SOLANO COUNTY BAIL SCHEDULE

Effective January 22, 2025

PURPOSE OF BAIL SCHEDULE

It is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. (Penal Code section 1269b(c).) In adopting a bail schedule, the judges shall consider the seriousness of the offense charged including all aggravating or enhancing factors chargeable in the complaint. (Penal Code section 1269b(e).)

The purpose of this bail schedule is to fix an amount upon which a person who is arrested without a warrant may be released from custody prior to appearance in court. At and after a defendant's first appearance, pursuant to Penal Code § 1269b(b), the amount of bail shall lie within the sound discretion of the judicial officer before whom the defendant appeared, and may be greater or less than the amount set forth in this schedule, subject to the provisions of Penal Code § 1275. This schedule may also be used by a magistrate in fixing bail pursuant to Penal Code § 815a at the time an arrest warrant is issued, the amount of which lies within the sound discretion of the magistrate.

SETTING OF BAIL

Prior to an appearance before a judge or magistrate, bail shall be in the amount fixed in the warrant of arrest. If no warrant of arrest has been issued, the Solano County Sheriff shall set bail pursuant to this uniform bail schedule. At the defendant’s first appearance before a judge or magistrate on the charge contained in the complaint, indictment, or information, the bail shall be set by the judge or magistrate at the time of the appearance (Penal Code section 1269b(b)).

When setting bail, in addition to the factors specified in Penal Code sec. 1275, the judge or magistrate may consider the defendant’s ability to pay and other individualized circumstances, less restrictive alternatives to money bail, the California Constitution and any applicable case law or other applicable statutes. The bail hearing may be continued to require the defendant to submit a financial declaration and/or for the parties to submit additional information to the court.

Penal Code section 1275 provides:

> In setting, reducing, or denying bail, the judge or magistrate shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or hearing of the case. The public safety shall be the primary consideration.

Before any person who is arrested for any of the following crimes may be released on his or her own recognizance or bail in an amount that is either more or less than the amount specified in this schedule, a hearing shall be held in open court before the magistrate or judge:

1) Any serious felony listed in Penal Code section 1192.7;

2) Any violent felony as defined in subdivision (c) of Penal Code section 667.5 (but not including Penal Code section 460(a));

3) A violation of Penal Code section 136.1 pursuant to subdivision (c);

4) Any felony violation of Penal Code section 262 (Spousal Rape), Penal Code section 273.5 (Domestic Violence), Penal Code section 422 (Threats);

5) Any violation of Penal Code Section 646.9 (Stalking);

6) Any violation of paragraph (1) of subdivision (e) of Penal Code section 243;

7) A violation of Penal Code section 273.6, if the detained person made threats or harm, has engaged in violence against, or has gone to the residence workplace of, the protected party:

CALCULATION OF BAIL IN FELONY CASES

Bail shall be separately determined and established in each case. The Bail Schedule contemplates the following practice where more than one offense is charged:

(1) When a defendant is booked on two or more charges arising from the same course of conduct, bail shall be the amount set for the charge having the highest bail.

(2) When a defendant is booked on two more charges arising out of a single course of conduct that permits multiple punishments, bail shall be the sum of the full amounts set for the charge in each course of conduct having the highest bail.

(3) For sex offenses arising from threat or menace, bail shall be the sum of the full amounts set for each charge irrespective of whether the charges arise from a single course of conduct or single transaction.

Where an enhancement or enhancements have been alleged, the listed bail amounts for each enhancement or enhancements shall be added to the bail for the underlying offense or offenses.

A hold on the release of a defendant from custody pursuant to Penal Code § 1275.1 shall only be ordered by a magistrate or judge following the filing of a declaration under penalty of perjury by a Peace Officer or prosecutor setting forth probable cause to believe that the source of any consideration, pledge, security, deposit or indemnification was feloniously obtained or when the magistrate has probable cause to believe the source of bail was feloniously obtained.

The examples outlined below demonstrate how to calculate a bail amount when a person is arrested and booked on more than one charge.

EXAMPLE #1

This example demonstrates how to calculate the bail amount when a defendant is booked on more than one charge arising out of a single act that precludes multiple punishments.

Charge 1 PC §459 First Degree Residential Burglary: $55,000

Charge 2 PC §496 Receiving Stolen Property (value over $950) $25,000

Charge 3 PC §487 Grand Theft (value over $950) $25,000

The bail in this example is $55,000 because the First Degree Burglary charge has the highest bail and all the charges arise from a single act that precludes multiple punishments.

EXAMPLE #2

This example demonstrates how to calculate the bail amount when a defendant is booked on more than one charge arising from different acts that permit multiple punishments.

Charge 1 VC §10851 Felony Unlawful Taking of Vehicle $25,000

Charge 2 VC §20001(b)(2) Felony Hit and Run $25,000

The bail amount in this example is $50,000 because VC §10851, and VC §20001(b)(2) are separate acts that can be punished separately.

EXAMPLE #3

This example demonstrates how to calculate the bail amount when a defendant is booked on a serious or violent felony charge with one or more enhancements.

Charge 1 PC §211	2nd Degree Robbery	$45,000
Enhancement 1 PC 12022.7	Actually Causes Great Bodily Injury	Add 3 years
Enhancement 2 PC 12022.53(c)	Discharge of Firearm during Certain Felonies	Add 20 years

The bail amount in this example is $ 375,000 because 2nd Degree Robbery has a high term of 5 years and each enhancement can be imposed consecutively for a total potential punishment of 28 years.

EXAMPLE #4

This example demonstrates how to calculate the bail amount when a defendant is booked on a felony gang charge with one or more enhancements.

Charge 1: PC §594 (b)(1)	Vandalism with more than $400.00 damage	$25,000.00
Enhancement 1 PC 12021.5(a)	Carrying firearm on person or in vehicle	Add 3 years

The total bail amount is $55,000 because the PC §12021.5 bail amount can be imposed consecutively.

PRESUMPTIVE FELONY BAIL SCHEDULE

Bail shall be set according to the following table, based upon the maximum term allowable for the charged offense, together with applicable enhancements.

Maximum Term	Presumptive Bail
Determinate Term	
3 years	$25,000.00
4 years	$35,000.00
5 years	$45,000.00
6 years	$55,000.00
7 years	$65,000.00
8 years	$75,000.00
9 years	$90,000.00
10 years	$105,000.00
Each Additional Year	Add $15,000
Indeterminate Term	
Life	$750,000
Life without Possibility of Parole	$1,000,000
Murder	No Bail Until Set By Court
Murder with Special Circumstances	No Bail
Bail/Probation Violation/Enhancements	
Penal Code § 12022.1	$30,000
Violation of Felony Probation	No Bail
Enhancements	Add accordingly for each additional year that an enhancement adds to potential sentence.

CALCULATION OF BAIL IN MISDEMEANOR CASES

A defendant charged with misdemeanor offenses is entitled to release on his or her own recognizance unless release will compromise public safety or will not reasonably insure the defendant's appearance. A defendant may be admitted to bail on a case involving a misdemeanor charge(s) according to the following presumptive bail schedule. Bail shall not be cumulated if the provisions of Penal Code, § 654 would apply.

PRESUMPTIVE MISDEMEANOR BAIL SCHEDULE

Maximum Term	Presumptive Bail
90 Days	$1600.00
180 Days	$5000.00
365 Days	$7500.00
Violation of Misdemeanor Probation	$15,000
DUI Misdemeanors (CVC 23152, 23153)	
1st Offense	$5,000
2nd Offense	$7,500
3rd Offense	$15,000