

APR 13 2020

By: **C. McCoy**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

**IN RE: APPLICATION OF JUDICIAL
COUNCIL EMERGENCY RULE 4
(EMERGENCY BAIL SCHEDULE)**

**) GENERAL ORDER OF THE
) PRESIDING DEPARTMENT
) ORDER NO. 041320-42
)
)
)
)
)
)
)
)
)
)**

On April 6, 2020, the Judicial Council of the State of California adopted 11 temporary emergency rules relating to the COVID-19 pandemic. Emergency Rule 4 provides for an Emergency Bail Schedule (hereafter “EBS”). Pursuant to subdivision (b) of Emergency Rule 4, each superior court must apply the EBS by 5:00 p.m. April 13, 2020, (1) to every accused person arrested and in pretrial custody, and (2) to every accused person held in pretrial custody. By its own terms, Emergency Rule 4 “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after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.” (Emergency Rule 4, subd. (e).)

By this Order, the San Diego Superior Court hereby implements the EBS in Emergency Rule 4. The EBS shall be applied in the same manner as the regularly adopted San Diego County Bail Schedule, except as noted below.

1 1. **Previous arrests:** For persons arrested prior to the effective date and time of this order,
2 bail shall be set in accordance with the EBS. However, the court retains the traditional
3 authority in an individual case to depart from the bail schedule or impose conditions of
4 bail to assure the appearance of the defendant or protect public safety. (See Pen. Code §
5 1269c, 1270.1(e).) In that regard:

6 a. Persons whose bail is reduced to zero by the EBS shall be released from custody
7 at 5:00 p.m. on April 15, 2020, or as soon thereafter as is feasible, unless prior to
8 5:00 p.m. on April 15, 2020, the prosecuting agency notifies the Sheriff that it will
9 be requesting an increase in bail, a “no bail” hold, or imposition of conditions of
10 release. The list of the persons for whom an increase in bail, “no bail” hold, or
11 imposition of conditions of release that has been requested by the prosecuting
12 agency shall also be provided to defense counsel by 5:00 p.m. on April 15, 2020.

13 b. Prior to 5:00 p.m. on April 16, 2020, the parties shall meet and confer to
14 determine (1) whether in any of the cases the parties can reach an agreement to
15 modify bail or impose conditions of release; and (2) which cases need to be
16 submitted to a judge for a decision.

17 c. For those cases in which the parties agree bail is to be as set at zero by the EBS,
18 the prosecuting agency shall forthwith notify the Sheriff that the person can be
19 released.

20 d. For those cases in which the parties agree bail shall be increased from the EBS, or
21 that conditions of release shall be imposed, the prosecuting agency shall forthwith
22 notify the Sheriff, and the parties shall provide to the court a stipulation and
23 proposed order. The Sheriff shall note any conditions of release the person’s
24 release papers.

25 e. For disputed cases in which the defendant has not yet been arraigned, the
26 prosecuting agency shall put the matter on the video-court calendar commencing
27 Monday, April 20, 2020, or as soon as practical thereafter, for arraignment and
28 bail review.

1 f. For all other disputed cases, the matter will be reviewed by a judicial officer via
2 telephone conference as soon as practical.¹
3

4 2. **New Arrests:** For persons arrested on or after the effective date and time of this order,
5 bail shall be set in accordance with the EBS. Requests for a modification of the bail
6 amount, or for conditions of release, shall be made to the daytime or after-hours duty
7 judge. If bail is modified, or conditions imposed, the court will notify the Sheriff's
8 Watch Commander at the detention facility where the defendant is housed, and the
9 Sheriff shall note the change on defendant's paperwork, including any release papers.
10

11 The San Diego Superior Court Temporary Emergency Modification to the Bail Schedule
12 adopted April 2, 2020, is rescinded.
13

14 THIS ORDER IS EFFECTIVE AT 5:00 P.M. ON APRIL 13, 2020.

15 IT IS SO ORDERED.

16
17 DATED: _____

4-13-2020



18 HON. LORNA A. ALKSNE
19 PRESIDING JUDGE
20
21
22
23
24
25
26
27
28

¹ The phone number and email of the judge hearing these requests will be provided to counsel by separate email.