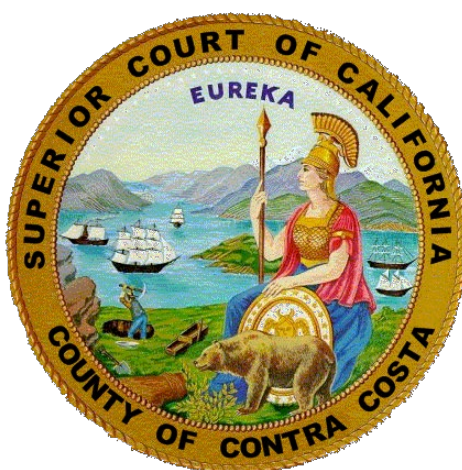


2026

# FELONY BAIL SCHEDULE

Effective July 8, 2026



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF CONTRA COSTA

# I. CONTRA COSTA COUNTY FELONY PRE-ARRAIGNMENT RELEASE PROTOCOL FOR LAW ENFORCEMENT

## A. Introduction

The purposes of bail are to ensure an arrestee appears for all court appearances and reduce the risk to public or victim safety. Article I, section 12 of the California Constitution entitles most arrestees to release on bail while awaiting trial. In addition, the Constitution prohibits excessive bail and requires that judicial officers take into account the protection of the public, safety of the victim, seriousness of the offense charged, previous criminal records of the arrestee, and the probability of the arrestee appearing at court appearances.

### Applicability of Pre-Arrestment Release Protocol for Low-Level, Non-Violent Felonies and Misdemeanors

For many less serious and low-risk level misdemeanor and felony offenses, the Pre-Arrestment Release Protocol (PARP) represents a shift from the practice of setting money bail, also known as a “bail condition” of release. Prior to the implementation of the PARP, arrestees who could afford to post money bail pursuant to operative bail schedules were released pre-arrestment, while those who could not afford to do so were detained, even if they posed little risk to the public or were likely to return to court. The California Supreme Court has held that conditioning release from custody solely on whether an arrestee can afford bail is unconstitutional. (*In re Humphrey* (2021) 11 Cal.5th 135, 143 (*Humphrey*).) Further, research demonstrates that non-financial conditions of release that address both public and victim safety and the arrestee’s individual circumstances are often sufficient and may be preferable to financial conditions for numerous reasons. In *Humphrey*, the Supreme Court instructed trial courts to impose the least restrictive conditions of release for defendants and to consider whether non-financial conditions of release may reasonably protect the public and the victim or reasonably assure the defendant’s presence at trial.

Effective July 2026, this Pre-Arrestment Release Protocol shall govern whether eligible arrestees in Contra Costa County are released from custody without conditions, released with nonfinancial conditions, or held in custody pending arraignment.

For arrestees charged with certain non-violent felony and misdemeanor offenses, the offenses will fall within one of two categories – CR (Cite and Release) and BR (Book and Release). The categories are described in more detail below and each eligible offense is assigned a category.

### Zero-Dollar Bail is Not Available for Serious or Violent Offenses Pre-Arrestment

Zero-dollar bail is not available for serious (S) or violent (V) crimes.

The following arrestees are ineligible for pre-arrestment release on zero-dollar bail:

1. Individuals arrested for capital crimes when the facts are evident or the presumption great and all offenses listed in subsections (b) and (c) of Article I, section 12 of the California Constitution, are ineligible for release on their own recognizance or sufficient sureties.

2. Individuals arrested for any offense listed in Penal Code section 1270.1 are ineligible for release on their own recognizance or release on bail in an amount that is either more or less than the amount contained in the schedule of bail for the offense until a hearing is held in open court before the magistrate or judge. For these offenses the arrestees must post bail conditions of release as required by that statute or be held until arraignment within the time outlined in Penal Code section 825, or the time by which they may have a hearing in open court as required. Existing law requires a non-zero-dollar amount of bail to be set for these offenses. Bail conditions of release for those crimes or enhancements are listed within the protocols in the bail schedule.

3. Individuals arrested for any offense where there is a sentencing enhancement, as defined in subdivision (e) of Penal Code section 1269b. For offenses with these enhancements, arrestees must post bail conditions of release (non-zero-dollar amount of bail) as required by that statute and listed within the protocol.

#### Definitions of CR and BR:

For those offenses designated as either CR or BR, eligible arrestees will be released on their own recognizance with a promise to appear at arraignment either at the time of arrest (CR) or after being booked at a police station or other facility (BR). Nothing in this protocol should be construed to alter the authority of law enforcement to cite-and-release or book-and-release as authorized by state law. These arrestees are not required to post cash bail, and the offenses for which they are booked are designated in the schedule as zero-dollar (\$0) bail offenses. However, arrestees booked for an offense designated as CR or BR who are currently on Felony Probation (formal or court), Parole, Post Release Community Supervision (PRCS) or Mandatory Supervision (MSUP) will be required to post cash bail in the amount for the offense of the new arrest and shall not be subject to the CR or BR protocols.

Pre-arraignment bail amounts and designations in the PARP are not binding on judicial officers at arraignment, which typically occurs within 48 hours of arrest unless there is a holiday or a weekend when the court is otherwise closed. At arraignment, where both the prosecution and the defendant are represented by counsel, judicial officers have the full range of options available with respect to the defendant's bail and custody status including conditions of release. The arraignment judge can consider, among other facts and issues raised, the prosecutor's charging document, the defendant's criminal history, the facts of the case, and any information the prosecutor and the defense attorney may offer at the hearing.

#### Arrest Warrants – Bail Amounts

At and after the defendant's first appearance, the judicial officer before whom the defendant appears will determine release conditions, if any. (See section II (A) and (C).) A magistrate fixing bail conditions of release pursuant to Penal Code section 815a which requires that a

magistrate fix the amount of bail which in their judgment is in accordance with the provisions of section 1275 will be reasonable and sufficient for the appearance of the defendant following their arrest, if the offense is bailable, may use this schedule at the time an arrest warrant is issued. An arrest warrant issued for charges listed as CR or BR in this schedule may be issued as a cite-release warrant. The amount of bail is within the sound discretion of the magistrate. (See section II (B).)

## **B. How to Use the Pre-Arrestment Release Protocol**

The purpose of this protocol is to designate pre-arrestment release orders upon which a person arrested without a warrant may be assessed for release before their appearance in court. Arrestees booked on crimes listed in Penal Code section 1270.1 are not eligible for non-financial conditions of release pre-arrestment.

Prior to arrestment, the release protocol for each crime will be designated in the column titled “**Pre-Arrestment Release Protocol (PARP)**.” Within that designated column, the following abbreviations will refer to the appropriate pre-arrestment protocol for arrestees booked for the referenced crime.

### **1. CITE AND RELEASE (CR)**

People arrested for crimes designated as CR are subject to \$0 bail and are not required to provide bail conditions of release unless a designated exception applies as stated in Item 5,6 or 7 below. Arrestees must sign a promise to appear in court for arrestment.

### **2. BOOK AND RELEASE (BR)**

People arrested for crimes designated as BR are subject to \$0 bail and are not required to provide bail conditions of release unless a designated exception applies as stated in Item 5,6 or 7 below. Arrestees must sign a promise to appear as required by Penal Code section 1318.

### **3. BAIL CONDITIONS OF RELEASE (BC)**

Pursuant to Penal Code sections 1270.1 and 1269b, subdivision (e), persons arrested for designated felonies or subject to listed enhancements must post bail conditions of release as required by those statutes or be held until arrestment within the time outlined in Penal Code section 825, or the time by which they may have a hearing in open court as required. Bail conditions of release for those crimes or enhancements are listed within the protocol.

***Whenever an arrestee is released on \$0 dollar bail, or by the CR or BR procedure, the arresting officer shall require the arrestee to complete the “Own-Recognizance Release Agreement” (Local Court Form CR-220) attached to this bail schedule. The releasing agency shall email a copy of the form to the Court to [ORagreements@contracosta.courts.ca.gov](mailto:ORagreements@contracosta.courts.ca.gov) within 48 hours after the release.***

#### **4. INELIGIBLE FOR RELEASE**

Arrestees charged with crimes described in California Constitution, article I, §§ 12, subdivisions (a)-(c) or 28(f)(3) or Penal Code section 1270.5 are not eligible for release prior to arraignment.

#### **5. EXCEPTIONS**

##### **a. ARRESTEE ON FELONY PROBATION, PAROLE, POST RELEASE COMMUNITY SUPERVISION (PRCS), MANDATORY SUPERVISION (MSUP) OR MULTIPLE FAILURES TO APPEAR AS DEFINED:**

If an arrestee is booked for an offense listed as CR or BR in the bail schedule and is on an active grant of felony probation (formal or court), parole, PRCS or mandatory supervision at the time of the arrest, the arrestee will be required to post cash bail in the amount only for the new arrest offense.

The magistrate will not take action on the post-conviction matter unless a revocation petition is submitted by probation, parole, or the District Attorney on that post-conviction docket.

If an arrestee has more than two failures to appear for any criminal case in the preceding twelve months, the arrestee will be subject to a bail condition for the new arrest offense. The arresting officer shall state in their probable cause declaration the basis for believing the arrestee has two or more prior failures to appear within the preceding twelve months. A magistrate will review the probable cause declaration to determine whether the arrestee has two or more prior failures to appear within the preceding twelve months and whether there is probable cause for continued detention with a bail condition of release. If the magistrate determines there is an insufficient basis to conclude the arrestee has two or more prior failures to appear within the preceding twelve months, the underlying offense will be subject to CR or BR.

##### **b. ARRESTEE ACCUSED OF MULTIPLE OFFENSES OR ENHANCEMENTS:**

If an arrestee is booked on two or more offenses with differing protocol designations (CR, BR or BC), the pre-arraignment release protocol shall be determined by the strictest release protocol designated.

If an arrestee is booked on two or more offenses, one of which is designated as a release protocol and the other of which is designated a bail condition of release, pre-arraignment release shall be determined by the bail condition of release designated for each crime. No additional bail conditions may be added for crimes designated as CR or BR.

If an arrestee is booked on an offense designated as CR or BR and an enhancement requiring a bail condition of release, pre-arraignment release shall be determined by the bail condition of release designated by the applicable

enhancement. No additional bail conditions may be added for crimes designated as CR or BR.

If an arrestee is booked on multiple offenses arising from the same act, from one event, and involving one victim, and Penal Code section 654(a) would prohibit multiple punishments for those offenses, the total bail amount shall include only the offense, together with any applicable enhancements, having the highest associated bail. Bail may be stacked for offenses that are separately punishable and not subject to Penal Code section 654(a), including but not limited to offenses committed against separate victims, offenses committed on separate dates or occasions, or separate sex acts committed against the same victim, including circumstances enumerated in Penal Code section 667.6, subdivisions (c) and (d). In addition, amounts for enhancements and prior convictions shall each be added one time only per person arrested or charged.

## **6. UNLISTED FELONIES**

For all offenses charged as felonies under state statutes, for which there is no protocol provided in this schedule, including unlisted subdivisions, the bail shall be set at zero dollars (\$0) and the offense designated as BR. This section does not include crimes listed in Penal Code section 1270.1, subdivision (a).

Pursuant to Penal Code section 1269b(f)(2), any person arrested in connection with a proceeding in another state or in this state regarding performing, supporting, or aiding in the performance of a legally protected health care activity, as defined in Penal Code Section 1549.15, or of obtaining such a legally protected health care activity in this state, provided the legally protected health care activity is lawful under the laws of this state, shall be released on zero dollars bail (\$0).

## **7. BAIL DEVIATION**

Pursuant to Penal Code section 1269c, bail deviation is available to process all bail increase and decrease requests for persons who have been arrested (other than pursuant to an arrest warrant) but not arraigned.

Law Enforcement requests to increase or decrease bail shall be made at the time of booking. Such a request is available pursuant to Penal Code section 1269c:

- a. As to those individuals arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and;
- b. When a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule of bail for that offense is insufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence.

**Under the circumstances, “the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support of his or her belief and file it with a magistrate...requesting an order setting a higher bail.”**

## **For Crimes Requiring Bail Condition (BC)**

### **(Crimes designated with a bail condition of release in the bail schedule.)**

Any requests to increase or decrease the amount of money bail or otherwise set bail under conditions that differ from that indicated in the bail schedule shall be made at the time of booking and submitted to the duty judge electronically. Any requests by law enforcement to increase or decrease bail or otherwise depart from this schedule must be accompanied by a declaration signed under penalty of perjury directed to the magistrate, setting forth the facts and circumstances in support of the request. The declaration and proposed order to increase or decrease the amount of money bail or otherwise set bail under conditions that differ from that indicated in the bail schedule shall be emailed to **SWarrants@contracosta.court.ca.gov**. The file name sent to the on-duty magistrate should be: **Agency+Date+Time+Request to Deviate.PDF** (example: **CCSO Dec 1 2015 8:00pm Request to Deviate.PDF**). During non-work hours, the arresting officer must inform Sheriff's dispatch to call the duty judge regarding this request. During hours when the court is open, the arresting officer must contact Court Administration at 925-608-2700 to notify the daytime duty judge regarding this request.

Requests to deviate from the bail schedule from anyone other than a law enforcement officer shall be made in accordance with Penal Code section 1269c following the procedure established for law enforcement officers as closely as practicable.

Requests for a reduction of the money bail amount designated within the bail schedule are not available prior to arraignment for crimes listed within Penal Code section 1270.1.

## **For Crimes Not Requiring Bail Condition**

### **(Crimes designated as CR or BR within the bail schedule.)**

A request to elevate the designated protocol (e.g. CR or BR) shall be made at the time of booking and submitted to the duty judge electronically.

A Law Enforcement Officer, or anyone seeking deviation from the designated release protocol or bail condition, shall submit a signed, written declaration to the magistrate requesting that the release or bail protocol designation be increased or decreased within the meaning of this Bail Schedule. A request for a bail deviation of an offense designated in the bail schedule as CR or BR will cause the arrestee to be referred to a magistrate for review.

The declaration and proposed order to increase or decrease the amount of money bail or otherwise set bail under conditions that differ from that indicated in the bail schedule shall be emailed to **SWarrants@contracosta.court.ca.gov**. The file name sent to the on-duty magistrate should be: **Agency+Date+Time+Request to Deviate.PDF** (example: **CCSO Dec 1 2015 8:00pm Request to Deviate.PDF**). During non-work hours, the arresting officer must inform Sheriff's dispatch to call the duty judge regarding this request. During hours when the court is open, the arresting officer must contact Court Administration at 925-608-2700 to notify the daytime duty judge regarding this request.

A magistrate will consider all timely and lawful requests in their release decision.

## II. RELEASE CONSIDERATIONS FOR JUDICIAL OFFICERS

### A. How to Use the Schedule

At and after a defendant's first appearance in court on any crime, pursuant to Penal Code section 1269b, subdivision (b), the amount of bail or conditions of release, if any are allowed, shall lie with the sound discretion of the judicial officer before whom the defendant appears, and may be greater or less than the amount set forth in this schedule, or may be more or less restrictive than the pre-arraignment release order, subject to the provisions of Penal Code section 1275.

A court's consideration of release conditions in an individual case is governed by mandatory factors identified in the California Constitution: "In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations." (Cal. Const., art. 1, § 28, subd. (f)(3).) In addition, the Court must consider the legal principles set forth in *In re Humphrey* (2021) 11 Cal.5th 135 and *In re Kowalczyk* (Apr. 30, 2026, S277910) \_\_\_ Cal.5th \_\_\_ [2026 WL 1175320].

### B. Arrest Warrants

When issuing an arrest warrant pursuant to Penal Code section 815a, a judicial officer may use this protocol in setting a bail condition of release (i.e., money bail). The bail condition fixed to the arrest warrant lies within the sound discretion of the judicial officer, who may use the amounts listed in the protocol or in subdivision C, below. An arrest warrant issued for charges listed as CR or BR in this schedule may be issued as a cite-release warrant.

### C. Determining Bail Conditions of Release at Arraignment or Future Court Proceedings

A judicial officer may also use the protocol in setting bail conditions of release at arraignment or future court proceedings when there is a change in circumstance or as permitted by statute. Release conditions lie within the sound discretion of the judicial officer and are subject to the considerations summarized in subdivision A, above.

For all unlisted felonies, bail conditions of release may be set at a starting point of \$20,000. When setting bail conditions of release for offenses otherwise designated as CR and BR, the magistrate may refer to the bail amounts in the schedule but retains full discretion in determining an amount of bail based on evidence presented at the hearing.

### D. Penal Code Section 1270.1

This statute prohibits the release of an arrestee on bail in an amount other than that set forth in this bail schedule prior to a hearing in open court for:

1. Violent felonies as described in Penal Code section 667.5, subdivision (c), but not 460, subdivision (a)

2. Serious felonies as described in Penal Code section 1192.7, subdivision (c) (including those listed in Penal Code section 1192.8)
3. Violations of Penal Code sections 136.1, subdivision (c), 243, subdivision (e)(1), 273.5, 422 (as a felony), and 646.9; and
4. Violations of Penal Code section 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of the protected party.