

AMENDED IN ASSEMBLY APRIL 30, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2388

Introduced by Assembly Member Hagman

February 21, 2014

An act to add Section 1269d to the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 2388, as amended, Hagman. Bail: statewide bail schedule.

Existing law provides that it is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide bail schedule for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions. Under existing law, a court may adopt a local rule prescribing the procedure by which the uniform countywide schedule is prepared, adopted, and annually revised by the judges. Existing law requires that, if the court does not adopt a local rule, the uniform countywide bail schedule be prepared, adopted, and annually revised by a majority of the judges.

This bill would require the Judicial Council to prepare, adopt, and annually revise—a *an advisory* statewide bail schedule for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. *The bill would state that it is the intent of the Legislature that counties may reference the advisory statewide bail schedule when setting a countywide bail schedule.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1269d is added to the Penal Code, to
2 read:

3 1269d. (a) In addition to preparing the penalty schedule for
4 infraction violations of the Vehicle Code pursuant to Section
5 40310, it is the duty of the Judicial Council, on or before January
6 1, 2016, to prepare, adopt, and annually revise—*a an advisory*
7 statewide bail schedule for all bailable felony offenses and for all
8 misdemeanor and infraction offenses except Vehicle Code
9 infractions.

10 (1) The Judicial Council shall appoint a group of judges, deemed
11 by the council sufficient to adequately represent counties varying
12 in size from throughout the state, to develop and approve the
13 *advisory* statewide bail schedule.

14 (2) In preparing, adopting, and annually revising the *advisory*
15 statewide bail schedule, the Judicial Council shall consult with the
16 following representatives:

17 (A) A representative appointed by the California District
18 Attorneys Association.

19 (B) A representative appointed by the California Public
20 Defenders Association.

21 (C) A representative appointed by the California Attorneys for
22 Criminal Justice.

23 (D) A representative appointed by the California State Sheriffs’
24 Association.

25 (3) In preparing, adopting, and annually revising the *advisory*
26 statewide bail schedule, the Judicial Council shall receive and
27 consider input regarding the *advisory* statewide bail schedule from
28 interested parties other than those specified in paragraph (2).

29 (b) (1) In adopting the *advisory* statewide bail schedule for all
30 bailable felony offenses the Judicial Council shall consider the
31 seriousness of the offense charged. In considering the seriousness
32 of the offense charged the Judicial Council shall assign an
33 additional amount of required bail for each aggravating or
34 enhancing factor chargeable in the complaint, including, but not
35 limited to, additional bail for charges alleging facts that would
36 bring a person within any of the following sections: Section 667.5,
37 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1,
38 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7,

1 12022.8, or 12022.9 of this code, or Section 11356.5, 11370.2, or
2 11370.4 of the Health and Safety Code.

3 (2) In considering offenses in which a violation of Chapter 6
4 (commencing with Section 11350) of Division 10 of the Health
5 and Safety Code is alleged, the Judicial Council shall assign an
6 additional amount of required bail for offenses involving large
7 quantities of controlled substances.

8 (c) The *advisory* statewide bail schedule shall contain a list of
9 the offenses and the amounts of bail applicable for each as the
10 Judicial Council determines to be appropriate. If the schedule does
11 not list all offenses specifically, it shall contain a general clause
12 for designated amounts of bail as the Judicial Council determines
13 to be appropriate for all the offenses not specifically listed in the
14 schedule.

15 (d) The Judicial Council shall adopt California Rules of Court
16 consistent with this section.

17 (e) *It is the intent of the Legislature that the Judicial Council*
18 *prepare, adopt, and annually revise an advisory statewide bail*
19 *schedule that counties may reference when setting a countywide*
20 *bail schedule.*