

Ayala v. Superior Court, 202...

Court: 4th District Court of Appeal

Date: April 29, 2020

This interpretation is confirmed by the language and structure of **Emergency** Rule 4. The rule, after all, does not simply mandate zero **bail** for the covered offenses. It [*21] establishes a statewide **bail** *schedule* to be applied by trial courts. Absent some persuasive indication to the contrary, we must give effect to the established meaning of this concept and its role in the statutes governing **bail**. (See [People v. King \(2006\) 38 Cal.4th 617, 622 \[42 Cal. Rptr. 3d 743, 133 P.3d 636\]](#) [““The words of the statute should be given their ordinary and usual meaning and should be construed in their statutory context.””].)

Emergency Rule 4 contains no indication that the term *schedule* should be given anything other than its established meaning and significance. The rule directs trial courts to “apply the statewide **Emergency Bail** Schedule” to certain categories of persons in custody. (**Emergency** Rule 4(b).) It then describes the substance of the schedule, i.e., zero **bail** for the covered offenses. (**Emergency** Rule 4(c).) For excepted offenses, the rule directs trial courts to apply their regularly adopted countywide **bail** schedules, and courts retain the authority to modify those schedules as needed. (**Emergency** Rule 4(e).) By establishing a statewide **bail** schedule and directing courts to apply it, while continuing to apply their countywide **bail** schedule to excepted offenses, the rule embodies the Judicial Council's intent to create a uniform schedule for the covered offenses— but [*22] not to alter the normal function of **bail** schedules in setting **bail** for individual defendants under existing statutes. 6↓

Petitioners claim that this interpretation leads to “absurd results” because it will not promote a reduction in the jail population. We disagree. Based on the record before us, including the papers submitted by petitioners, numerous individuals in custody in San Diego County have been released under this interpretation of the statewide **Emergency Bail** Schedule, including dozens of defendants in pretrial custody and two of the three named postconviction petitioners. The effect of the

statewide **Emergency Bail** Schedule is to set the presumptive **bail** amount at zero dollars for the covered offenses. If **bail** is to be set above that amount—for example, in the amount previously specified in the countywide **bail** schedule—it must be justified. (See [Pen. Code, § 1269c](#); [Christie, supra, 92 Cal.App.4th at p. 1110](#).) The scheduled **bail** amount matters, both legally and practically. Petitioners have not shown that interpreting the statewide **Emergency Bail** Schedule as imposing a new scheduled **bail** amount of zero dollars is so ineffective as to be absurd.