

[West's Annotated California Codes](#)

[Constitution of the State of California 1879 \(Refs & Annos\)](#)

[Article I. Declaration of Rights \(Refs & Annos\)](#)

West's Ann.Cal.Const. Art. 1, § 12

§ 12. Bail; release; exception for certain crimes; excessive bail; recognizance

[Currentness](#)

Sec. 12. A person shall be released on bail by sufficient sureties, except for:

(a) Capital crimes when the facts are evident or the presumption great;

(b) Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or

(c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case.

A person may be released on his or her own recognizance in the court's discretion.

Credits

(Added Nov. 5, 1974. Amended June 8, 1982. Amended by [Stats.1994, Res. ch. 95 \(A.C.A.37\) \(Prop. 189, approved Nov. 8, 1994\).](#))

West's Ann. Cal. Const. Art. 1, § 12, CA CONST Art. 1, § 12

Current with urgency legislation through Ch. 770 of 2021 Reg.Sess. Some statute sections may be more current, see credits for details.

