

1 Inyo County Superior Court
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FILED

APR 10 2020

**INYO CO. SUPERIOR COURT
PAMELA M. FOSTER, CLERK
BY *P. Foster* DEPUTY**

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF INYO

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12 In Re the Matter of) STANDING ORDER NO.
13 THE INYO COUNTY BAIL SCHEDULE) SISOAD-2020-055
14) ORDER IMPLEMENTING PUBLIC
15) HEALTH EMERGENCY BAIL
16) SCHEUDLE.
17)
18)
19)
20)

21 By action taken at a special meeting of the Judicial
22 Council of California on April 6, 2020, the Judicial Council
23 adopted that certain "Emergency Rule 4", which enacts a
24 statewide Emergency Bail Schedule. A copy of Emergency Rule 4 is
25 attached hereto and hereby incorporated herein by this reference
26 (hereafter, the "Emergency Rule"). The Emergency Rule provides
27 in part: "Not later than 5 p.m. on April 13, 2020, each superior
28 court must apply the statewide Emergency Bail Schedule" to both

1 all persons currently held in pretrial custody, and to every
2 accused person hereafter arrested and booked in the Inyo County
3 Jail for pretrial custody. Accordingly, with all the Judges of
4 the Inyo County Superior Court concurring, pursuant to Penal
5 Code § 1269b, subdivision (c), the Emergency Rule, and other
6 authority, and good cause appearing therefor,

7
8 IT IS HEREBY ORDERED that the statewide Emergency Bail
9 Schedule enacted by the Emergency Rule is hereby implemented in
10 the County of Inyo and made applicable to all cases of pretrial
11 detention, and all cases of post-trial detention where the
12 grounds for detention is an allegation of violation of the terms
13 of the person's post-trial supervision (such as summary or
14 formal probation, parole, post-release community supervision, or
15 mandatory supervision). This Order shall remain in effect until
16 further order of this court, or until the Emergency Rule is
17 amended or repealed by the Judicial Council of California, or
18 until 90 days after the day on which the Governor of California
19 declares that the state of emergency relating to the COVID-19
20 pandemic is lifted, whichever is the first to occur.

21 Except as amended by this Order, the Court's previously-
22 adopted "Order Adopting Bail Schedule," Standing Order No. 17-
23 046, filed July 11, 2017, remains in full force and effect, with
24 the following change: The reference in the order to the "Uniform
25 Bail and Penalty Schedules 2017" is hereby amended to read:
26 "Uniform Bail and Penalty Schedules 2020."

27 ///
28

1 This Order is hereby adopted, and the same shall become
2 fully effective and implemented at 5:00 p.m. on Monday, April
3 13, 2020.

4 SO ORDERED.
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6 Dated: April 10, 2020.
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11 Brian J. Lamb
12 Presiding Judge
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1 exchange and authentication of documentary evidence; e-filing and e-service;
2 the use of remote interpreting; and the use of remote reporting and electronic
3 recording to make the official record of an action or proceeding.
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5 **(b) Sunset of rule**
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7 This rule will remain in effect until 90 days after the Governor declares that the
8 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
9 repealed by the Judicial Council.
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12 **Emergency rule 4. Emergency Bail Schedule**
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14 **(a) Purpose**
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16 Notwithstanding any other law, this rule establishes a statewide Emergency Bail
17 Schedule, which is intended to promulgate uniformity in the handling of certain
18 offenses during the state of emergency related to the COVID-19 pandemic.
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20 **(b) Mandatory application**
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22 No later than 5 p.m. on April 13, 2020, each superior court must apply the
23 statewide Emergency Bail Schedule:
24

25 (1) To every accused person arrested and in pretrial custody.
26

27 (2) To every accused person held in pretrial custody.
28

29 **(c) Setting of bail and exceptions**
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31 Under the statewide Emergency Bail Schedule, bail for all misdemeanor and felony
32 offenses must be set at \$0, with the exception of only the offenses listed below:
33

34 (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent
35 felony, as defined in Penal Code section 667.5(c);
36

37 (2) A felony violation of Penal Code section 69;
38

39 (3) A violation of Penal Code section 166(c)(1);
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41 (4) A violation of Penal Code section 136.1 when punishment is imposed under
42 section 136.1(c);
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- 1 (5) A violation of Penal Code section 262;
- 2
- 3 (6) A violation of Penal Code sections 243(e)(1) or 273.5;
- 4
- 5 (7) A violation of Penal Code section 273.6 if the detained person made threats
- 6 to kill or harm, has engaged in violence against, or has gone to the residence
- 7 or workplace of, the protected party;
- 8
- 9 (8) A violation of Penal Code section 422 where the offense is punished as a
- 10 felony;
- 11
- 12 (9) A violation of Penal Code section 646.9;
- 13
- 14 (10) A violation of an offense listed in Penal Code section 290(c);
- 15
- 16 (11) A violation of Vehicle Code sections 23152 or 23153;
- 17
- 18 (12) A felony violation of Penal Code section 463; and
- 19
- 20 (13) A violation of Penal Code section 29800.

21

22 **(d) Ability to deny bail**

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24 Nothing in the Emergency Bail Schedule restricts the ability of the court to deny

25 bail as authorized by article I, section 12, or 28(f)(3) of the California Constitution.

26

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

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

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

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- 41 (1) Under the statewide Emergency Bail Schedule, bail for all violations of
- 42 misdemeanor probation, whether the arrest is with or without a bench
- 43 warrant, must be set at \$0.

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(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.

Emergency rule 5. Personal appearance waivers of defendants during health emergency

(a) Application

Notwithstanding any other law, including Penal Code sections 865 and 977, this rule applies to all criminal proceedings except cases alleging murder with special circumstances and cases in which the defendant is currently incarcerated in state prison, as governed by Penal Code section 977.2.

(b) Types of personal appearance waivers

(1) With the consent of the defendant, the court must allow a defendant to waive his or her personal appearance and to appear remotely, either through video or telephonic appearance, when the technology is available.

(2) With the consent of the defendant, the court must allow a defendant to waive his or her appearance and permit counsel to appear on his or her behalf. The court must accept a defendant’s waiver of appearance or personal appearance when:

(A) Counsel for the defendant makes an on the record oral representation that counsel has fully discussed the waiver and its implications with the defendant and the defendant has authorized counsel to proceed as counsel represents to the court;

(B) Electronic communication from the defendant as confirmed by defendant’s counsel; or