



2023

**UNIFORM BAIL SCHEDULE
(Felony and Misdemeanor)**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**



Chambers of
CHERI PHAM
JUDGE
DEPARTMENT C5
CHAIR, UNIFORM BAIL COMMITTEE

Superior Court of California County of Orange

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TO: ORANGE COUNTY BAIL SCHEDULE HOLDERS
LAW ENFORCEMENT AGENCIES

SUBJECT: 2022 UNIFORM BAIL SCHEDULE
(FELONY AND MISDEMEANOR)

1. Orange County Bail Schedule Holders

Pursuant to Penal Code section 1269b, this bail schedule was approved by the judges of the Superior Court of California, County of Orange, and is effective January 1, 2023.

2. Law Enforcement Agencies

The purpose of this bail schedule is to fix an amount upon which a person who is arrested without a warrant may be released from custody prior to appearance in court. At and after a defendant's first appearance, pursuant to Penal Code section 1269b(b), the amount of bail, if any is allowed, shall lie with the sound discretion of the judicial officer before whom the defendant appeared, and may be greater or less than the amount set forth in this schedule, subject to the provisions of Penal Code section 1275. This schedule may also be used by a magistrate in fixing bail pursuant to Penal Code section 815a at the time an arrest warrant is issued, the amount which lies with the sound discretion of the magistrate.

Prevailing legislation **places the burden on law enforcement agencies** to notify the magistrate if the scheduled bail is not adequate for the crime. It is recommended that each agency make their personnel cognizant of Penal Code section 1270.1, as certain provisions may apply if bail modifications occur.

Also, paraphrased below is Penal Code section 1269c:

If a defendant is arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member of a victim, of domestic violence, the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support [of a higher bail].

3. Further information is available 24 hours a day through Pre-Trial Services by calling (714) 647-4581.

Hon. Cheri Pham, Chair
Uniform Bail Procedures Committee

**ORANGE COUNTY UNIFORM BAIL SCHEDULE
TABLE OF CONTENTS**

Felony Bail Schedule	1
Determining Felony Bail.....	1
Persons Not Entitled to Bail	1
Bail for Offenses Involving Larceny	1
Presumptive Bail	1
Penal Code Section 1270.1.....	2
Bail Limit for Multiple Offenses	2
Holds for Out-of-County Charges	2
Violation of Probation	2
Code Sections and Subsections.....	2
Revisions/Additions to Felony Bail Schedule	2
Penal Code Description - Felony	3
Vehicle Code Description - Felony	9
Health & Safety Code Description – Felony.....	11
Misdemeanor/Infraction Bail Schedule	15
Determining Misdemeanor Bail	15
Determining Infraction Bail	15
Revisions/Additions to Misdemeanor /Infraction Bail Schedule	15
Additions to Superior Court Case Management System.....	15
Bail Limit for Multiple Felony/Misdemeanor Offenses	15
Unlisted Penal Code Misdemeanor	16
Unlisted Health & Safety Code Misdemeanor	17
Unlisted Vehicle Code Misdemeanor	18

2022 FELONY BAIL SCHEDULE

A. Determining Felony Bail:

1. Felony Bail Schedule shall be applicable throughout Orange County and is applicable to all arrests without a warrant for bailable felony offenses.
2. Violent felony offenses will have presumptive life sentence when two or more strikes are documented.
3. If two or more strike priors are documented on serious and/or non-violent felony charges, the bail will be enhanced as follows: 2nd Strike Prior at \$2000,000, and a 3rd Strike Prior at \$300,000.
4. Bail shall be set at zero (\$0) for any individual arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legal abortion in California, or an individual obtaining a legal abortion in California.

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

1. Capital crimes (i.e., murder with special circumstances), 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 12 years	70,000
Top term 4 years	25,000	Top term 13 years	75,000
Top term 5 years	30,000	Top term 14 years	80,000
Top term 6 years	35,000	Top term 15 years	90,000
Top term 7 years	40,000	Top term 16 years	100,000
Top term 8 years	45,000	*One Strike Prior	100,000
Top term 9 years	50,000	*Two Strike Prior	200,000
Top term 10 years	55,000	*Three Strike Prior	300,000
Top term 11 years	65,000	All life sentences	1,000,000

Pursuant to Penal Code §1192.7(c); 667.5(c)

- 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 - 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/Mandatory Supervision/Post Release Supervision/Parole – **ARREST**:
1. Arrest without warrant shall have NO BAIL if offense is for violating the terms of mandatory supervision, post release community service or parole.
 2. BAIL will be set at NO BAIL if the offense is for violating the terms of felony probation.
 3. BAIL will be set at \$15,000 if offense is for violating the terms of misdemeanor probation.
- I. Violation of Probation ONLY – **ARRAIGNMENT**:
1. Pursuant to Penal Code §§ 1203.2(a) and 1203.25, bail will not be imposed unless the court finds by clear and convincing evidence that other reasonable conditions of release are not adequate to provide reasonable protection of the public and reasonable assurance of the person's future appearance in court.
 2. In determining the amount of bail, the court will make an individualized determination based on the particular circumstances of the case, and will consider the person's ability to pay cash bail, not a bail bond or property bond. Bail will be set at a level the person can reasonably afford.
- J. All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.
- K. 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 chair 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 be distributed to all agencies holding authorized copies.

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

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
114	Using false documents to conceal true citizenship	50,000
182	Conspiracy	Same as substantive offense
187	Murder - with special circumstance	No bail
	All other murders	1,000,000
191.5	Vehicular homicide (DUI with gross negligence)	100,000
192(a)	Manslaughter - voluntary	100,000
192(b)	Manslaughter - involuntary	25,000
192(c)(1)	Manslaughter - driving vehicle with gross negligence	100,000
192(c)(2)	Vehicular homicide (without gross negligence)	100,000
192(c)(3)	Vehicular homicide (accident caused for financial gain)	100,000
203	Mayhem	100,000
205	Aggravated mayhem (life)	1,000,000
207	Kidnapping	100,000
207(b)	Kidnapping victim under 14 years of age	500,000
209(a)	Kidnapping for ransom or extortion (life)	1,000,000
209(b)	Kidnapping for robbery (life)	1,000,000
209.5	Kidnapping during a carjacking (life)	1,000,000
210.5	False imprisonment - kidnap to evade arrest	1,000,000
211	Robbery	
	212.5(a)(b) – First Degree	100,000
	212.5(c) - Second Degree	50,000
215	Carjacking	100,000
219	Train wrecking (life)	1,000,000
220(a)	Assault with intent to commit mayhem, rape, sodomy, oral copulation, or any violation of Penal Code section 264.1, 288 or 289	Same as substantive offense

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

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
220(b)	Assault with intent to commit sexual offense, or any violation of Penal Code section 264.1, 288 or 289 during the commission of 1 st degree burglary (life)	1,000,000
236.1(b)	Human Trafficking	250,000
237(b)	False imprisonment - elder or dependent person	50,000
243	Battery	
	243(c) upon peace officer, etc. with injury	20,000
	243(d) with serious bodily injury	25,000
243.4	Sexual battery	25,000
245(a)(1)	Assault with deadly weapon or instrument other than a firearm	25,000
245(a)(2)	Assault with a firearm	50,000
245(a)(3)	Assault with a machinegun or assault weapon	70,000
245(a)(4)	Assault on a person by means of force likely to produce G.B. I	25,000
245©	Assault with deadly weapon other than a firearm or force likely to produce G.B.I. upon a peace officer or firefighter	50,000
245(d)(1)	Assault with a firearm upon a peace officer or firefighter	100,000
245(d)(2)	Assault with a semiautomatic upon a peace officer or firefighter	100,000
246	Shooting at inhabited dwelling, building, occupied motor vehicle	250,000
246.3	Discharge of firearm - gross negligence	25,000
261	Rape	100,000
261.5(c)	Unlawful sexual intercourse with person under 18 years of age	20,000
262	Spousal rape	100,000
264.1	Rape in concert with force & violence	100,000
266h	Pimping	35,000
266h(b)(1)	Pimping for prostitute minor over 16 years of age	35,000
266h(b)(2)	Pimping for prostitute under 16 years of age	45,000

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

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
266i	Pandering	35,000
273a(a)	Willful harm or injury to child likely to produce G.B.I.	100,000
273d(a)	Corporal punishment or injury of child	50,000
273.5	Corporal injury of spouse, cohabitant former spouse or cohabitant or mother or father of his or her child	50,000
	With prior conviction within 7 years under 273.5(f)	100,000
278	Child stealing	25,000
286	Sodomy	
286(b)(1)	If victim under 18 years of age	50,000
286(b)(2)	If victim under 16 and defendant over 21 years of age	50,000
286(c)	If victim under 14 and defendant more than 10 years older than victim or defendant compelled another by force, duress, or threats of great bodily injury	100,000
286(d)	If in concert with force and violence	100,000
286(e)	If committed in state prison or jail	50,000
286(f) & (g)	If victim unconscious or nature of act/incapable of consent	100,000
287	Oral copulation	
287(b)(1)	If victim under 18 years of age	50,000
287(b)(2)	If victim under 16 and defendant over 21 years of age	50,000
287(c)	If victim under 14 and defendant more than 10 years older than victim or defendant compelled another to participate by force, duress, or threats of G.B.I.	100,000
287(d)	If in concert with force and violence	100,000
287(e)	If committed in state prison or jail	50,000
287(f) & (g)	If victim unconscious of nature of act/incapable of consent	100,000
288(a)	Lewd act with child under 14 years of age	100,000
288(b)(1) & (2)	Lewd act with child under 14 years with force	100,000

SUPERIOR COURT OF CALIFORNIA

**COUNTY OF ORANGE
FELONY BAIL SCHEDULE**

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
288.3(a)	Contacting, communicating with a minor with intent to commit the following offenses specified in Section 207, 209, 261, 264.1, 273a, 286, 287, 288.2, 289, 311.1, 311.2, 311.4 or 311.11, or former section 288a, involving the minor	100,000
288.7	Sexual intercourse with child 10 years of age or younger	1,000,000
289	Penetration by foreign object	100,000
314.1	Indecent exposure	20,000
368(b)(1)	Elder abuse	50,000
422	Criminal threats	50,000
451(a)	Arson causing G.B.I.	100,000
451(b)	Arson, inhabited structure	250,000
451(c)	Arson, structure, or forest land	50,000
452(a)	Recklessly causing fire with G.B.I.	50,000
454	Arson during state of emergency	150,000
459	Burglary	
	Residential	50,000
464	Burglary with explosives	50,000
487	Grand theft	20,000
	Or amount of theft, whichever is higher	
504, 504a, 504b, 505, 506, 514	Embezzlement	20,000
	Or amount stolen, whichever is higher	
518, 522, 523	Extortion	20,000
548	Defrauding insurer	30,000
	Or amount taken, whichever is greater	
646.9(a)	Stalking	20,000

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

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
646.9(b)	Stalking / with temporary restraining order	100,000
646.9(c)	Stalking / with designated prior	150,000
647.6	Child molestation with specified prior	100,000
653f(b)	Solicit murder	1,000,000
653f(c)	Solicit rape, etc.	100,000
664(a)	Attempt where completed crime punishable by state prison except for attempted murder	Same as substantive offense
664/187	Attempted murder	500,000
	Willful & premeditated	1,000,000
666	Petty theft with prior conviction for petty theft on which time was served	20,000
1551.1	Fugitive: Arrest without warrant	Bail amount as set by the demanding state. If no bail amount set by the demanding state, including those indicating No Bail or No Bond, set per the UBS for the accused crime, or \$100,000, whichever is greater.
	Fugitive: Post-Conviction	No Bail
1552.1	Fugitive: Governor's Warrant	Bail amount as stated on Governor's Warrant. If no amount stated on Governor's Warrant, set per the UBS for the accused crime, or 100,000, whichever is greater.
	Fugitive Governor's Warrant: Post-Conviction	No Bail
4530	Escape, attempted escape from prison with or without force or violence	50,000
4532(a)	Escape, attempted escape by misdemeanor, inebriate, or person on work furlough from jail, industrial farm, etc.	50,000
	Plus bail amount on original charge	

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

PENAL CODE

PENAL CODE SECTION	OFFENSE	BAIL
4532(b)	Escape, attempted escape by felon from jail, industrial farm, etc.	
	(Convicted)	No bail
	(Not convicted)	100,000
	Plus bail amount on original charge	
4573	Bringing controlled substance into jail	25,000
4574	Smuggling weapon into jail or prison	50,000
11418	Possession, etc. weapons of mass destruction (Except (b)(1))	500,000
11418(b)(1)	Employ weapon of mass destruction-cause of death (life)	1,000,000
11419	Weapons of mass destruction and biological agents	500,000
18715(a)	Possession of destructive devices or explosives in public or private place	500,000
18720	Possession of materials with intent to make destructive device or explosive	150,000
18725(a), (b), or (c)	Carrying or placing explosive on common carrier	500,000
18740	Possession of exploding or destructive device or explosive with intent to injure	1,000,000
18745	Exploding destructive device or explosive with intent to murder (life)	1,000,000
18750	Unlawful explosion causing bodily injury	500,000
25400(c)(1)	Concealed weapon on person or in vehicle without license w prior felony conviction or prior violation of deadly weapons act	20,000
25400(c)(5)	Concealed weapon on person with prior conviction of crimes against person, property, or involving drugs	20,000
25850(a)	Possession of a loaded firearm	20,000
26100(c)	Personally shooting from motor vehicle	250,000
31360(c)	Felon with body armor	50,000

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

VEHICLE CODE

VEHICLE CODE SECTION	OFFENSE	BAIL
2800.2	Attempting to evade peace officer while driving recklessly	50,000
2800.3	Willful flight causing GBI Willful flight causing death	150,000 250,000
2800.4	Evading a peace officer, driving in opposite direction of lawfully moving traffic	100,000
10801	Owning or operating a chop shop	50,000
10851(a)	Driving car without consent	20,000
10851(b), (e)	Driving car without consent Specified vehicles, 666.5 prior	25,000
20001	Hit and run: personal injury / death	50,000
23152	Driving under the influence of alcohol or drugs (prior to 1-1-2014) If a <u>felony</u> per Vehicle Code section 23550 or 23550.5	50,000
23152(a-b)	Driving under the influence of alcohol (on or after 1-1-2014)	50,000
23152(c)	Driving when <u>addicted to drugs</u>	50,000
23152(d)	Driving commercial vehicle with .04% or more	50,000
23152(e)	Driving a motor vehicle with .04% or more with a passenger for hire in the vehicle (on or after 7/1/2018)	50,000
23152(e)	Driving under the influence of <u>drugs</u> (on or after 1-1-2014 through 12-31-2016)	50,000
23152(f)	Driving under the influence of <u>drugs</u> (on or after 1-1-2017)	50,000
23152(f)	Driving under the combination of <u>alcohol or drugs</u> (on or after 1-1-2014 through 12-31-2016)	50,000
23152(g)	Driving under the combination of <u>alcohol or drugs</u> (on or after 1-1-2017)	50,000
23153	Driving under the influence of <u>alcohol or drugs</u> : bodily injury (prior to 1-1-2014)	100,000
23153(a-b)	Driving under the influence of <u>alcohol</u> : bodily injury (on or after 1-1-2014)	100,000

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

VEHICLE CODE

VEHICLE CODE SECTION	OFFENSE	BAIL
23153(d)	Driving commercial vehicle with .04% or more: bodily injury (Felony only) (on or after 1-1-2014)	100,000
23153(e)	Driving a motor vehicle with .04% or more with a passenger for hire in the vehicle (on or after 7/1/2018)	100,000
23153(e)	Driving under the influence of <u>drugs</u> : bodily injury (on or after 1-1-2014 through 12-31-2016)	100,000
23153(f)	Driving under the influence of <u>drugs</u> : bodily injury (on or after 1-1-2017)	100,000
23153(f)	Driving under the combination of <u>alcohol or drugs</u> : bodily injury (on or after 1-1-2014 through 12/31/2016)	100,000
23153(g)	Driving under the combination of <u>alcohol or drugs</u> : bodily injury (on or after 1-1-2017).	100,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE
HEALTH AND SAFETY CODE**

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11350	Illegal possession of certain specific or classified controlled substances	20,000
11351	Possession or purchase for sale of certain specific or classified controlled substances	25,000
	More than 8 oz. [1/2 pound] [226 grams]	50,000
	More than 1 lb. [16 oz.] [454 grams]	100,000
	1 kg. [2.2 lbs.]	500,000
	4 kg. [8.8 lbs.]	1,000,000
	10 kg. [22 lbs.]	2,000,000
	20 kg. [44 lbs.]	3,000,000
	40 kg. [88 lbs.]	4,000,000
	80 kg. [176 lbs.]	5,000,000
11351.5	Possession or purchase for sale of cocaine base	30,000
	More than 8 oz. [1/2 pound] [226 grams]	50,000
	More than 1 lb. [16 oz.] [454 grams]	100,000
	More than 1 kg. [2.2 lbs.]	500,000
11352	Illegal transportation, sale, furnishing of certain specific or classified controlled substances	30,000
	More than 8 oz. [1/2 pound] [226 grams]	50,000
	More than 1 lb. [16 oz.] [454 grams]	100,000
	1 kg. [2.2 lbs.]	500,000
	4 kg. [8.8 lbs.]	1,000,000
	10 kg. [22 lbs.]	2,000,000
	20 kg. [44 lbs.]	3,000,000
	40 kg. [88 lbs.]	4,000,000
	80 kg. [176 lbs.]	5,000,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE
HEALTH AND SAFETY CODE**

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11353	Person 18 years or over using minor in sale, transportation, or giving to a minor certain specific or classified controlled substances	50,000
11353.5	Adult preparing to sell to minor drugs or narcotics	50,000
11358(d)	Marijuana: cultivate, process	20,000
	If over 25 lbs. [11 kg] [340 grams]	50,000
11359(c-d)	Marijuana, possession for sale	25,000
	If over 25 lbs. [11 kg] [340 grams]	50,000
	If over 50 lbs. [22 kg] [680 grams]	100,000
11360(a)(3)	Marijuana: transportation, sale, furnishing	25,000
	If over 25 lbs. [11 kg] [340 grams]	50,000
	If over 50 lbs. [22 kg] [680 grams]	100,000
11361	Marijuana: person 18 years or over using minor under 14 years of age in sale, transportation, giving to minor	50,000
	If over 50 lbs. [22 kg] [680 grams]	100,000
11377	Possession of controlled substances	20,000
11378	Possession of controlled substances for sale	25,000
	More than 8 oz. [1/2 pound] [226 grams]	50,000
	More than 1 lb. [16 oz.] [454 grams]	100,000
	1 kg. or 30 liters [2.2 lbs.] [30 liters]	500,000
	4 kg. or 100 liters [8.8 lbs.] [100 liters]	1,000,000
	10 kg. or 200 liters [22 lbs.] [200 liters]	2,000,000
	20 kg. or 400 liters [44 lbs.] [400 liters]	3,000,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE
HEALTH AND SAFETY CODE**

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11378.5	Possession or purchase for sale of PCP	30,000
	If over 1 gallon liquid or 8 oz. powder	50,000
	1 kg. or 30 liters [2.2 lbs.] [30 liters]	500,000
	4 kg. or 100 liters [8.8 lbs.] [100 liters]	1,000,000
	10 kg. or 200 liters [22 lbs.] [200 liters]	2,000,000
	20 kg. or 400 liters [44 lbs.] [400 liters]	3,000,000
11379	Sale of controlled substances	25,000
	More than 8 oz.	50,000
	More than 1 lb.	100,000
	1 kg. or 30 liters [2.2 lbs.] [30 liters]	500,000
	4 kg. or 100 liters [8.8 lbs.] [100 liters]	1,000,000
	10 kg. or 200 liters [22 lbs.] [200 liters]	2,000,000
	20 kg. or 400 liters [44 lbs.] [400 liters]	3,000,000
11379.5	Sale of PCP	30,000
	If over 1 gallon liquid or 8 oz. powder	50,000
	1 kg. or 30 liters [2.2 lbs.] [30 liters]	500,000
	4 kg. or 100 liters [8.8 lbs.] [100 liters]	1,000,000
	10 kg. or 200 liters [22 lbs.] [200 liters]	2,000,000
	20 kg. or 400 liters [44 lbs.] [400 liters]	3,000,000
11379.6(a)	Manufacture of any controlled substance	75,000
11379.7	Violation of (or attempt) Penal Code section 11379.6 or 11383	
	When child under 16 present	100,000
	When child under 16 suffers G.B.I.	500,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
FELONY BAIL SCHEDULE
HEALTH AND SAFETY CODE**

HEALTH & SAFETY CODE SECTION	OFFENSE	BAIL
11379.8	Violation of section 11379.6	
	If over 1 lb. or 3 gallons	100,000
	If over 3 lbs. or 10 gallons	500,000
	If over 10 lbs. or 25 gallons	1,000,000
	If over 44 lbs. or 105 gallons	2,000,000
11380	Soliciting minor re controlled substances	50,000
11383(a)	Possession of precursors with intent to manufacture methamphetamine	50,000
11383(b)	Possession of precursors with intent to manufacture PCP	50,000

2022 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(c))
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.
4. Bail shall be set at zero (\$0) for any individual arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legal abortion in California, or an individual obtaining a legal abortion in California.

B. Determining Infraction Bail

1. Bail shall be determined by first using the most current publication of the Judicial Council Uniform Bail and Penalty Schedule, 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 XXX" and the amount is greater than \$50, then the bail shall be set at \$50 (e.g., "a fine not to exceed \$100"). 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 (with the exception of VC 22349(a-b) and VC 22350 when speed exceeds 25 MPH over the speed limit).
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.

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 chair of the Uniform Bail Procedure Committee all proposed and 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 Sections A and B above.

E. Bail Limit for Multiple Felony/Misdemeanor Offenses

The highest bail amount for any one offense will apply.

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

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

PENAL CODE VIOLATION	OFFENSE	BAIL
166	Contempt	\$15,000
243	Battery against peace officer	\$2,500
243(e)(1)	Battery against spouse; others	\$10,000
273.5(a)	Corporal injury to spouse; cohabitant; others	\$10,000
273.6	Violation of protective order, temporary restraining order, or injunction	\$15,000
273.65(a)	Violation of protective order related to children	\$15,000
368(b)(1)(c)	Abuse of elder/dependent adult w/injury	\$10,000
368(d)	Abuse of elder/dependent adult; theft/embezzlement	\$10,000
647(a)	Lewd conduct in public place	\$1,000
647(b)	Prostitution	\$1,000
	2 nd offense	\$2,500
	3 rd offense	\$5,000
653m	Annoying communications	\$1,000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
MISDEMEANOR BAIL SCHEDULE
HEALTH & SAFETY CODE**

HEALTH & SAFETY VIOLATION	OFFENSE	BAIL
11350	Illegal possession of certain specific or classified controlled substances 2 nd & subsequent violations	\$2,500 \$10,000
11377	Possession of controlled substances 2 nd & subsequent violations	\$2,500 \$10,000
11550	Narcotic addict 2 nd & subsequent violations	\$1,000 \$2,500

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

VEHICLE CODE VIOLATION	OFFENSE	BAIL
14601.2(a), (b)	Suspended license-DUI	\$2,500
14601.3	Habitual traffic offender	\$2,500
*23152(a-b)	DUI 1 ST offense (prior to 1-1-2014 alcohol or drugs) (On or after 1-1-2014, alcohol only)	\$2,500
	DUI 2 nd offense (prior to 1-1-2014 alcohol or drugs) (On or after 1-1-2014, alcohol only-within 10 years)	\$10,000
	DUI 3 rd offense (prior to 1-1-2014 alcohol or drugs) (On or after 1-1-2014, alcohol only-within 10 years)	\$15,000
	DUI 4 th offense (prior to 1-1-2014 alcohol or drugs) (On or after 1-1-2014, alcohol only-within 10 years) (A felony, see page 9)	\$50,000
23152(c)	Driving when <u>addicted to drugs</u>	\$2,500
23152(d)	Driving commercial vehicle with .04% or more	\$2,500
23152(e)	Driving a motor vehicle with .04% or more with a passenger for hire in the vehicle (on or after 7/1/2018)	\$2,500
23152(e)	DUI 1 ST offense, drugs only (on or after 1-1-2014 through 12-31-2016)	\$2,500
23152(f)	DUI 1 ST offense, drugs only (on or after 1-1-2017)	\$2,500
23152(f)	DUI 1 ST offense, combination of alcohol or drugs (on or after 1-1-2014 through 12-31-2016)	\$2,500
23152(g)	DUI 1 ST offense, combination of alcohol or drugs (on or after 1-1-2017)	\$2,500
23153(a-b)	Driving under the influence of <u>alcohol</u> : bodily injury (on or after 1-1-2014)	\$25,000
23153(e)	Driving a motor vehicle with .04% or more with a passenger for hire in the vehicle (on or after 7/1/2018)	\$25,000
23153(e)	Driving under the influence of <u>drugs</u> : bodily injury (on or after 1-1-2014 through 12-31-2016)	\$25,000

* Bail shall NOT be doubled pursuant to VC 42009

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

VEHICLE CODE VIOLATION	OFFENSE	BAIL
23153(f)	Driving under the influence of <u>drugs</u> : bodily injury (on or after 1-1-2017)	\$25,000
23153(f)	Driving under the combination of <u>alcohol or drugs</u> : bodily injury (on or after 1-1-2014 through 12-31-2016)	\$25,000
23153(g)	Driving under the combination of <u>alcohol or drugs</u> : bodily injury (on or after 1-1-2017)	\$25,000
23153(a), (b), (e), (f)	DUI with injury, 2 ND offense (within 10 years – before 12-31-2016)	\$25,000
23153(a), (b), (f), (g)	DUI with injury, 2 nd offense (within 10 years – on or after 1-1-2017)	\$25,000