



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

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**Date**

December 14, 2010

**To**

Presiding Judges of the Superior Courts  
Court Executive Officers of the Superior  
Courts

**From**

Mary M. Roberts, General Counsel   
Courtney Tucker, Attorney   
Office of the General Counsel

**Subject**

Changes to the Uniform Bail and Penalty  
Schedules to Become Effective January 1,  
2011

**Action Requested**

Implement Changes to the Countywide  
Uniform Bail and Penalty Schedules,  
Effective January 1, 2011

**Deadline**

January 1, 2011

**Contact**

Courtney Tucker  
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courtney.tucker@jud.ca.gov

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At the Judicial Council's business meeting on December 14, 2010, the council adopted the revised 2011 Uniform Bail and Penalty Schedules, effective January 1, 2011. An Excel version of the adopted schedules is posted on Serranus at <http://serranus.courtinfo.ca.gov/jc/traffic.htm>. A PDF version, which shows the January 2011 changes as strikeouts and underlined text, is attached and is also posted on Serranus. Please contact Courtney Tucker if you would like a hard copy of the documents mailed to you.

**Adoption of County Bail Schedule**

Under Vehicle Code section 40310, the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Penal Code section 1269b requires that courts annually revise and adopt a schedule of bail and penalties for all misdemeanor and

infraction offenses except Vehicle Code infractions. The Judicial Council establishes the schedule for traffic infractions.

The bail amounts in the schedules are calculated by using the county penalty amount authorized by Government Code section 76000(a) of \$7 for every \$10, or part of \$10, of a base fine. Under section III.E on page iv of the preface to the schedules, when a court adopts a county bail schedule, the county penalty and total bail amount should be amended, if necessary, to reflect the appropriate amounts that apply to the county under Government Code section 76000(e) based on transfer of court facilities without bonded indebtedness. The schedules also include the emergency medical services (EMS) penalty assessment under Government Code section 76000.5 that applies to offenses that occur after the EMS penalty is approved by the county board of supervisors. Because some counties have not approved the EMS penalty, the schedules have been prepared to allow recalculation of the total bail without the EMS penalty.

The schedules are prepared in Excel format. The spreadsheet format enables a court to easily customize its county bail schedule by using the specific penalty amounts that apply to the county when adopting a uniform county bail schedule that incorporates the council's schedules. To help courts revise their county bail schedules, we have posted the Excel version of the schedules on Serranus at <http://serranus.courtinfo.ca.gov/jc/traffic.htm>. The Excel version can recalculate the penalties and total bail in all schedules when the county and EMS penalty amounts that apply to a particular county are inserted into the county reference worksheet. When the local penalty amounts are inserted to replace the council's penalty amounts, all of the schedules are automatically revised with the local amounts. If the board of supervisors has not approved imposition of the EMS penalty under section 76000.5, the penalty can be reset to zero instead of \$2.

### **Changes to the Schedules for January 2011**

The schedules have been revised for 2011 to reflect recent legislation and conform to current law, including the new \$4 emergency medical services penalty under Government Code section 76000.10(c)(1) on conviction of every Vehicle Code violation.

Revisions to conform the 2011 schedules to recent changes in the law include the following:

1. Revision of page c of the introduction to delete outdated information about the amount of the court construction penalty assessment, which is now the same in all counties.
2. Revision of page c of the introduction to add information about possible adjustment of countywide bail schedules to reflect the county penalty assessment and emergency medical services penalty assessment that apply under Government Code sections 76000 and

76000.5, respectively. The county penalty assessment under Government Code section 76000(e) is reduced under certain circumstances in counties without bonded indebtedness for court facilities that have transferred to state ownership. Collection of the emergency medical services penalty assessment depends on whether the county board of supervisors has passed a resolution to adopt the assessment for the county.

3. Revision of sections II and III on pages iii and iv of the preface to remove outdated references to Government Code section 70375.
4. Revision of section III.D on page iv of the preface to explain that the state surcharge under Penal Code section 1465.7 is collected separately from the total bail amount in calculating the fee to attend traffic violator school.
5. Addition of section III.F on page iv of the preface about collection of the new \$4 emergency medical services penalty under Government Code section 76000.10(c)(1), which was enacted by Assembly Bill 2173.
6. Revision of section IV.B on pages iv and v of the preface to provide additional information about statutory authorities for the exercise of judicial discretion in imposing fines and penalties in criminal cases.
7. Revision of section IV.C.3 on pages v and vi of the preface to remove outdated information on safety enhancement zones.
8. Revision of section IV.E on page vi of the preface to update information about the calculation of the total bail amount with the \$4 emergency medical services penalty and the court security fee collected under Penal Code section 1465.8.
9. Revision of section VIII on pages ix and x of the preface about calculation of the fee to attend traffic violator school so that it reflects new law on the new \$4 emergency medical services penalty and the increased amount of the court security fee assessed under Penal Code section 1465.8.
10. Revision of section IX on page xi of the preface about calculation of the late fee under Vehicle Code section 40310.
11. Revision of section X on page xii of the preface about adjudication of registration violations as a dismissal under Vehicle Code section 40152.
12. Revision of section XII on page xii of the preface about the new \$3 penalty under Government Code section 76000.3 for parking infraction convictions.

13. Addition or modification of infraction offenses for violation of Vehicle Code sections:

- 12804.11(a), operation of firefighting equipment without license and endorsement;
- 12814.6(a)(1), failure to carry instruction permit as required;
- 22526(c), blocking railroad or rail transit crossing due to low undercarriage (gridlock) prohibited—a stopping violation issued on a notice to appear;
- 22526(d), blocking railroad or rail transit crossing (gridlock) prohibited—a stopping violation issued on a notice to appear;
- 23222(b), possession of marijuana by driver;
- 24400(a), headlamp equipment requirements;
- 24400(b), failure to operate headlamps as required during darkness or inclement weather;
- 26100(a), sale of noncompliant vehicle equipment/device;
- 26100(b), use or operation of vehicle with noncompliant equipment;
- 26101(a), sale of device intended to modify vehicle lighting or equipment performance to be noncompliant;
- 26101(b), use or operation of vehicle with noncompliant device intended to modify lighting or equipment performance;
- Revision of endnotes for Vehicle Code sections 22500(i), 22500(l), 22507.8(a–c), and 22522 to provide information about the \$3 penalty required for parking infraction convictions.

14. Addition or modification of misdemeanor offenses for violation of Vehicle Code sections:

- 13004.1(a), manufacture/sale of fraudulent ID;
- 14610.1(a), manufacture/sale of fraudulent ID/driver's license prohibited;
- 40008(a), violation of Vehicle Code section 21701, 21703, or 23103 with intent to capture physical impression of another person for commercial purpose;
- 40008(b), violation of Vehicle Code section 21701, 21703, or 23103 with intent to capture physical impression of another person for commercial purpose and causing endangerment of minor.

15. Addition of infraction offenses for violation of Business and Professions Code sections:

- 3660(a) and (b), license required to claim to be or practice as a naturopathic doctor;
- 4996, license required to practice as a clinical social worker.

16. Modification of penalties for violation of Business and Professions Code section 25658(a), furnishing an alcoholic beverage to a minor, and section 25658(c), furnishing an alcoholic beverage to a minor (bodily injury).

17. Renumbering or addition of citation subsections and modification of negligent operator point counts to reflect recent changes.

Please contact Courtney Tucker at 415-865-7611 or [courtney.tucker@jud.ca.gov](mailto:courtney.tucker@jud.ca.gov) if you have questions about changes to the schedules.

MMR/CCT/la

Attachment

cc: William C. Vickrey, Administrative Director of the Courts  
Ronald G. Overholt, Chief Deputy Director, Administrative Office of the Courts  
Sheila Calabro, Regional Administrative Director, AOC Southern Region  
Jody Patel, Regional Administrative Director, AOC Northern/Central Region  
Christine Patton, Regional Administrative Director, AOC Bay Area/Northern Coastal  
Region  
Mark W. Dusman, Director, AOC Information Services Division  
Stephen Nash, Director and Chief Financial Officer, AOC Finance Division