
ALLEGHENY CASUALTY
INTERNATIONAL FIDELITY
ASSOCIATED BOND

Date: May 1, 2020
From: AIA Team
RE: **California State Court of Appeals Ruling on \$0 Bond Schedule**

On April 29, 2020, the California State Court of Appeal for the 4th District issued for publication the decision of Ayala/Anderson v. The Superior Court of San Diego, interpreting Emergency Rule 4 adopted by the Judicial Council of California in response to the ongoing COVID 19 pandemic emergency. Emergency Rule 4 establishes a statewide Emergency Bail Schedule, setting forth bail for all misdemeanor offenses, felony offenses and violations of postconviction supervision as zero dollars (zero bail).

The San Diego County Superior Court implemented Emergency Rule 4 by a General Order which provided that the Emergency Bail Schedule should be implemented in the same manner as the regular San Diego County bail schedule and asserted that each court "retains the traditional authority in an individual case to depart from the bail schedule or impose conditions of bail to assure the appearance of the defendant or protect public safety." The Petitioners contended that this implementation was inconsistent with Emergency Rule 4 – that is, that bail for offenses and violations covered by the Emergency Rule must be set at zero dollars and that the superior court has no authority to increase bail or impose conditions in an individual case.

The Appellate Court agreed with the San Diego Superior Court, holding:

“We conclude the implementation order is not inconsistent with Emergency Rule 4. The history and language of the rule show that the Judicial Council intended to adopt a statewide bail schedule, which like countywide bail schedules sets the presumptive bail amount for the covered offenses and violations. The Judicial Council did not intend to suspend the array of statutes governing bail, as well as the superior court's inherent authority, which allow the court to depart from the scheduled bail amount or impose bail conditions in individual cases under appropriate circumstances. We further conclude petitioners have not shown the implementation order or its procedures violate any guarantees of the federal or state constitutions, at least on the current record.” (Emphasis added.)

So, the Appellate Court held that the statewide “zero bail” emergency bail schedule does not take away the “inherent authority” of the trial courts to set bail - Courts retain the authority to set bail and are not obligated to strictly follow the zero bail emergency statewide schedule.

If you would like to see a copy of the ruling, click on the link below.

<https://bit.ly/2VRGx8O>

