




SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN JOAQUIN
STOCKTON COURTHOUSE
180 East Weber Avenue, Room 1306J
Stockton, CA 95202

Telephone: (209) 992-5695
Website: www.sjcourts.org

April 8, 2020

MEMORANDUM

TO: All San Joaquin County Law and Justice Partners

FROM: Honorable Xapuri B. Villapudua, Presiding Judge 

SUBJECT: **NOTICE OF IMMEDIATE IMPLEMENTATION: JUDICIAL COUNCIL OF CALIFORNIA EMERGENCY RULES OF COURT (BAIL SCHEDULE)**

On April 6, 2020, the Judicial Council of California, as a result of the ongoing impact of the COVID-19 pandemic, adopted emergency rules of court. [“Emergency Rule 4”](#) directed each Superior Court of California to implement the “Emergency Bail Schedule” no later than 5:00 p.m. on Monday, April 13, 2020 (attached).

Because [Emergency Rule 4](#) was adopted as a Rule of Court by the Judicial Council, no additional order, directive, or other formal actions are required by the San Joaquin County Superior Court to implement the statewide Emergency Bail Schedule. Court personnel has discussed and resolved the initial concerns as to what functions would be performed by the agencies involved in implementing the Statewide Emergency Bail Schedule. Specifically:

1. San Joaquin County Probation/Pretrial Services will continue to follow their established procedures, which limit the Pretrial assessments to be performed based on the nature of the charge and the imposition of bail.
2. The San Joaquin County Sheriff/San Joaquin County Jail’s Records Division, will continue to follow their established procedures used in releasing individuals whose bail had been set at \$0 by a court order or policies and procedures that existed before April 6, 2020, when releasing individuals as a result of the Statewide Emergency Bail Schedule.
3. Bail for those misdemeanor offenses that are exempt from being reduced to \$0 under the Statewide Emergency Bail Schedule, but which had been reduced by the *General Order: County-wide Emergency Order Re Temporary Modification to Misdemeanor Bail Schedule* issued by the San Joaquin County Superior Court on April 1, 2020, shall continue to be set in the amount as reduced effective April 1, 2020.

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4. No actions are required by the Office of the Public Defender or other defense counsel to have their affected clients released from custody. Staff at the County Jail shall immediately initiate those procedures necessary to release from custody all individuals who are currently in custody as a result of having bail set in excess of \$0, but as a result of the Statewide Emergency Bail Schedule, now qualify to have bail reduced to \$0.

Any questions related to the San Joaquin County Superior Court's implementation of the Judicial Council's Emergency Rule of Court 4 or any information discussed in this memorandum should be directed to the Honorable Lauren P Thomasson, Judge of the Superior Court and Chairperson of the San Joaquin County Superior Court's Bail Committee, by emailing her at lthomasson@sjcourts.org.

Attachment

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1 **ATTACHMENT**

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3 [Judicial Council Emergency Rule 4. Emergency Bail Schedule (Adopted April 6, 2020)]
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8 **Emergency rule 4. Emergency Bail Schedule**
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10 **(a) Purpose**

11
12 Notwithstanding any other law, this rule establishes a statewide Emergency Bail
13 Schedule, which is intended to promulgate uniformity in the handling of certain
14 offenses during the state of emergency related to the COVID-19 pandemic.
15

16 **(b) Mandatory application**

17
18 No later than 5 p.m. on April 10, 2020, each superior court must apply the
19 statewide Emergency Bail Schedule:
20

- 21 (1) To every accused person arrested and in pretrial custody.
22
23 (2) To every accused person held in pretrial custody.
24

25 **(c) Setting of bail and exceptions**

26
27 Under the statewide Emergency Bail Schedule, bail for all misdemeanor and felony
28 offenses must be set at \$0, with the exception of only the offenses listed below:
29

- 30 (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent
31 felony, as defined in Penal Code section 667.5(c);
32
33 (2) A felony violation of Penal Code section 69;
34
35 (3) A violation of Penal Code section 166(c)(1);
36
37 (4) A violation of Penal Code section 136.1 when punishment is imposed under
38 section 136.1(c);
39
40 (5) A violation of Penal Code section 262;
41
42 (6) A violation of Penal Code sections 243(e)(1) or 273.5;
43

- 1 (7) A violation of Penal Code section 273.6 if the detained person made threats
2 to kill or harm, has engaged in violence against, or has gone to the residence
3 or workplace of, the protected party;
4
5 (8) A violation of Penal Code section 422 where the offense is punished as a
6 felony;
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8 (9) A violation of Penal Code section 646.9;
9
10 (10) A violation of an offense listed in Penal Code section 290(c);
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12 (11) A violation of Vehicle Code sections 23152 or 23153;
13
14 (12) A felony violation of Penal Code section 463; and
15
16 (13) A violation of Penal Code section 29800.

17
18 **(d) Ability to deny bail**

19
20 Nothing in the Emergency Bail Schedule restricts the ability of the court to deny
21 bail as authorized by article I, section 12, or 28(f)(3) of the California Constitution.
22

23 **(e) Application of countywide bail schedule**

- 24
25 (1) The current countywide bail schedule of each superior court must remain in
26 effect for all offenses listed in exceptions (1) through (13) of the Emergency
27 Bail Schedule, including any count-specific conduct enhancements and any
28 status enhancements.
29
30 (2) Each superior court retains the authority to reduce the amount of bail listed in
31 the court's current countywide bail schedule for offenses in exceptions (1)
32 through (13), or for any offenses not in conflict with the Emergency Bail
33 Schedule.
34

35 **(f) Bail for violations of post-conviction supervision**

- 36
37 (1) Under the statewide Emergency Bail Schedule, bail for all violations of
38 misdemeanor probation, whether the arrest is with or without a bench
39 warrant, must be set at \$0.
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41 (2) Bail for all violations of felony probation, parole, post-release community
42 supervision, or mandatory supervision, must be set in accord with the
43 statewide Emergency Bail Schedule, or for the bail amount in the court's

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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