FOSS Bulletins

• 23-01 - Temporary Injunction Reinstating Zero Bail

Los Angeles County Sheriff's Department

SPECIAL BULLETIN

Field Operations Support Services

TEMPORARY INJUNCTION REINSTATING

ZERO-BAIL

Purpose

Pursuant to a temporary injunction ordered by the Los Angeles Superior Court, the County of Los Angeles is prohibited from detaining pre-arraigned arrestees pending bail, as prescribed by the regular bail schedule. Starting May 24, 2023, the Third Los Angeles County Emergency Bail Schedule Modification from October 20, 2020, will be reinstated with changes to the "Repeat Offenders" provision.

Duration of Amended Bail Schedule

This amendment to the bail schedule is **temporary** and will remain in effect until amended by the Court. The abeyance period there is extended to the latter of (a) October 1, 2023 at 12:01 a.m. or (b) the time the Los Angeles Superior Court's Pre-Arraignment Release Protocol comes into effect.

Infraction Offenses

A $0 bail will be set for all violations of state statutes, provisions of the California Code of Regulations, or County, municipal, and agency ordinances equivalent to infractions.

Misdemeanor Offenses

All misdemeanors **except** those identified below will have a bail of $0:

- Penal Code § 149, Officer Unnecessarily Assaulting or Beating any Person;
- Penal Code § 166(c)(1), Contempt of Court (Violation of a Stay-Away Order or Protective Order);
- Penal Code §§ 191.5, 192 & 192.5, Misdemeanor Manslaughter;

- Penal Code § 243(b), Battery on a Peace Officer;
- Penal Code §243(e)(1), Battery on an Intimate Partner (spouse, cohabitant, child's parent, former spouse, fiancé, fiancée, current/prior dating or engagement relationship);
- Penal Code § 273.5(a), Domestic Violence;
- Penal Code §273.6, Violation of a Court Order, 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;
- Penal Code § 409, Riot, Rout, or Unlawful Assembly/Remaining Present After
- Warning to Disperse;
- Penal Code § 409.5, Authority of Peace Officers to Close Disaster Area Exclusion from Command Post Area/Unauthorized Entry;
- Penal Code § 416, Assembly for Purpose of Disturbing the Peace or Committing Unlawful Act/Refusal to Disperse. Media is exempt;
- Penal Code § 417, Exhibiting a Firearm;
- Penal Code § 463, Looting During a State of Emergency;
- Penal Code § 646.9, Stalking;
- Penal Code § 25400, Carrying Concealed Firearm;
- Penal Code §§ 29805, 29815, 29820, 29825, Firearm Possession by a Restricted Person (specified conviction offense; in violation of a probation condition specified offense committed by a juvenile TRO, injunction, protective order);
- Vehicle Code §§ 23152 & 23153, Driving Under the Influence;
- Health & Safety Code §120280, Refusal to Comply with Isolation Order; and
- Health & Safety Code § 120290, Intentional Transmission of an Infectious or Communicable Disease.

Felony Offenses

All felonies **except** those identified below will have a bail of $0:

- Penal Code § 667.5(c), Any Violent Felony;
- Penal Code §1192.7(c), Any Serious Felony;
- Penal Code § 69, Obstructing or Resisting Executive Officer in Performance of

- Duties;
- Penal Code § 136.1, Witness Intimidation, when punishment is imposed under Penal Code §136.1(c) (accompanied by force or by an express or implied threat of force or violence, in further of a conspiracy, with a prior conviction of this section, or, when committed for pecuniary gain);
- Penal Code § 149, Officer Unnecessarily Assaulting or Beating any Person;
- Penal Code § 166(c)(1), Violation of a Criminal Protective Order;
- Penal Code § 186.11, Any Theft with a Loss Greater than $100,000;
- Penal Code § 236.1, Human Trafficking;
- Penal Code § 237, False Imprisonment of Elder/Dependent Person;
- Penal Code § 243(d), Battery with Serious Bodily Injury;
- Penal Code § 243.4, Sexual Battery;
- Penal Code § 245(a)(4), Assault by Means of Force Likely to Produce Great Bodily Injury;
- Penal Code § 262, Spousal Rape;
- Penal Code § 266h, Pimping;
- Penal Code § 266i, Pandering;
- Penal Code § 273a(a), Child Abuse;
- Penal Code § 273.5(a), Domestic Violence;
- Penal Code § 278, Child Stealing;
- Registerable Offenses listed in Penal Code § 290(c) (Note that a violation of Penal Code § 290 itself would be eligible for $0 bail);
- Penal Code § 368, Elder Abuse;
- Penal Code § 422, Criminal Threats;
- Penal Code § 463, Looting;
- Penal Code § 594(b)(1), Vandalism;
- Penal Code § 646.9, Stalking;

- Penal Code § 4502, Possession of Deadly Weapon by Prison Inmate;
- Penal Code §§ 4530/4532, Escape or Attempt by Prison Inmate with or without Force or Violence;
- Penal Code § 25400, Carrying Concealed Firearm;
- Penal Code §§ 29800, 29805, 29815, 29820, 29825, Firearm Possession by a Restricted Person (felon; specified conviction offense; in violation of a probation condition; specified offense committed by a juvenile; TRO, injunction, protective order);
- Penal Code § 31360, Possession of Body Armor by a Restricted Person (Violent Felon);
- Vehicle Code § 2800.2, Driving in Willful or Wanton Disregard for Safety of Persons or Property while Fleeing Pursuing Police Officer (Evading); and
- Vehicle Code §§ 23152 & 23153, Driving Under the Influence.

Application of 2023 Bail Schedule

The bail schedules for the above-listed violations will follow the 2023 Bail Schedule.

Repeat Offenders

Repeat Offenders previously released on $0 bail, and arrested for a second offense, may be held in accordance with the 2023 Bail Schedule.

To confirm if the arrestee has been released on $0 bail, jailers may check AJIS for the arrestee's release history by searching the code "zero."

For example, if the arrestee was released on $0 bail once and they are arrested a second time, the deputy may author an Electronic Probable Cause Declaration (ePCD) and indicate that the arrestee was previously released on a $0 bail.

Bail for Violations of Post-Conviction Supervision

Bail for violations of misdemeanor probation, whether the arrest is with or without a bench warrant, may be set at $0, unless the charges include at least one of the misdemeanor exceptions listed above. If a misdemeanor exception applies, bail may be set pursuant to the 2023 Infractions and Misdemeanors Bail Schedule.

Bail for all violations of felony probation, parole, post-release community supervision, or mandatory supervision may be set at $0 unless either the charges of conviction or any new criminal charge or arrest is for a felony listed above, in which case bail may be set as indicated per the warrant or 2023 Felony Bail Schedule. Nothing in this Emergency Bail Schedule shall affect the hold that can be placed by a supervising agency pursuant to Penal Code §§ 3056, 3455.

For questions regarding court case information, or bail schedules, please consult the Los Angeles Superior Court website at www.lacourt.org.

Resources

Third Los Angeles County Emergency Bail Schedule Modification from October 20, 2020

https://www.lacourt.org/division/criminal/pdf/ThirdEmergencyBailScheduleEffective10-20-2020.pdf

Los Angeles County 2023 Misdemeanor and Infraction Bail Schedule

LIBOPSCriminal-46-MisdemeanorBailScheduleEffective10-01-2023.pdf

Los Angeles County 2023 Felony Bail Schedule

https://lascpubstorage.blob.core.windows.net/cpw/LIBOPSCriminal-47-FelonyBailScheduleEffective10-01-2023.pdf

Urquidi v. The County of Los Angeles

https://www.courthousenews.com/wp-content/uploads/2023/05/urquidi-la-county-cash-bail-pi.pdf

• 25-01 PROPOSITION 36

Los Angeles County Sheriff's Department

SPECIAL BULLETIN

Field Operations Support Services

PROPOSITION 36

Proposition 36 is known as "The Homelessness, Drug Addiction, and Theft Reduction Act." It was passed by California voters on November 5, 2024, and became effective on December 18, 2024.

AFFECTED SECTIONS OF THE LAW

HEALTH AND SAFETY CODE:

11369 Creates a new law requiring the court to warn convicted drug dealers and manufactures of "hard drugs" that they can be charged with murder if they traffic in hard drugs and a death results.

"Hard Drug" defined: A controlled substance listed in Health and Safety Code section 11054 or 11055, including fentanyl, heroin, cocaine, cocaine base, methamphetamine, phencyclidine, and their analogs. It does ***not*** include cannabis, peyote, LSD, or other psychedelic drugs such as mescaline or psilocybin (mushrooms), any other substance listed in section 11054(d) and (e) or, with the exception of methamphetamine, any other substance listed in section 11055(d).

11370 .1 Adds Fentanyl to the list of controlled substances in the existing law regarding possession of a controlled substance while armed with a loaded, operable firearm.

11370.4 (c) Modifies the enhancement by increasing the punishment for possession for sale of Fentanyl and transportation for sale of Fentanyl in quantities specific to Fentanyl (one ounce (28.35 grams) to over 80 kilograms).

11395 Creates a new law making it a felony crime for possessing a "hard drug" and having two or more prior felony or misdemeanor convictions for the following drug-related crimes:

- 11350 [simple possession]
- 11351 [possession for sale]
- 11351.5 [possession of cocaine base for sale]
- 11352 [sales/transportation]
- 11353 [solicitation of a minor]
- 11353.5 [sales to a minor]
- 11353.7 [sales to a minor in a park]
- 11370.1 [possession while armed]
- 11377 [simple possession]
- 11378 [possession for sale]
- 11378.5 [possession of PCP for sale]
- 11379 [sales/transportation]
- 11379.5 [sales/transportation of PCP]
- 11379.6 [manufacturing]
- 11380 [inducing a minor]

- 11395 [Treatment-Mandated Felony]

NOTE: When making an arrest for hard drug possession, the arresting officer should run a local and state criminal history check so that if there are two prior qualifying convictions, the arrestee can be booked under Health and Safety Code section 11395. This also triggers magistrate/judicial review prior to release.

PENAL CODE:

490.3 Creates a new law permitting a felony to be charged when the value of property or merchandise stolen during one or more acts of theft or shoplifting to be aggregated (combined) to meet the $950 threshold.

666.1(a)(1) Creates a new law permitting a felony to be charged when an offender commits a misdemeanor theft (i.e. petty theft or shoplifting) and has two or more prior misdemeanor or felony theft convictions for any of the following crimes:

- Pen. Code 211 (robbery)
- Pen. Code 215 (carjacking)
- Pen. Code 368 (theft from an elder or dependent adult)
- Pen. Code 459 (burglary)
- Pen. Code 459.5 (shoplifting)
- Pen. Code 487 (grand theft)
- Pen. Code 487h (grand theft of cargo)
- Any grand theft crime described in Pen. Code 484–502.9
- Pen. Code 488 or 490.2 (petty theft)
- Pen. Code 496 (receiving stolen property)
- Pen. Code 530.5 (identity theft or mail theft)
- Veh. Code 10851 (theft or unauthorized use of a vehicle)

NOTE: When making an arrest for petty theft or shoplifting, the arresting officer should run a local and state criminal history check so that if there are two prior qualifying convictions, the arrestee can be booked under Penal Code section 666.1. This charge triggers magistrate/judicial review prior to release.

12022(c) Amends the punishment for being personally armed with a firearm in the commission or

attempted commission of the following drug trafficking crimes: Health and Safety Code section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 to be served in state prison instead of local custody.

12022.6 Creates new enhancements when an offender takes, damages, or destroys property more than $50,000 in the commission or attempted commission of a felony, or commits a felony violation of Penal Code section 496.

- Subdivision (b) of Penal Code section 12022.6 provides that where there are multiple charges of taking, damage, or destruction, or multiple violations of Penal Code section 496, the enhancements in section 12022.6 may be imposed if the combined (aggregate) losses to the victims or the combined property values from all felonies exceed the threshold amounts in section 12022.6

12022.65 Creates new enhancements for acting in concert with two or more persons to take, attempt to take, damage, or destroy any property, in the commission or attempted commission of a felony.

- Subdivision (c) permits a court to impose this enhancement and another enhancement on the same single count, including an excessive taking enhancement pursuant to Penal Code section 12022.6.

12022.7 (f) Extends the “great bodily injury” enhancement to apply if someone suffers serious injury or death from using drugs that were sold, furnished, or given by the offender. If proven, this enhancement makes the underlying conduct a “strike” conviction.

REFERENCES:

California Legislative Information - https://leginfo.legislature.ca.gov/faces/home.xhtml

California District Attorneys Association - https://www.cdaa.org/

Los Angeles County District Attorneys General Office Memorandum 24-087

Los Angeles County Criminal Court Bail Schedule Criminal Division - LA Court

AFFECTED LASD DOCUMENTS:

Newsletter 14-25 (Proposition 47 Revised)