

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.

4  
5 **(b) Sunset of rule**

6  
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9 repealed by the Judicial Council.

10  
11  
12 **Emergency rule 4. Emergency Bail Schedule**

13  
14 **(a) Purpose**

15  
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.

19  
20 **(b) Mandatory application**

21  
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**

30  
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);  
40  
41 (4) A violation of Penal Code section 136.1 when punishment is imposed under  
42 section 136.1(c);  
43

- 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**

23  
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**

- 28  
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.  
38  
39  
40  
41  
42

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

- 2
- 3 (1) Under the statewide Emergency Bail Schedule, bail for all violations of  
4 misdemeanor probation, whether the arrest is with or without a bench  
5 warrant, must be set at \$0.
- 6
- 7 (2) Bail for all violations of felony probation, parole, post-release community  
8 supervision, or mandatory supervision, must be set in accord with the  
9 statewide Emergency Bail Schedule, or for the bail amount in the court’s  
10 countywide schedule of bail for charges of conviction listed in exceptions (1)  
11 through (13), including any enhancements.

12

13 **(g) Sunset of rule**

14

15 This rule will remain in effect until 90 days after the Governor declares that the  
16 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
17 repealed by the Judicial Council.

18

19

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

22

23 **(a) Application**

24

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

29

30 **(b) Types of personal appearance waivers**

- 31
- 32 (1) With the consent of the defendant, the court must allow a defendant to waive  
33 his or her personal appearance and to appear remotely, either through video  
34 or telephonic appearance, when the technology is available.
- 35
- 36 (2) With the consent of the defendant, the court must allow a defendant to waive  
37 his or her appearance and permit counsel to appear on his or her behalf. The  
38 court must accept a defendant’s waiver of appearance or personal appearance  
39 when:
- 40
- 41 (A) Counsel for the defendant makes an on the record oral representation  
42 that counsel has fully discussed the waiver and its implications with the