



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Traffic and Criminal Bail
Schedules

DATE:

RECOMMENDATION

Approve recommended changes to the City of San Jose Traffic and Criminal Bail Schedules and direct the City Attorney to submit the recommended changes in the Bail Schedules to the Superior Court Bail Committee.

OUTCOME

The Bail Schedules will incorporate recent modifications made to the Municipal Code as well as technical corrections and recommended modifications to bail amounts made by City departments.

BACKGROUND

California Penal Code Section 1269b(d) requires each county superior court to prepare, adopt and revise a countywide schedule of bail for all misdemeanor and infraction offenses. Since the most recent Council approval of the Recommended Bail Schedule, the Santa Clara Superior Court has divided the Bail Schedule into two portions – the Recommended Schedule for Traffic Court and the Recommended Schedule for Criminal Court. The Bail Schedules contain a list of offenses, amounts of bail, whether a given violation is a misdemeanor or infraction, and some other related information. For violations for which no court appearance is required, a person may pay the bail amount if the person wishes to plead to the offense. The maximum punishment for infractions in Traffic Court is a fine not to exceed \$100 for a first violation, a fine not to exceed \$200 for a second violation within the same year, and a fine not to exceed \$500 for a third violation within the same year. A fourth violation within the same year is deemed a misdemeanor. Under the City Charter and the Municipal Code, the penalty for conviction of a misdemeanor in Criminal Court is a fine in an amount not to exceed \$1,000 or by imprisonment not to exceed 6 months, or by both fine and imprisonment.

The City submits recommended changes in the Bail Schedules to the Santa Clara County Superior Court on a periodic basis in order to maintain current Bail Schedules. The Superior Court then reviews the City's recommended changes and incorporates changes as approved by the Superior Court Bail Committee. The Court has the choice of accepting, rejecting, or modifying the City's recommendations.

ANALYSIS

Since the City Council last approved changes to the Bail Schedule on August 23, 2005, there have been modifications to the San Jose Municipal Code. The City Attorney's Office has worked with the enforcing departments to update the City's Recommended Bail Schedules, which includes the recommended revisions to ensure consistency with modifications made to the Municipal Code as well as overall consistency with the Code. The following attachments list the recommended revisions to the Bail Schedules:

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|--------------|---|
| Attachment 1 | Recommended Additions to Traffic Bail Schedule |
| Attachment 2 | Recommended Additions to Criminal Bail Schedule |
| Attachment 3 | Recommended Modifications to Traffic Bail Schedule |
| Attachment 4 | Recommended Modifications to Criminal Bail Schedule |

In addition to the revisions specified in the Attachments, the City's Recommended Bail Schedules for this current period reflect changes where Municipal Code sections previously listed in the Bail Schedules have been repealed, renumbered, retitled or require technical corrections consistent with prior Council approvals. Technical corrections include, but are not limited to, minor errors that were found such as incorrect Municipal Code section numbers, incorrect bail amounts, and items that were inadvertently deleted or dropped, and are highlighted on the posted Bail Schedules.

PUBLIC OUTREACH

This memorandum and associated recommended Bail Schedules are posted on the City's website for the April 6, 2010 agenda.

COORDINATION

The requested modifications to the Bail Schedules have been coordinated with the affected enforcing departments.

HONORABLE MAYOR AND CITY COUNCIL

Subject: Bail Schedule

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CEQA

Not a Project.

RICHARD DOYLE
City Attorney

By 
CARL B. MITCHELL
Senior Deputy City Attorney

cc: Debra Figone

For questions, please contact Carl Mitchell, Senior Deputy City Attorney,
at (408) 535-1900.

Attachments

ATTACHMENT 1

RECOMMENDED ADDITIONS TO TRAFFIC BAIL SCHEDULE

SJMC Section	Subject Matter	Bail Amount	Misdemeanor or Infraction
6.55.220	Preclusion of peddlers from special event boundary	\$250.00	M
6.55.280	Interference with a downtown special event	\$250.00	M
6.64.310	Passenger prohibited in front seat of taxi cab	\$25.00	M
7.20.010	Proper and adequate care of animals requirements	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	M M M
7.20.320	Chain collar prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	M M M
7.20.570B	Metal tags of adult cats and dogs restrictions	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.20.580	Presentation of license on request	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.20.700	Sale of cats/dogs under 8 weeks prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$500	I I I
7.20.710	Failure to comply with immunization requirements	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$500	I I I
7.20.730	Location of sale restrictions	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$500	M M M
7.20.740	Raffle of animals prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$500	M M M
7.40.010	Public nuisance	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.020	Maximum number of dogs/cats allowed at one dwelling	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.030	Animals running at large prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.040A	Dog(s) confinement	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.040B	Dog on leash required in public	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I

7.40.050	Dog(s) in posted "off leash" area	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.080	Abandoned animals	\$500.00	M
7.40.100	Animals in City buildings prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.120	Feeding wildlife prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.40.130	Animal traps	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$500	M M M
7.40.140	Trapping/snaring of wild animals prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.60.500	Wild swarms of bees prohibited	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.60.510	Beekeeping permit required	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.60.520	Compliance required for keeping or maintaining hives of bees	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	M M M
7.60.700	Permit required for certain animals	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.60.705	Compliance required for small animals and livestock	\$500.00	M
7.60.750	Fenced premises required for animals/fowls	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
7.60.820	Roosters over 4 months old	1 st offense -- \$100 2 nd offense -- \$200 3 rd offense -- \$300	I I I
13.21.200 A	Skateboarding prohibitions: Within any property, building structure	1 st offense -- \$25 2 nd offense -- \$50 3 rd offense -- \$100	I I I
B	Within the downtown skateboard prohibition zone	1 st offense -- \$25 2 nd offense -- \$50 3 rd offense -- \$100	I I I
C	Within the Willow Glen skateboard prohibition zone	1 st offense -- \$25 2 nd offense -- \$50 3 rd offense -- \$100	I I I
13.21.300	Skate park safety equipment	1 st offense -- \$25 2 nd offense -- \$50 3 rd offense -- \$100	I I I
13.23.300C	Maintaining copy of City Hall Plaza event permit required	\$100.00	M
13.28.145	Presentation of permit on request	\$25.00	M
13.28.200	Dangerous trees -- notice to trim or remove	\$25.00	I

13.32.045	Presentation of a permit on request	\$25.00	I
25.03.300	Curfew hour restrictions	\$50.00	I
25.03.310	Other curfew hour restrictions	\$50.00	I

ATTACHMENT 2

RECOMMENDED ADDITIONS TO CRIMINAL BAIL SCHEDULE

SJMC Section	Subject Matter	Bail Amount	Misdemeanor or Infraction
6.58.150	Operating regulations and permit conditions	\$500.00 +Ct	M
6.58.160	Event promoters, record retention and security provided by event promoter	\$1,000.00 +Ct	M
6.60.295	Event promoters, record retention and security hired by event promoters	\$1,000.00 +Ct	M
6.62.200	Event promoter permit required	\$1,000.00 +Ct	M
6.62.300	Operating regulations and conditions	\$500.00 +Ct	M
6.62.310	Posting of permit	\$500.00 +Ct	M
6.62.320	Identification card requirements	\$500.00 +Ct	M
6.62.330	Event promotion contract required	\$1,000.00 +Ct	M
6.62.340	Record keeping required	\$1,000.00 +Ct	M
6.62.350	Designated on-site representative	\$1,000.00 +Ct	M
6.62.360	Other legal duties	\$1,000.00 +Ct	M
6.62.370	Security and management functions	\$1,000.00 +Ct	M
6.62.390	Operating regulations and conditions for persons operating pursuant to the exemption under Section 6.62.210	\$500.00 +Ct	M
6.62.420	Permit nontransferable	\$1,000.00 +Ct	M
6.62.430	Change of name	\$500.00 +Ct	M
6.62.440	Applying for a permit following a revocation	\$1,000.00 +Ct	M
7.20.050	Veterinary treatment requirement	1 st off -- \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$750 +Ct	M M M
7.20.300	Diseased or dangerous animals	\$1,000.00 +Ct	M
7.30.010	Potentially dangerous dog behavior prohibited	\$500.00 +Ct	M
7.30.500	Special dog permit required	\$1,000.00 +Ct	M
7.30.540C 7.30.540D	Special dog permit tag	\$500.00 +Ct	M
7.30.590	Requirements for notification	\$500.00 +Ct	M
7.30.900	Maintenance requirements	\$500.00 +Ct	M
7.40.060	Bites by dangerous animals	\$1,000.00 +Ct	M
7.40.070	Animal bites; quarantine violations	\$1,000.00 +Ct	M
7.40.090	Regulation of animals in vehicles	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$750 +Ct	M M M
7.40.110	Poisoning or abusing animals	\$1,000.00 +Ct	M
7.60.010	Animal event and animal facility permit required	1 st off - \$500 +Ct 2 nd off - \$750 +Ct 3 rd off - \$1,000 +Ct	M M M
7.60.020	Compliance required for animal event and animal facility permit	\$500.00 +Ct	M
7.60.120	Excessive noise prohibited	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$750 +Ct	M M M

7.60.130	Conditions relating to animal events and animal facilities	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$750 +Ct	M M M
7.60.775	Veterinary treatment requirement	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$750 +Ct	M M M
7.60.910A	Dangerous animal permit	\$500.00 +Ct	M
7.60.910D	Dangerous animal sign posting required	\$500.00 +Ct	M
7.60.990C	Compliance with dangerous animal hearing decision required	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$750 +Ct	M M M
9.10.590	Records – maintenance, audit and inspection	\$1,000.00 +Ct	M
9.57.300	Real and personal property defaced with graffiti	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$1,000 +Ct	M M M
9.57.310	Motor vehicles, boats and trailers defaced with graffiti	1 st off - \$250 +Ct 2 nd off - \$500 +Ct 3 rd off - \$1,000 +Ct	M M M
13.23.300A	Obstruction of access to City Hall	\$250.00	M
13.23.300B	Conduct of City Hall Plaza event without permit	\$500.00	M
13.23.300D	Leaving unattended items on City Hall Plaza	\$250.00	M
13.23.300E	Peddling at City Hall Plaza without permit or authorization	\$250.00	M
13.23.300F	Distribution of commercial merchandise at City Hall Plaza without permit or authorization	\$250.00	M
13.23.300G	Cooking at City Hall Plaza without permit or authorization	\$500.00	M
13.23.300H	Camping at City Hall Plaza	\$250.00	M
13.23.300I	Driving vehicle on City Hall Plaza	\$250.00	M
13.23.340	Failure to comply with City Hall Plaza rules and regulations	\$200.00	M
13.23.440	Interference with a permitted outdoor special event at City Hall	\$250.00	M
15.14.640	Fixer solution prohibition	\$1,000.00 +Ct	M
15.14.645	Installation and maintenance of amalgam separators	\$1,000.00 +Ct	M
16.10.050	Patron deposit accounts prohibited for funding sources	\$750.00 +Ct	M
16.18.075	Limitations on continuous presence at Cardroom premises	\$750.00 +Ct	M
16.18.080	Tournament play	\$750.00 +Ct	M
16.20.010	Requirements for independent contractors	\$750.00 +Ct	M
16.20.020	Outsourcing restrictions	\$750.00 +Ct	M
16.21.010	Vendor approval	\$750.00 +Ct	M
16.24.020	Preferential treatment or favoritism prohibited	\$750.00 +Ct	M
16.28.020E	Issuance of identification cards	\$750.00 +Ct	M

16.32.615	Key employee responsibilities and duties	\$750.00 +Ct	M
16.32.700	License, work permit and work registration requirements for funded players and funding source employees	\$750.00 +Ct	M
16.32.710	Temporary license or work permit for funded players and funding source employees	\$750.00 +Ct	M
16.32.810	Temporary funding source license	\$750.00 +Ct	M
16.33.010	Notice of minor violation; imposition of monetary fines	\$750.00 +Ct	M
16.38.040	Restrictions on finder's fees	\$750.00 +Ct	M
16.50.020	Nonprofit organization fundraiser registration required	\$750.00 +Ct	M
16.50.030E	Conduct of nonprofit organization fundraiser	\$750.00 +Ct	M
23.04.810	Private signs on public property	\$250.00	M

ATTACHMENT 3

RECOMMENDED MODIFICATIONS TO TRAFFIC BAIL SCHEDULE

SJMC Section	Subject Matter	Proposed Bail Modification
9.10.420	Placement of garbage required	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
9.10.440	Placement of rubbish required	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
9.10.460	Placement of stable matter required	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
9.10.510	Sidewalks and public ways duty of owner/occupant	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
9.10.540	Dangerous accumulation of solid waste	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$1,000.00 +Ct. to \$100.00
9.10.560	Interference with solid waste collector prohibited	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
9.10.1040	Set out of residential solid waste	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
9.10.1110	Unauthorized use of solid waste containers	Change from Criminal to Traffic Bail Schedule and change the recommended bail amount from \$500.00 +Ct. to \$50.00
13.28.150	Sight obstructions – shrubs on private property	Change recommended bail amount from \$25.00 to \$75.00
13.28.350	Interference with enforcement of Chapter 13.28	Change recommended bail amount from \$50.00 to \$75.00
13.44.060	Unauthorized entry into restricted area in park	Change recommended bail amount from \$250.00 to \$500.00
13.44.110	Animals in parks	Change recommended bail amounts for A-E from 1 st offense -- \$100.00 2 nd offense -- \$200.00 3 rd offense -- \$300.00 to: 1 st offense -- \$100.00 2 nd offense -- \$200.00 3 rd offense -- \$500.00
A	Not allowed unless authorized	\$100.00
B	Equine animals allowed	1 st offense -- \$100.00
C	No person shall tie or leave	2 nd offense -- \$200.00 3 rd offense -- \$500.00
D	No person shall set out food	\$100.00
E	No person shall abandon	\$100.00
13.44.120	Fire regulations in City park	Change recommended bail amount from \$250.00 to \$500.00

SJMC Section	Subject Matter	Proposed Bail Modification
13.44.140B	Consumption of intoxicating beverage in City Park	Change recommended bail amount from \$100.00 to: 1 st offense -- \$250.00 2 nd offense -- \$500.00 3 rd offense -- \$750.00
13.44.210	Disturbing the peace and refusing to leave the park	Change recommended bail amount from \$250.00 to \$500.00
13.44.230	Littering in City park	Change recommended bail amount from \$50.00 to: 1 st offense -- \$25.00 2 nd offense -- \$50.00 3 rd offense -- \$100.00
13.44.240	Entering or remaining after closing time of park	Change recommended bail amount from \$75.00 to \$100.00
13.44.260	Operation requirements of vessels	Change recommended bail amount from \$50.00 to: 1 st offense -- \$100.00 2 nd offense -- \$200.00 3 rd offense -- \$500.00

ATTACHMENT 4

RECOMMENDED MODIFICATIONS TO CRIMINAL BAIL SCHEDULE

SJMC Section	Subject Matter	Proposed Modification
9.10.410	Storage, accumulation, disposal of solid waste	Change recommended bail amount from \$1,000.00 +Ct to \$500.00 +Ct
9.10.570	Doing business without authorization (solid waste)	Change recommended bail amount from \$1,000.00 +Ct to \$500.00 +Ct
9.10.740	Unauthorized collection of recyclable material	Change recommended bail amount from \$1,000.00 +Ct. to \$500.00 +Ct
9.10.800	Disposal of solid waste on property not permitted	Change recommended bail amount from \$500.00 +Ct to \$1,000.00 +Ct
9.10.1500E	Central Business District – collection procedures	Change recommended bail amount from \$500.00 to \$1,000.00 +Ct
9.10.1520F	Transit Mall Zone – solid waste regulations	Change recommended bail amount from \$500.00 +Ct to \$1,000.00 +Ct
10.20.140	Trespass on private property	Change recommended bail amount from \$250.00 +Ct to \$1,000.00 +Ct
10.46.030	Failure of driver to obey lawful order to divert/detour	Change from Traffic to Criminal Bail Schedule; recommended bail amount for 3 rd offense – \$500.00 +Ct
13.44.190	Water pollution of any body of water in City park	Change recommended bail amount from \$1,000.00 +Ct to \$500.00 +Ct
23.02.1130	Master sign program	Change recommended bail amount from \$500.00 to \$500.00 +Ct