused)	100,000
pc	203	Mayhem	100,000
pc	205	Aggravated mayhem	100,000
pc 207		Kidnapping	100,000
pc 207(b)		Kidnapping victim 14 or older	500,000
pc 209(a)		Kidnapping for ransom or extortion (life)	1,000,000
pc 209(b)		Kidnapping for ransom (life)	1,000,000
pc 209.5		Kidnapping during carjacking (life)	1,000,000
pc 210.5		False imprisonment to evade arrest	1,000,000
pc 211		Robbery	
pc 212.5(a)(b)		First Degree	100,000
pc 212.5(c)		Second Degree	50,000
pc 215		Carjacking	100,000
pc 219		Train wrecking (life)	1,000,000
pc 220		Assault with intent to commit a felony, rape, sodomy	State can substitute fines
PENAL CODE	SECTION	OFFENSE	BAIL
pc 237(b)		False imprisonment of elder or dependent person	50,000
pc 243		Battery	
	pc 243(c)	upon peace officer, etc. with injury	20,000
	pc 243(d)	with serious bodily injury	25,000

pc 243.4	Sexual battery	25,000
pc 245(a)(1)	Assault with deadly weapon or force likely to produce	25,000
pc 245(a)(2)	Assault with a firearm	50,000
pc 245(c)	Assault with deadly weapon other than a firearm or fo	50,000
pc 245(d)(1)	Assault with a firearm upon a peace officer or firefight	100,000
pc 245(d)(2)	Assault with a semiautomatic upon a peace officer or	100,000
pc 246	Shooting at inhabited dwelling, building, occupied mo	250,000
pc 246.3	Discharge of firearm gross negligence	25,000
pc 261	Rape	100,000
pc 261.5(c)	Unlawful sexual intercourse with person under 18	20,000
pc 262	Spousal rape	100,000
pc 264.1	Rape in concert with force & violence	100,000
pc 266h	Pimping	35,000
pc 266i	Pandering	35,000
pc 273a(a)	Willful harm or injury to child likely to produce G.B.I.	100,000
pc 273d(a)	Corporal punishment or injury of child	50,000
pc 273.5	Corporal injury of spouse, cohabitant former spouse o	50,000
	With prior conviction under 273.5(e)	100,000
pc 278	Child stealing	25,000
pc 286	Sodomy	
pc 286(b)(1)	If victim under 18	80,000
pc 286(b)(2)	If victim under 16 defendant over 21	60,000
pc 286(c)	If victim under 14 defendant more than 10 years	40,000
pc 286(d)	If in concert with force and violence	100,000
PENAL CODE SECTION BAIL		
pc 286(e)	If committed in state prison or jail	50,000
pc 286(f) & (g)	If victim unconscious/nature of act/incapable of con	100,000
pc 288(a)	Lewd act with child under 14 years	100,000
pc 288(b)(1) & (2)	Lewd act with child under 14 years with force	100,000
pc 288a	Oral copulation	

pc 288a(b)(1)	If victim under 18	80,000
pc 288a(b)(2)	If victim under 16 and defendant over 21	50,000
pc 288a(c)	If victim under 14 and defendant more than 10 years	40,000
pc 288a(d)	If in concert with	100,000
pc 288a(e)	If committed in state prison or jail	50,000
pc 288a(f) & (g)	If victim unconscious/nature of act/incapable of con	100,000
pc 289	Penetration by foreign object	100,000
pc 314.1	Indecent exposure	20,000
pc 368(b)(1)	Elder abuse	50,000
pc 422	Criminal threats	50,000
pc 451(a)	Arson causing G.I.	50,000
pc 451(b)	Arson, inhabited	250,000
pc 451(c)	Arson, structure	50,000
pc 452(a)	Recklessly caused with G.B.I.	50,000
pc 454	Arson during state emergency	50,000
pc 459	Burglary	
	Residential	50,000
pc 464	Burglary with explosives	50,000
pc 487	Grand theft	20,000
	Or amount of theft, whichever is higher	
pc 496	Receiving stolen property if value more than \$400	20,000
	Or amount received, whichever is higher	
pc 497	Stolen property, coming into state	20,000
	Or amount stolen, whichever is higher	
PENAL CODE SECTION BAIL		
pc 502	Computer related	20,000
	Or amount stolen, whichever is higher	
pc 504, 504a, 504b, 505, 506, 507	Auto theft	20,000
	Or amount stolen, whichever is higher	
pc 518, 519, 521, 522	Extortion	20,000

pc 548	Defrauding insurance	30,000	
	Or amount taken, whichever is greater		
pc 646.9(a)	Stalking	20,000	
pc 646.9(b)	Stalking / with temporary restraining order	100,000	
pc 646.9(c)	Stalking / with delinquent prior	150,000	
pc 647.6	Child molestation	100,000	specified prior
pc 653f(b)	Solicit murder	1,000,000	
pc 653f(c)	Solicit rape, etc.	100,000	
pc 664(a)	Attempt where complete substantive offense by state p	Same as substantive offense	
pc 664/187	Attempted murder	500,000	
	Willful & premeditated	1,000,000	
pc 666	Petty theft with previous conviction for petty theft on which	20,000	
pc 1551.1	Fugitive (arrest without warrant)	50,000	
pc 1552.1	Fugitive (see code)	No	Bail
pc 4530	Escape, attempted	50,000	escape from prison with or without
pc 4532(a)	Escape, attempted	50,000	escape by misdemeanor, inebriated
	plus bail amount on original charge		
pc 4532(b)	Escape, attempted escape by felon from jail, industrial		
	(Convicted)	No bail	
	(Not convicted)	100,000	
	plus bail amount on original charge		
PENAL CODE SECTION		BAIL	
pc 4573	Bringing controlled substance into jail	25,000	
pc 4574	Smuggling weapons	50,000	jail or prison
pc 11418 (except (b)(1))	Possession, etc.	500,000	weapons of mass destruction
pc 11418(b)(1)	Employ weapon	1,000,000	destruction-cause of death
pc 11419	Weapons of mass destruction and biological agents	500,000	
pc 12020	Dangerous weapons	20,000	manufacture, sale, possession;
pc 12021	Concealable firearms	20,000	ownership or possession by fe
pc 12025(b)(1)	Concealed weapons	20,000	person or in vehicle without lic

pc 12025(b)(5)	Concealed weapon	20,000	person with prior conviction of
pc 12031	Possession of a	20,000	loaded firearm
pc 12034(c)	Personally shoot	250,000	motor vehicle
pc 12303.1	Carrying or plac	500,000	explosive on common carrier
pc12303.2	Possession of d	500,000	estructive devices or explosives in pu
PENAL CODE SECTION BAIL			
pc 12303.3	Possession of ex	1,000,000	ploding or destructive device or expl
pc 12308	Exploding destr	1,000,000	uctive device or explosive with intent t
pc 12309	Unlawful explos	500,000	ion causing bodily injury
pc 12312	Possession of m	150,000	aterial with intent to make destructiv
pc 12370	Felon with body	50,000	

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE FELONY BAIL SCHEDULE

VEHICLE CODE

VEHICLE CODE SECTION BAIL			
vc 2800.2	Attempting to ev	25,000	ade police officer while driving reckle
vc 2800.3	Willful flight caus	100,000	ing death
vc 10801	Owning or operat	50,000	ing chop shop
vc 10851(a)	Driving car with	20,000	out sent
vc 10851(b),(e)	Driving car with	25,000	out sent Specified vehicles, 666.5
vc 20001	Hit and run: pers	50,000	onal injury / death
vc 23152	Driving under the	50,000	influence of alcohol or drugs If a fel
vc 23153	Driving under the	100,000	influence of alcohol or drugs: bodily

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE FELONY BAIL SCHEDULE

HEALTH AND SAFETY CODE

HEALTH & SAFETY CODE SECTION

hs 11350	Illegal possession of certain specific or classified controlled substances	20,000
hs 11351	Possession or preparation for sale of certain specific or classified controlled substances	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg.	500,000
	4 kg.	1,000,000
	10 kg.	2,000,000
	20 kg.	3,000,000
	40 kg.	4,000,000
	80 kg.	5,000,000
hs 11351.5	Possession or preparation for sale of cocaine base	30,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	More than 1 kg.	500,000
hs 11352	Illegal transportation, sale, furnishing of certain specific or classified controlled substances	30,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg.	500,000
	4 kg.	1,000,000
	10 kg.	2,000,000
	20 kg.	3,000,000
	40 kg.	4,000,000
	80 kg.	5,000,000

HEALTH & SAFETY CODE SECTION

hs 11353	Person 18 years or older using minor in sale, transportation, or distribution of controlled substances	50,000
hs 11353.5	Adult preparing to sell to minor drugs or narcotics	50,000

hs 11357(a)	Concentrated cannabis	20,000
hs 11358	Marijuana: cultivated	20,000
	If over 25 lbs.	50,000
hs 11359	Marijuana, possessed for sale	25,000
	If over 25 lbs.	50,000
	If over 50 lbs.	100,000
hs 11360(a)	Marijuana: transported, sale, furnishing	25,000
	If over 25 lbs.	50,000
	If over 50 lbs.	100,000
hs 11361	Marijuana: possessed by persons 18 years or over using minor under 18	50,000
	If over 50 lbs.	100,000
hs 11377	Possession of controlled substances	20,000
hs 11378	Possession of controlled substances for sale	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	1,000,000
	10 kg. or 200 liters	2,000,000
	20 kg. or 400 liters	3,000,000
hs 11378.5	Possession or possession for sale of PCP	30,000
	If over 1 gallon liquid or 8 oz. powder	50,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	1,000,000
	10 kg. or 200 liters	2,000,000
	20 kg. or 400 liters	3,000,000
HEALTH & SAFETY OFFENSE SECTION		
hs 11379	Sale of controlled substances	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg. or 30 liters	500,000

	4 kg. or 100 liters	\$1,000,000
	10 kg. or 200 liters	\$2,000,000
	20 kg. or 400 liters	\$3,000,000
hs 11379.5	Sale of PCP	30,000
	If over 1 gallon liquid or 8 oz. powder	50,000
	1 kg. or 30 liters	500,000
	4 kg. or 100 liters	\$1,000,000
	10 kg. or 200 liters	\$2,000,000
	20 kg. or 400 liters	\$3,000,000
hs 11379.6(a)	Manufacture of a controlled substance	75,000
hs 11379.7	Violation of (or attempt) Penal Code 11379.6 or 11383	
	When child under 10 present	100,000
	When child under 10 suffers G.B.I.	500,000
hs 11379.8	Violation of 11379.6	
	If over 1 lb. or 3 gallons	100,000
	If over 3 lbs. or 50 gallons	500,000
	If over 10 lbs. or 125 gallons	1,250,000
	If over 44 lbs. or 2,050 gallons	2,050,000
hs 11380	Soliciting minor for controlled substances	50,000
hs 11383(a)	Possession of precursors with intent to manufacture	50,000
hs 11383(b)	Possession of precursors with intent to manufacture	50,000

Check the next page for MISDEMEANOR / INFRACTION BAIL SCHEDULE

2006 MISDEMEANOR / INFRACTION BAIL SCHEDULE

A. Determining Misdemeanor Bail

1. Bail shall be determined by first using the amount set forth in this schedule (Penal Code section 1269b).

2. If the violation is not specifically set forth in this schedule, then bail shall be the amount set forth in the most current publication of the Judicial Council Uniform Bail and Penalty Schedule (Rule 4.102, California Rules of Court).¹

3. If bail cannot be set under the provisions of number 1 and 2 above, then the bail shall be \$500 for all violations of statutes, regulations or ordinances.

B. Determining Infraction Bail

1. The most current publication of the Judicial Council Uniform Bail and Penalty Schedule is hereby adopted and incorporated by reference.

2. If bail cannot be set under the provisions of number 1 above, then the bail shall be \$50 for all violations of statutes, regulations or ordinances, except that if the minimum fine for the offense is greater than or less than \$50 the bail shall be the amount of the minimum fine.

3. For those infractions not set forth in the Judicial Council Bail Schedule in which the statute reflects a minimum and maximum fine (e.g. "A fine of not less than XXX and not more than XXX"), the bail shall be at the minimum fine amount.

4. For those infractions not set forth in the Judicial Council Bail Schedule in which the statute reflects a "fine of not to

exceed XXXâ€ and the amount is greater than \$50, then the bail shall be set at \$50 (e.g. â€œa fine not to exceed \$100â€). The bail shall be set at \$50, as referenced under the provisions of number 2 above.

5. If the infraction penalty statute requires a sentence, in addition to a monetary fine, the infraction shall require a mandatory appearance to enable the judicial officer to impose the full sentence.

6. If a sentence reflects a fine or an alternative, (e.g. community service) the infraction penalty statute shall require a mandatory appearance to permit judicial discretion in the sentencing.

¹ The Judicial Council Uniform Bail and Penalty Schedule may be located on the court website at www.occourts.org.

C. Revisions/Additions to Misdemeanor/Infraction Schedule The following procedure is established to make interim changes to the bail schedule without a formal meeting of the bail committee:

1. The staff will present to the chairperson of the Uniform Bail Procedure Committee all proposed interim changes to the approved bail schedule.

2. When the changes have been approved, a revised page for the bail schedule will be distributed to all agencies holding authorized copies.

D. Additions to Superior Court Case Management System
When it is necessary to add a new violation to the Superior Court case management system bail maintenance table, court staff will refer to Section A and B above.

E. Bail Limit for Multiple Felony / Misdemeanor Offenses The highest bail amount for any one offense will apply

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE MISDEMEANOR BAIL SCHEDULE

E

UNLISTED PENAL CODE MISDEMEANOR - \$500.00

VIOLATION	DESCRIPTION	BAIL
pc 166	Contempt	\$15,000
pc 243	Battery against peace officer	\$2,500
pc 243(e)(1)	Battery against others	\$10,000
pc 273.6	Violation of protective order, temporary restraining order	\$15,000
pc 273.65(a)	Violation of protective order related to children	\$15,000
pc 368(b)(1)(c)	Abuse of elder/dependent adult w/injury	\$10,000

pc 368(d)(3)	Abuse of elder/dependent adult; theft/embezzlement	\$10,000
pc 647(a)	Lewd conduct in public place	\$1,000
pc 647(b)	Prostitution 2 nd offense 3 rd	
pc 653m	Annoying communications	\$1,000

**SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE
MISDEMEANOR BAIL SCHEDULE**

**E
HEALTH & SAFETY CODE
E**

**UNLISTED HEALTH & SAFETY CODE MISDEMEANOR -
\$500.00**

VIOLATION	DESCRIPTION	BAIL
hs 11550	Narcotic addict 2 nd & subsequent violation	\$1,000

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE MISDEMEANOR BAIL SCHEDULE

E

VEHICLE CODE Unlisted Vehicle Code Misdemeanor -\$500.00

VIOLATION	DESCRIPTION	BAIL
vc 14601.2 (a) , (b)	Suspended license	\$2,500
vc 14601.3	Habitual traffic offender	\$2,500
vc 23152 (a) , (b) , (c) , (d)	1st offense	\$2,500

DUI-2nd (within ~~\$10,000~~)

DUI-3rd (within ~~\$15,000~~)

DUI-4th (within 10 yrs.) (A felony see page 7)

vc 23153 (a) ,(b)(d) with injury 1st offense 2 nd

* Bail shall NOT be doubled pursuant to VC 42009 & 42010.

Toll Free: 888-SOS-BAIL or 888-767-2245