

## Judicial Council, Chief Justice End Some Emergency Measures as California and Courts Expand Reopening

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*Changes to COVID-19 emergency bail schedule reflect Governor's decision to grant variances for reopening in 51 counties, based on local health conditions.*

*COVID-19 emergency bail schedule helped California jails reduce population by more than 20,000 people to "flatten the curve" of the pandemic; crime rates stayed at historic lows.*

The Judicial Council of California voted to end the COVID-19 emergency bail schedule, as California begins a phased re-opening and courts restore services shuttered due to the COVID-19 pandemic.

The Judicial Council voted 17-2 to rescind, effective June 20, the COVID-19 temporary bail schedule that set presumptive bail at \$0 for people accused of lower-level crimes, a measure to curb the spread of COVID-19 in jails and surrounding communities.

At the same time, California Chief Justice Tani G. Cantil-Sakauye rescinded her statewide order ([link](#)) extending time for defendants to be arraigned. That change would require defendants again be arraigned within 48 hours.

"The Judicial Council's action better reflects the current needs of our state, which has different health concerns and restrictions county-to-county based on the threat posed by COVID-19," said **Justice Marsha Slough**, a Judicial Council member and chair of the Executive and Planning Committee. "We urge local courts to continue to use the emergency COVID-19 bail schedule where necessary to protect the health of the community, the courts, and the incarcerated. We are also asking courts to report back by

The Judicial Council adopted 13 emergency rules to balance providing access to justice with protecting the health and safety of the public, litigants, attorneys, court employees, and judicial officers.

Since the emergency rules were approved, conditions have changed: 51 counties have received a variance and are reopening. Last week, the Judicial Council [approved changes](#) to its emergency rule that paused statutes of limitations in civil cases.

The Judicial Council may re-institute these measures if health conditions worsen or change.

### **Statewide COVID-19 Emergency Bail Schedule and Arraignment Time Extension**

The COVID-19 emergency bail schedule set bail at \$0 for most people accused, but not yet tried, of misdemeanors and lower-level felonies. As with a regular bail schedule, law enforcement could petition a judge to raise or deny bail if there was concern for public safety. Those accused of violent felonies, offenses requiring sex offender registration, domestic violence, stalking, or driving under the influence were not eligible.

The Judicial Council's review of the rule comes as milestones were met:

Prisons are expected to allow transfers of convicted inmates from jails in all 58 counties to state institutions by June 19, which will continue to lower jail populations.

More than 20,000 defendants accused of lower-level offenses have been released before their trials from California's jails since the start of the pandemic, helping keep jails and courts from becoming vectors for the spread of COVID-19 between inmates, jail staff and surrounding communities.

The Judicial Council report suggested courts could keep the emergency COVID-19 bail schedule or reduced bail schedules where appropriate and maximize the safe release of arrestees before or at arraignment. Some counties voluntarily adopted their own COVID-

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