



OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TULARE

Tim Ward, *District Attorney*

---

**PRESS RELEASE**

4/13/20

**EMERGENCY BAIL SCHEDULE IMPLEMENTED PUTTING VICTIMS,  
BUSINESSES AT RISK**

Effective at 5 pm today, the Tulare County Superior Court will implement an emergency bail schedule (EBS) adopted by the California Judicial Council as part of its emergency rules on April 6. Under Emergency Rule 4, bail for all misdemeanor and felony offenses will be set at \$0. Exemptions to the new schedule include violent crimes such as murder, rape, and child molestation. However, the new rules permit \$0 bail for crimes such as human trafficking for labor purposes, child abuse, elder abuse, auto theft, burglary and failing to register as a sex offender. Defendants with prior convictions categorized as “strike offenses” and violations of probation or parole are also eligible for \$0 bail.

“The response to the COVID-19 pandemic has been unprecedented. However, this approach is reckless and is a disservice to victims of crime, business owners, and the community as a whole,” said District Attorney Tim Ward. “Under this emergency rule, victims are placed in the dangerous and vulnerable position of having their abuser return quickly and continue such abuse. Perhaps the most glaring defect in the new rule is that someone who is out on bail or on their own recognizance who commits another felony crime would be presumptively eligible for \$0 bail and free to victimize another member of our law abiding community. For our business owners who are already struggling to keep afloat, quality of life crimes like theft, fraud, and vandalism eat away at the well-being and fabric of our communities and will now be met with little immediate consequence even when charges are filed. The emergency order handed down by the Court severely limits the Office of the District Attorney and all of Law Enforcement’s ability to argue that arrested and charged individuals should remain in custody.”

Late last week, in anticipation of Tulare County courts ordering the EBS, prosecutors worked with the Tulare County Sheriff's Office to review records of defendants in custody. Prosecutors worked around the clock Thursday night, and on Friday, filed motions opposing early release against inmates who would otherwise be eligible for immediate release with no bail required under the EBS guidelines. These motions are anticipated to be heard in court beginning Tuesday morning. In all, prosecutors assessed over one thousand defendants.

These cases are in addition to the early release calendar initiated by the Tulare County Superior Court in the beginning of April to address convicted inmates serving a sentence. The Office of the District Attorney opposed those releases and will continue to do so, as previously stated.

The Tulare County Superior Court's order is attached to this press release and can be viewed by scrolling down.

*Media inquiries can be directed to the Office of the District Attorney, County of Tulare  
Assistant District Attorney Dave Alavezos (559) 636-5494*

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