

APR 10 2020

STEPHANIE CAMERON, CLERK

BY 

EMERGENCY BAIL SCHEDULE

At an emergency meeting held April 6, 2020, the California Judicial Council adopted a number of Emergency Rules of Court to protect the health and safety of the public, court employees, attorneys, litigants, and judicial officers as well as staff and inmates in detention facilities and law enforcement. The new Emergency Rules are to remain in effect during the state of emergency related to the COVID-19 pandemic. Emergency Rules were adopted by the Judicial Council in accordance with the Governor's Executive Order N-33-20 declaring a statewide public health emergency resulting from the spread of the COVID-19 virus and the Governor's Executive Order relating to emergency authority of the Judicial Council.

The Emergency Rules adopted by the Judicial Council include an Emergency Bail Schedule (Emergency Rule 4). The Emergency Bail Schedule by its terms is mandatory for all courts in the State of California. The emergency schedule modifies the Uniform Countywide Schedule of Bail adopted by the Tulare County Superior Court effective November 15, 2016 pursuant to Penal Code 1269b.

IT IS THEREFORE ORDERED:

As required by Rule 4 of the Emergency Rules of Court adopted by the California Judicial Council on April 6, 2020, the Uniform Countywide Schedule of Bail for Tulare County California is modified to provide as follows:

Emergency rule 4. Emergency Bail Schedule

(a) Purpose

Notwithstanding any other law, this rule establishes a statewide 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.

(b) Mandatory application

No later than 5 p.m. on April 13, 2020, each superior court must apply the statewide Emergency Bail Schedule:

- (1) To every accused person arrested and in pretrial custody.
- (2) To every accused person held in pretrial custody.

(c) Setting of bail and exceptions

Under the statewide Emergency Bail Schedule, bail for all misdemeanor and felony offenses must be set at \$0, with the exception of only 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 when punishment is imposed under section 136.1(c);
- (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 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;
- (8) A violation of Penal Code section 422 where the offense is punished as a felony;
- (9) A violation of Penal Code section 646.9;
- (10) A violation of an offense listed in Penal Code section 290(c);
- (11) A violation of Vehicle Code sections 23152 or 23153;
- (12) A felony violation of Penal Code section 463; and
- (13) A violation of Penal Code section 29800.

(d) Ability to deny bail

Nothing in the Emergency Bail 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.

(e) Application of countywide bail schedule

(1) The current countywide bail schedule of each superior court must remain in effect for all offenses listed in exceptions (1) through (13) of the Emergency Bail Schedule, including any count-specific conduct enhancements and any status enhancements.

(2) Each superior court retains the authority to reduce the amount of bail listed in the court's current countywide bail schedule for offenses in exceptions (1) through (13), or for any offenses not in conflict with the Emergency Bail Schedule.

(f) Bail for violations of post-conviction supervision

(1) Under the statewide Emergency Bail Schedule, bail for all violations of misdemeanor probation, whether the arrest is with or without a bench warrant, must be set at \$0.

(2) Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision, must be set in accord with the statewide Emergency Bail Schedule, or for the bail amount in the court's countywide schedule of bail for charges of conviction listed in exceptions (1) through (13), including any enhancements.

(g) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

EXCEPT AS MODIFIED ABOVE, THE UNIFORM COUNTYWIDE BAIL SCHEDULE ADOPTED BY THE TULARE COUNTY SUPERIOR COURT EFFECTIVE NOVEMBER 15, 2016 REMAINS IN EFFECT. THIS ORDER IS EFFECTIVE MONDAY, APRIL 13, 2020 AT 5:00 P.M. IT WILL REMAIN IN EFFECT AS PROVIDED IN PARAGRAPH 4(g) ABOVE.

Date: April 10, 2020


BRETT R. ALLDREDGE,
Presiding Judge



Superior Court of the State of California

COUNTY OF TULARE

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Rob Blue – Judicial/Research Attorney
Richard Langevin – Judicial/Research Attorney

Law Enforcement/Justice Partners

Tim Ward – District Attorney
Lisa Bertolino – Public Defender
David Allen – Conflict Counsel
Jason Britt, County Administrative Officer – County of Tulare
Mike Boudreaux, Sheriff – Tulare County Sheriff Department/Asst. Sheriff K. Douglas/Asst. Sheriff C. Lehner
Sue Gunderman – Tulare County Sheriff Department – Headquarters
Lt. Duane Cornett – Tulare County Sheriff Department – Court Services
Lt. David Winters & Lt. Cory Jones – Tulare County Sheriff Department – Detention Unit
Michelle Bonwell – Tulare County Probation Department
Deanne Peterson – Tulare County Office of County Counsel
Devon Popovich, Chief – Dinuba Police Department
John Hall, Chief – Exeter Police Department
Mario Krstic, Chief – Farmersville Police Department
Chris Hughes, Chief – Lindsay Police Department
Wes Hensley, Chief – Tulare Police Department
Mike Marquez, Chief – Woodlake Police Department
Jason Salazar, Chief – Visalia Police Department
Eric Kroutil, Chief – Porterville Police Department
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Patrick Hamblin – Tulare County Animal Services
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