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**FILED**  
Clerk of the Superior Court  
MAR 21 2022  
By: A. Cabrales

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

**CENTRAL DIVISION**

**RESCISSION OF (1) THE TEMPORARY  
EMERGENCY MODIFICATION TO THE  
BAIL SCHEDULE (“TEMBS”); AND, (2)  
GENERAL ORDER OF THE PRESIDING  
DEPARTMENT NO. 010122-37**

**GENERAL ORDER OF THE PRESIDING  
DEPARTMENT  
ORDER NO. 032122-57**

On March 4, 2020, Governor Newsom declared a state of emergency in response to the spread of COVID-19 in California. On March 27, 2020, he issued Executive Order N-38-20, which, among other things, gave the Judicial Council of California and its Chairperson, the Chief Justice of California, the authority to take actions necessary to maintain access to the essential operations of California’s court system while protecting the health and safety of California residents.

In 2020, the Judicial Council adopted 13 emergency rules and the Chief Justice signed four statewide emergency orders. Emergency Rule 4, adopted on April 6, 2020, established a statewide Emergency Bail Schedule that set bail for all misdemeanor offenses, many felony offenses, and violations of post-conviction supervision at zero dollars (\$0 bail), except as specified in the rule.

1 On June 10, 2020, the Judicial Council rescinded Emergency Rule 4. However, the Judicial  
2 Council “urge[d] local courts to continue to use the emergency COVID-19 bail schedule where  
3 necessary to protect the health of the community, the courts, and the incarcerated.”

4 Pursuant to the Judicial Council’s guidance, and in collaboration with the San Diego offices  
5 of the District Attorney, City Attorney, Public Defender, and Sheriff, this court adopted for use the  
6 San Diego Superior Court Temporary Emergency Modification to the Bail Schedule (“TEMBS”),  
7 effective June 29, 2020 and later amended effective November 5, 2021. (See General Order of the  
8 Presiding Department No. 010122-37.) The TEMBS modified the current annual San Diego  
9 Superior Court Bail Schedule.

10 For the following reasons, the Court finds that the TEMBS is no longer appropriate as a  
11 temporary emergency measure:

12 On February 17, 2022, Governor Newsom announced a new plan for the state as the  
13 COVID-19 pandemic begins to transition away from a “crisis” phase to an “endemic” phase. The  
14 following week, on February 25, 2022, Governor Newsom signed Executive Order N-04-22, which  
15 states that many executive orders that Governor Newsom issued in response to the COVID-19  
16 pandemic will expire between February 25, 2022 and June 30, 2022. Some expired that day, others  
17 will expire on March 31, 2022, and still others will expire on June 30, 2022. Executive Order N-38-  
18 20 is among the last group of these executive orders, which will expire on June 30, 2022.

19 Prior to this announcement, the Judicial Council and its Chairperson had already repealed,  
20 sunsetted, or rescinded many of the emergency rules and executive orders previously issued. But,  
21 several remained. On March 3, 2022, in response to Governor Newsom’s announcements in  
22 February, the Chief Justice issued an order rescinding all the remaining provisions in her statewide  
23 emergency orders, effective April 30, 2022. These emergency measures include those governing  
24 extensions of time for preliminary hearings and civil trials, the use of technology, and fast-tracking  
25 local court rules.

26 On March 11, 2022, the Judicial Council voted to rescind the remaining Emergency Rules  
27 of Court, effective June 30, 2022.

1 In light of these recent developments, this Court decided to reassess the need for the  
2 TEMBS. The TEMBS was intended as a temporary measure to reduce the jail population at a time  
3 when COVID-19 was spreading significantly in the jail population amongst staff and inmates. For  
4 example, on December 21, 2021, there were a reported 518 positive cases in San Diego County  
5 jails. The numbers have since steadily declined, recently reaching the single digits – there were 7  
6 positive cases on Friday, March 18, 2022.

7 The Court recognizes the delicate balance between public and staff/inmate safety in the jails.  
8 Given the significant decrease of COVID-19 cases in county jails, the balance no longer favors the  
9 continued implementation of the TEMBS. Like the emergency measures issued by the Governor,  
10 Chief Justice, and the Judicial Council, the TEMBS was always meant to be temporary, and just  
11 one of several efforts made by the court to respond to the pandemic. To echo the words of Chief  
12 Justice Cantil-Sakauye: “These [actions taken by the Governor, Chief Justice, and Judicial Council]  
13 mark an important and hopeful change as the residents and government of our state transition to a  
14 semblance of pre-COVID-19 California.” This Court will follow suit.

15 Accordingly, this Court hereby Orders the TEMBS and General Order No. 010122-37 be  
16 rescinded, effective May 15, 2022. As of May 15, 2022, the TEMBS will no longer be in effect  
17 and it shall not be used for any arrest occurring on or after that date.

18 IT IS SO ORDERED.

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20 DATED: March 21, 2022



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22 **HONORABLE MICHAEL T. SMYTH**  
23 **PRESIDING JUDGE**  
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