

FILED
JUN 19 2020

ALEX CALVO, CLERK
BY CORBE MASTERS
DEPUTY, SANTA CRUZ COUNTY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ**

**SUPPLEMENTAL ADMINISTRATIVE
EMERGENCY ORDER ADOPTING
TEMPORARY EMERGENCY BAIL
SCHEDULE**

Pursuant to Government Code section 68115 and the authority granted by the Judicial Council of California, during the COVID-19 crisis, the Santa Cruz County Superior Court 2020 Bail Schedule is suspended, except as otherwise detailed below, and the Emergency Bail Schedule set forth below is adopted.

I. Bail for Misdemeanor and Felony Offenses:

Bail for all misdemeanor and felony offenses will be set at \$0, except for the offenses listed below, where bail will be set pursuant to the Santa Cruz County Superior Court 2020 Bail Schedule:

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)

- 1 5. A violation of Penal Code section 236.1;
- 2 6. A violation of Penal Code section 262;
- 3 7. A violation of Penal Code Sections 243(e)(1) or 273.5;
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- 5 8. A violation of Penal Code section 273.6 if the arrestee made threats to kill or
- 6 harm, has engaged in violence against, or has gone to the residence or
- 7 workplace of, the protected party;
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- 9 9. A violation of Penal Code section 422 where the offense is punishable as a
- 10 felony;
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- 12 10. A violation of Penal Code section 646.9;
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- 14 11. A violation of an offense listed in Penal Code section 290(c);
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- 16 12. A violation of Vehicle Code sections 23152 or 23153;
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- 18 13. A felony violation of Penal Code section 463;
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- 20 14. A violation of Penal Code section 29800; and
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- 22 15. A misdemeanor or felony violation alleged to have been committed when
- 23 the arrestee had been previously released on their own recognizance or
- 24 pursuant to \$0 or other monetary bail.
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18 **II. Bail for Infraction Offenses:**

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20 Bail for all infractions: offenses will be set at \$0

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22 **III. Bail for Violations of Post-Conviction Supervision:**

23 1. Misdemeanors

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

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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 (I)(1) through (I)(15) above, will be set at the amount listed in the Santa Cruz County Superior Court 2020 Bail Schedule for that conviction, including any enhancements.
- ii. Bail on 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 commission of a new offense listed above, will be set at \$5,000 (unless this Emergency Bail Schedule mandates setting bail at \$0), unless there is a timely bail request pursuant to Penal Code section 2369c.
- iii. Where the violation is for failure to comply with the terms of felony supervision-including felony probation, parole, or post release community supervision- based on the commission of a new offense, and this emergency bail schedule mandates setting bail at \$0 or \$5,000, any peace officer may make a bail request pursuant to Penal Code section 1269c. Additionally, the Probation Department may seek an increase in bail upon presentation of a written request to calendar the matter for that purpose.

IV. 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. Further, the Court intends to continue to utilize the procedures authorized by California Constitution Article I § 28(f)(3), Penal Code §§ 646.93, 1269c, 1275, other applicable statutes, and established decisional law in determining whether any case warrants departure from the Emergency Schedule, or the imposition of conditions on release on \$0.00 bail.

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V. Clarification Regarding \$0 Bail

Setting \$0 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 under this emergency bail schedule.

IT IS SO ORDERED.

Date: 6/19/2020



PAUL P. BURDICK
PRESIDING JUDGE OF THE SUPERIOR COURT