

LR91-CR00-CRIM-26

Bail Bond Schedule

~~(A) A bail bond schedule, adopted by the Courts, shall be located in the Clerk's office, the office of the Prosecuting Attorney, the office of the Court, and at the White County Jail. A copy thereof may be obtained, upon request, from the Court personnel during business hours.~~

~~(B) The following amounts shall be the amounts set for bail bonds unless otherwise ordered by the Judge of the White Circuit Court or the Judge of the White Superior Court:~~

- ~~1. For any person who, at the time of arrest, is ON PROBATION OR PAROLE for a prior offense, NO BAIL is to be set except by the Court at a hearing to be held the next available Court day.~~
- ~~2. For murder and treason, NO BAIL is to be set except by the Court at a preliminary hearing;~~
- ~~3. For any person charged with being a habitual felony offender, bail is to be set at \$50,000.00;~~
- ~~4. For any person charged with being a habitual substance abuse offender, bail is to be set at \$25,000.00.~~

- ~~5. For any felony case, where the person charged shall have been previously convicted of a felony offense but is not now on parole or probation, bail shall be \$40,000.00;~~
- ~~6. For any Class A Felony offense, bail shall be \$40,000.00; except if there is a prior felony conviction, then \$50,000.~~
- ~~7. For any Class B Felony offense, bail shall be \$20,000.00; except if there is a prior felony conviction, then \$30,000.00;~~
- ~~8. For any Class C Felony offense, bail shall be \$10,000.00; except if there is a prior felony conviction, then \$20,000.00;~~
- ~~9. For any Class D Felony offense, bail shall be \$2,500.00; except if there is a prior felony conviction, then \$5,000.00~~
- ~~10. For any Misdemeanor offense, bail shall be \$500.00. (This includes all non-driving alcohol offenses.)~~

~~EXCEPTIONS TO SCHEDULE~~

~~1. For any offense where the person charged is, at the time charged or at the time of arrest, on bail on a pending charge the bail shall be increased by \$1,000.00 above the bail required under this schedule for the offense for which the accused has been arrested.~~

~~2. For any offense involving the use of or attempted use of a deadly weapon, the bail shall be increased by the sum of Ten Thousand Dollars (\$10,000.00) over the regular Bond Schedule.~~

~~3. In the event of multiple charges as a result of the same incident, the bail shall be the amount scheduled for the highest single offense, except where one of the charges is resisting law enforcement, and in such case, the bail for the highest single offense charged shall be increased by One Thousand Dollars (\$1,000.00).~~

4. ~~Driving under the influence of alcohol or drugs (BAC test refused):~~

a. ~~1st offense within 5 years - Two Thousand Dollars (\$2,000.00);~~

b. ~~2nd or subsequent offense within 5 years - Four Thousand Dollars (\$4,000.00);~~

c. ~~If BMV printout shows status of Habitual Traffic Offender or Habitual Traffic Violator - Ten Thousand Dollars (\$10,000.00)~~

5. ~~Driving with Unlawful Blood Alcohol content (BAC taken and failed):~~

a. ~~1st offense within 5 years - One Thousand Dollars (\$1,000.00);~~

b. ~~2nd or subsequent offense within 5 years - Two Thousand Dollars (\$2,000.00);~~

c. ~~If BMV printout shows status of Habitual Traffic Offender or Habitual Traffic Violator - Ten Thousand Dollars (\$10,000.00).~~

6. ~~Leaving the scene of accident:~~

a. ~~Property damage only - \$1,000.00;~~

b. ~~Personal injury - \$2,000.00~~

7. ~~Public Indecency:~~

a. ~~Non-commercial - \$1,000.00;~~

b. ~~Commercial - \$5,000.00~~

GENERAL PROCEDURES

~~No attorney shall be accepted on any criminal bond.~~

~~All property bonds shall require prior approval from the Judge.~~

~~In any misdemeanor case the bail may be posted by any of the following methods:~~

~~a. Corporate Surety;~~

~~b. Cash in full;~~

~~c. Misdemeanor Cash Bail Recognizance with one-half (1/2) deposited. (Using Court approved form)~~

~~In any felony case the bail may be posted by either of the following methods:~~

~~a. Corporate Surety;~~

~~b. Cash in full.~~

~~The Court may increase or decrease the amounts specified by this bail schedule, in any justifiable case.~~

~~It shall be the duty of the Sheriff to admit proper persons to bail, in accordance with the Constitution and laws of the State of Indiana and the United States and rules of Court.~~

~~To comply with I.C. 35-33-12-1, et seq., which becomes effective July 1, 1994, any person arrested or otherwise in custody, by warrant or otherwise, for allegedly committing any of the following acts:~~

~~I.C. 35-42-1 (Homicide)~~

~~I.C. 35-42-2 (Battery, Criminal Recklessness, Provocation)~~

~~I.C. 35-42-3 (Kidnapping, Confinement, Interference
With Custody)~~

~~I.C. 35-43-4 (Rape, Criminal Deviate Conduct, Child Molesting, Child
Exploitation, Vicarious Sexual Gratification, Child Solicitation, Child
Seduction)~~

~~I.C. 35-43-5 (Robbery, Carjacking)~~

~~I.C. 35-45-2-1 (Intimidation)~~

~~I.C. 35-45-2-2 (Harassment)~~

~~I.C. 35-45-10 (Stalking)~~

~~who are eligible for and about to be released on bail, shall be held for up to twelve (12) additional hours to allow the Sheriff or law enforcement agency having custody to give notice to the alleged victim that the person is about to be released from custody.~~

~~Following such notification, or upon the expiration of the twelve (12) hour period, whichever is sooner, the person may then post bail in accordance with bail rules and schedules.~~

~~Your attention is called to the Bail Bond Schedule adopted January 15, 1991, wherein it states: "All property bonds shall require prior approval from the Judge." This apparently has caused a question as to its intent and created a communication problem for you with clients, bondsmen, and inmates as to its application. The rule was not intended to convey that this is a generally acceptable bonding procedure. It was meant to reserve to the Court the possibility of using property, solely or in combination, as bail if unusual circumstances were shown to the Court to exist. The problems inherent in determining both title and value when approving, as well as the cumbersome procedure in foreclosing on a property bond, if forfeited, should be recognized.~~

The following amounts shall be the amounts set for bail bonds unless otherwise ordered by the Judge of the White Circuit Court or the Judge of the White Superior Court:

<u>For Offenses allegedly committed on or prior to June 30, 2014</u>	<u>Bail Bond Amount</u>	<u>For Offenses allegedly committed on or after July 1, 2014</u>
--	-------------------------	--

<u>OFFENSE CLASS</u>		<u>OFFENSE CLASS</u>
<u>MURDER</u>	<u>NO BOND INITIALLY</u>	<u>MURDER</u>
<u>Class A Felony</u>	<u>\$50,000.00</u>	<u>Level 1 Felony</u>
	<u>\$40,000.00</u>	<u>Level 2 Felony</u>
<u>Class B Felony</u>	<u>\$30,000.00</u>	<u>Level 3 Felony</u>
	<u>\$20,000.00</u>	<u>Level 4 Felony</u>
<u>Class C Felony</u>	<u>\$10,000.00</u>	<u>Level 5 Felony</u>
<u>Class D Felony</u>	<u>\$ 5,000.00</u>	<u>Level 6 Felony</u>

Exception for certain Sex Offenses: A person charged with CHILD MOLESTING (I.C.35-42-4-3); a person charged with CHILD SOLICITATION (I.C. 35-42-4-6); or a person who is a SEXUALLY VIOLENT OFFENDER under I.C. 35-38-1-7.5 and is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender (as defined in I.C. 11-8-8-5) shall not be admitted to bail until the Court has conducted a bail hearing in open court. That

hearing shall be held within forty-eight (48) hours of the person's arrest, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours. It shall be the responsibility of the White County Sheriff to promptly notify the Court of the arrest of such a person in order that such a hearing may be held in a timely manner.

<u>Class A Misdemeanor</u>	<u>\$ 1,500.00</u>	<u>Class A Misdemeanor</u>
<u>Class B Misdemeanor</u>	<u>\$ 1,000.00</u>	<u>Class B Misdemeanor</u>
<u>Class C Misdemeanor</u>	<u>\$ 500.00</u>	<u>Class C Misdemeanor</u>

ADDITIONAL BONDING TERMS:

(1) A person charged with a "violent crime" (as defined in I.C. 5-2-6.1-8) shall have no contact, directly or indirectly with the alleged victim(s), and the person shall sign a NO CONTACT ORDER as a condition of being released on bail.

(2) A person charged with a "crime of domestic violence" (as defined in I.C. 35-31.5-2-78), which includes domestic battery, regardless of the class, shall remain in jail for twelve (12) hours following arrest before being eligible for release on bail.

(3) For any person who, at the time of arrest, is on probation in White County, Indiana, or is out on bond for another offense pending in White County, Indiana, or is on parole anywhere, NO BAIL is to be set except by the Court at a hearing to be held the next available Court day.

(4) For any felony case, where the person charged shall have been previously convicted of a felony offense, but is not on parole or probation; or where the person charged is accused of possessing a firearm or other deadly weapon, the bail bond amount shall be doubled.

(5) In the event of multiple charges as a result of the same incident, the bail shall be the amount scheduled for the highest single offense.

(6) No person shall be released on bond that appears to be under the influence of alcohol, drugs, or a combination of alcohol or drugs until the person has a breath alcohol level of .00% and until the person is sufficiently capable of completing the booking process, and can safely be released because of such condition. The White County Sheriff's Department may use the chart set out in I.C. 35-33-1-6 to determine the minimum number of hours an impaired person should be detained prior to release pending trial.

(7) In any case the bail may be posted by any of the following methods:

(a) Corporate Surety; or

(b) Cash in full (except for a misdemeanor offense, cash in an amount equal to 50% of the applicable bail bond amount or \$500.00 cash whichever is greater); or

(c) Real Estate Property Bond with prior approval of the Court.

(8) All bail bonds are subject to being adjusted by the Court at a hearing pursuant to statute and application by counsel of record. If there is a difference between the amount of bond posted prior to the issuance of a probable cause order, the order shall govern the amount of bond. However, overpayments may not result in refunds to the defendant. If a defendant is arrested for a separate criminal offense while released on a prior posted bond, the release on the prior posted bond may be revoked by the Court. Any bail bond posted shall be in addition to any administrative fees required to be paid under Indiana law.

Proposed Effective Date: July 15, 2014

|