Jay 2012

LR38-CP00-4 UNIFORM BAIL BOND SCHEDULE

A. The Court shall set the amount of bail that a person charged with a criminal offense shall be required to post. In the case of a person to be arrested pursuant to a criminal bench warrant, the amount of bail shall be endorsed on the warrant.

B. In the absence of a different amount of bail having been set by the Court pursuant to Paragraph A herein above and subject to the exceptions set forth herein below, bail is hereby set by the Court as follows in all criminal cases filed in the Jay Circuit Court and Jay Superior Court:

Murder.....	As Fixed By The Court
Class A Felony.....	$50,000.00 surety or cash
Class B Felony.....	$30,000.00 surety or cash
Class C Felony.....	$10,000.00 surety or cash
Class D Felony	$3,000.00 surety or cash
Misdemeanor.....	$1,000.00 surety or cash

In the event that a person has been charged with multiple offenses arising out of the same incident the person's bail shall be set in the amount applicable to the sum of the bail for each of the offenses charged, but not to exceed 150% of the amount of bail applicable to the most serious offense, unless otherwise specified by the Court. In the event that the person has been charged with multiple offenses not arising out of the same incident, then the person's bail shall be as fixed by the Court.

All persons are to be informed before posting bail pursuant to this schedule that they may defer posting bail and remain in custody until their Initial Hearing at which time the Court will consider whether they are entitled to a lower bail based on their individual circumstances.

C. (1) If the sentence of the person charged is sought to be enhanced by virtue of an allegation that the person is an habitual offender, the person's bail for the current alleged offense shall be increased by the sum of $30,000.00.

(2) If the sentence of the person charged is sought to be enhanced by virtue of an allegation that the person is either an habitual substance offender the persons bail for the current alleged offense shall be increased by the sum of $8,000.00.

D. Notwithstanding the above-stated bail schedule, the Sheriff shall detain a person charged with a crime until the Court is next in session or until the Judge thereof can otherwise be reached to set bail if the Sheriff has reason to believe:

(1) that the person has previously escaped from jail or a mental hospital;

(2) that the person has previously failed to appear in any Court as ordered;

(3) that the person has an outstanding warrant or detainer against him;

(4) that the person is currently released on his own recognizance or on bond on another pending charge;

(5) that the person is mentally disturbed or incompetent;

(6) that the person is currently on probation, parole or under a withheld or suspended sentence;
(7) that the person has a prior felony conviction;
(8) that, for any other reason, the person charged presents a disproportionate risk of non-appearance in Court on the current charge.

E. This section does not apply to those persons arrested for the misdemeanors of battery, domestic battery, invasion of privacy, dealing in marijuana, resisting law enforcement or driving while suspended. If a person, who is an Indiana resident, has been arrested for a misdemeanor, and is not precluded from immediately posting bail by virtue of the provisions of Paragraph D, the person shall be released on his own recognizance if the person has had substantial contacts with Jay County for a continuous period of three (3) years immediately prior to the date of the person's arrest. Substantial contacts with Jay County mean a continuous residence or place of employment in Jay County during such period. Before being released on his own recognizance a person shall be required to execute the Affidavit attached hereto as Exhibit A and the Release On Own Recognizance form attached hereto as Exhibit B.

F. All persons who are arrested on the misdemeanor charges of battery, domestic battery, invasion of privacy, dealing in marijuana or resisting law enforcement, and who are not precluded from immediately posting bail by virtue of the provisions of Paragraph D, shall be required to post bail according to the bail schedule.

G. All Indiana residents who are arrested on the misdemeanor charge of driving while suspended, and who are not precluded from immediately posting bail by virtue of the provisions of Paragraph D, shall be released on their own recognizance. Before being released on his own recognizance a person shall be required to execute the Release On Own Recognizance form attached hereto as Exhibit B. All non-residents of the State of Indiana who are arrested on the misdemeanor charges of driving while suspended shall be required to post bail according to the bail schedule.

H. Unless otherwise specified, it shall be a condition of bail for each person arrested on a charge of Invasion of Privacy or for an offense involving violence or physical abuse against another person, that such person refrain from having any direct or indirect contact with the alleged victim(s). Said condition shall be specifically set forth on such person's bond. The sheriff shall post in a conspicuous manner in the jail and shall provide a copy of the "Notice to Arrested Persons Posting a Bail Bond", attached hereto as Exhibit "D", to such person for signature before posting bond and a signed copy of the notice shall be attached to the bond filed with the Court.

I. Absent prior Court approval, bail for a person who is charged with a felony or misdemeanor may only be posted in the form of a surety or cash bond.

J. The Sheriff may use the chart set forth in I.C. 35-33-1-6 to determine the minimum number of hours that a person arrested for an alcohol-related offense should be detained before his release on bail. In no event, however, shall a person be released from detention while still in a state of intoxication.