

LR18-AR00-DLR-0007
BAIL SCHEDULE

Effective July 1, 2014

This bail schedule shall apply as follows:

To all crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and Misdemeanors in conjunction with Murder and Class A, B, C, or D felonies.

To all crimes committed on or after July 1, 2014: Murder, F1 (Level 1 felony), F2 (Level 2 felony), F3 (Level 3 felony), F4 (Level 4 felony), F5 (Level 5 felony), F6 (Level 6 felony), MC (Miscellaneous Criminal) and misdemeanors in conjunction with Murder and Levels 1, 2, 3, 4, 5 and 6 felonies.

A. Felonies Alleged to Have Occurred Before July 1, 2014:

Except for Class D felonies and misdemeanors, the Clerk may not accept a Ten Percent (10%) cash deposit in lieu of bond, except upon written Order of a Judge.

1. Unless otherwise ordered by the Court, there shall be **NO BOND** for the charge of Murder, except by the Court after a hearing.
2. The presumptive bond amount for bail on a Class A felony offense (except those involving Dealing in Controlled Substances, including Cocaine and Methamphetamine) shall be Thirty Thousand Dollars (\$30,000.00).
3. The presumptive bond amount for bail on a Class A or B felony offense for Dealing in Cocaine, Dealing in Methamphetamine, or Dealing in a Controlled Substance shall be Fifty Thousand Dollars (\$50,000.00) total, regardless of the number of dealing offenses charged.
4. The presumptive bond amount for bail on a Class B felony offense shall be Twenty Thousand Dollars (\$20,000.00).
5. The presumptive bond amount for bail on a Class C felony offense shall be Ten Thousand Dollars (\$10,000.00).
6. The presumptive bond amount for bail on a Class D Felony offense shall be Five Thousand Dollars (\$5,000.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in defendant's name only.
7. If the defendant has a prior felony conviction within the last Five (5) Years, bail shall be twice the amount unless otherwise specified in this section.
8. For any person charged with a Murder or a class A, B, or C felony, *and* charged with being an Habitual Offender, bail is to be set at an additional Fifty Thousand Dollars (\$50,000.00).

9. For any person charged with a class D felony, *and* charged with being an Habitual Offender, bail is to be set at an additional Ten Thousand Dollars (\$10,000.00).

B. Felonies Allegedly Committed on and after July 1, 2014:

1. Unless otherwise ordered by the Court, there shall be **NO BOND** for the charge of Murder except by the Court after a hearing.

2. Except as otherwise provided, the presumptive bond amount for bail on Level 1 felony offense shall be Fifty Thousand Dollars (\$50,000.00).

3. Except as otherwise provided, the presumptive bond amount for bail on a Level 2 or 3 felony offense for Dealing in Cocaine, Dealing in Methamphetamine, or Dealing in a Controlled Substance shall be Fifty Thousand Dollars (\$50,000.00) total, regardless of the number of dealing offenses charged.

4. The presumptive bond amount for bail on a Level 2 felony offense shall be Thirty Thousand Dollars (\$30,000.00).

5. The presumptive bond amount for bail on a Level 3 felony offense shall be Twenty Thousand Dollars (\$20,000.00).

6. The presumptive bond amount for bail on a Level 4 felony offense shall be Ten Thousand Dollars (\$10,000.00).

7. The presumptive bond amount for bail on a Level 5 or 6 felony offense shall be Five Thousand Dollars (\$5,000.00). Defendant may post a ten percent (10%) cash deposit in lieu of bond in defendant's name only.

8. If the defendant has a prior felony conviction within the last Five (5) Years, bail shall be twice the amount unless otherwise specified in this section.

9. For any person charged with a Murder or a Level 1, 2, 3, or 4 felony offense, *and* charged with being an Habitual Offender, bail is to be set at an additional Fifty Thousand Dollars (\$50,000.00).

10. For any person charged with a Level 5 or 6 felony offense, *and* charged with being an Habitual Offender, bail is to be set at an additional Ten Thousand Dollars (\$10,000.00).

C. Misdemeanors

1. For class A misdemeanors, bail shall be Two Thousand Five Hundred Dollars (\$2,500.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in his or her name only.

2. For class B misdemeanors, bail shall be One Thousand Dollars (\$1,000.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in his or her name only.

3. For class C misdemeanors, bail shall be Five Hundred Dollars (\$500.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in his or her name only.

4. **Trial De Novo:** Any person applying for a Trial De Novo resulting from a misdemeanor conviction from the Muncie City Court or the Yorktown Town Court may file with the Delaware County Clerk a cash or surety bond in the defendant's name only fixed at Five Hundred Dollars (\$500.00). Filing of the bond stays the judgment of the city or town court. During the period of the stay, the defendant shall not be subject to incarceration or probation orders of the city or town court. The defendant, if incarcerated pursuant to the judgment of the city or town court, shall be released from incarceration after posting bond.

D. Provisions Applicable to All Offenses:

1. Persons shall be held without bond until the Pre-Charge Initial Hearing who are arrested and in which:

- a. the true identity of a defendant is unknown; or
- b. there is good cause to believe the defendant is on probation, home detention/house arrest, parole, on bond, on pre-trial release to probation, or participating in the Forensic Diversion Drug Court Program or the Veteran's Court.

2. Delaware County Jail shall place a Fifteen (15) Day hold on any offender upon request by a Delaware County Probation Officer or a Parole Officer employed by the State of Indiana. If the officer fails to initiate probation or parole revocation proceedings within the Fifteen (15) Day period, the hold shall expire.

3. **Intoxication:** The Sheriff of Delaware County shall not release any person unless such person clearly manifests that they are in a state of sobriety at the time the provisions of this Order would otherwise permit release.

The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.

4. **Domestic Violence:** The Sheriff shall not release a person arrested on a charge involving domestic violence until Twelve (12) Hours has elapsed or until appearance in court, whichever is earlier. After Twelve (12) Hours, the person may post bail (1) pursuant to other provisions in this Bail Order, and (2) after signing a No Contact Agreement protecting the victim. If the person refuses to sign a No Contact Agreement, the Sheriff shall hold the person until brought to court.

5. **Overweight Trucking Violations:** The bail schedule as set out in this Order shall not apply to overweight trucking violations. Bail for such offenses shall be convened by I.C. 9-20-1, et seq.

6. **Full Cash Bond:** When any person proposes to post a full bond in cash or by certified check and the Clerk's Office is not open for business, the Sheriff shall accept the money or certified check and issue a release to the person making the payment. The bond must be placed in the name of the arrested person. The Sheriff shall deposit the money or certified check with the Clerk as soon as possible.

7. **10% Cash Bonds:** Except as otherwise permitted above, the Clerk may not accept a Ten Percent (10%) cash deposit in lieu of bond without a written Order of a judge. If the Court

approves such a bond, the Clerk shall retain from the deposit an administrative fee of Ten Percent (10%) of the deposit, or Fifty Dollars (\$50.00), whichever is less, and a fee of Five Dollars (\$5.00) pursuant to I.C. 35-33-8-3.2(d) to remit to the Board of Trustees of the Public Employees' Retirement Fund for deposit in the Special Death Benefit Fund. In addition, the Court may direct the Clerk to apply the balance of the deposit to pay any fine, court costs, public defender fees, probation user's fees, or restitution.

8. **Amount of Bail on Warrant:** If the bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant.

9. **Release of Bond:** The Clerk shall not release a cash bond, except upon a judge's written Order after judgment has been entered and any fines and costs imposed by the Court have been paid and satisfied.

10. This Order shall not be interpreted to limit judicial discretion.

11. If the Delaware County Prosecuting Attorney believes a higher bond is necessary for the safety of witnesses and/or protection of the community, the Prosecutor may request a deviation from the scheduled bond amount.

12. A judge may impose any or all of the following **Conditions of Release:**

- a. Report to the Probation Officer Supervising the Pre-Trial Release Program;
- b. Remain in the supervisory custody of a named responsible person;
- c. Live and stay at a specified address;
- d. Remain in the State of Indiana;
- e. Have no contact with the victim/complaining witness;
- f. Not use or possess alcohol;
- g. Not use or possess any controlled substances unless on order of a physician;
- h. Submit to drug/alcohol testing at your expense;
- i. Remain at residence other than at specified hours for specified purposes;
- j. Not possess a firearm or other dangerous weapon;
- k. Seek and maintain full time employment/student status;
- l. Undergo necessary medical or psychiatric treatment, including drug or alcohol abuse treatment;
- m. Commit no criminal offense.
- n. Comply with any other condition reasonably calculated to assure appearance in court as required or to assure the safety of any other person and the community.
- o. Defendant specifically agrees to waive extradition from any jurisdiction inside or outside the United States, wherever he/she may be found, and also agrees not to contest any effort to return him/her to the State of Indiana.

E. Adjustment of Bonds.

A court may adjust bond after a hearing pursuant to statute and upon motion by the State of Indiana or by the Defendant. The Probable Cause Order shall control the bail amount. If a defendant posts a bond prior to the court's entering a Probable Cause Order, overpayment may not result in a refund to the defendant.

If a defendant is arrested for a separate criminal offense while released on a prior posted bond, the Court may revoke the prior posted bond.

This Bail Schedule supersedes all prior Bail Schedules previously established by the Board of Judges of the Delaware Circuit Court.