

**STATE OF INDIANA – COUNTY OF WASHINGTON
IN THE WASHINGTON CIRCUIT AND SUPERIOR COURTS**

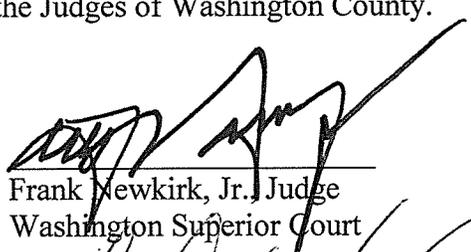
**Notice of Proposed Local Rule Amendment and Finding Good Cause to
Deviate From Established Schedule
JULY 1, 2014**

The judges of the Washington Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~strike through~~. [Supreme Court approval is required for Local Rules concerning Allocation of Cases and may not take effect until approved by the Supreme Court.] (*if necessary*)

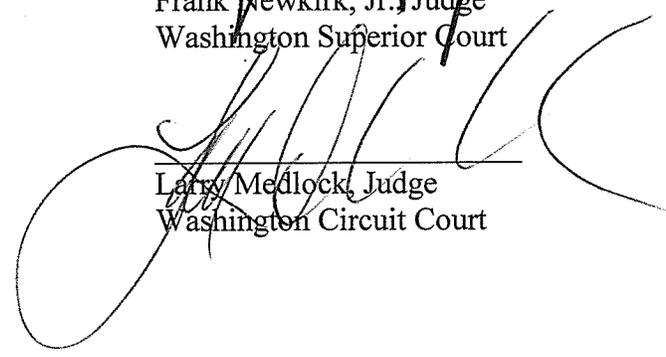
Notice has been given to the public by posting on the website of the Washington County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Washington County Bar Association. Comments may be made until JUNE 27, 2014, to : Judge Larry Medlock or Judge Frank Newkirk.

These rule amendments will be effective on July 1, 2014 and after approval of the Indiana Supreme Court for those rules requiring approval.

DATED this 19 day of May, 2014 on behalf of the Judges of Washington County.



Frank Newkirk, Jr., Judge
Washington Superior Court



Larry Medlock, Judge
Washington Circuit Court

LR88-CR01-10 - CONCERNING PRETRIAL RELEASE

WHEREAS, the Judge of Washington Circuit Court and the Judge of the Washington Superior Court having determined that it would be beneficial to provide a uniform bond schedule for criminal cases filed in each Court, and to further fix by local rule the minimum periods of time of incarceration for persons arrested for drug and alcohol related offenses:

The following uniform bond schedule is hereby adopted by each Court effective on ~~JANUARY 1, 2010~~ JULY 1, 2014 for arrests **WITHOUT** Warrants:

1. NO STANDARD BOND

Although bond may be set at any time by Court Order, there shall be NO standard bond for persons:

A. Accused of committing, attempting, aiding, inducing, conspiring to commit or assisting:

- | | |
|------------------------|--|
| 1. Resisting Arrest | 7. Rape |
| 2. Fleeing | 8. Any offense involving use of a deadly weapon |
| 3. Escape | 9. Any offense alleging serious bodily injury or death |
| 4. Battery | 10. Leaving the scene of an accident |
| 5. Invasion of privacy | 11. Intimidation. |
| 6. Murder | |

B. On PROBATION, DAY REPORTING PROGRAM, HOME DETENTION or COMMUNITY TRANSITION PROGRAM at time of arrest, or listed as active in the most current reports available to the jail.

C. Free ON ANOTHER BOND at time of arrest.

D. Living OUTSIDE OF INDIANA, or having identification such as a driver's license listing a residence outside of Indiana.

E. On PRETRIAL DIVERSION at the time of arrest.

F. Who REFUSE a Chemical Test under Indiana's Implied Consent Law, currently I.C. 9-30-6.

2. DRUG OFFENSES

A PERSON ARRESTED FOR AN OFFENSE INVOLVING THE USE, POSSESSION, OR SALE OF DRUGS SHALL BE DETAINED FOR AT LEAST 24 HOURS BEFORE BOND MAY BE POSTED for the safety of the public and the person arrested.

3. PUBLIC INTOXICATION WITHOUT BREATH TEST

A person arrested for Public Intoxication shall be detained a minimum of FIVE (5) hours if no portable breath test is offered by an officer for the safety of the public and the person arrested.

4. GENERAL SCHEDULE OF OTHER CASES

For bailable offenses (not excluded by paragraph #1), the following bond schedule shall apply:

FELONIES

CLASS A FELONY

\$40,000 FULL CASH
\$1,000 CASH plus \$180,000 SURETY
\$1,000 CASH plus \$360,000 PROPERTY

CLASS B FELONY

\$20,000 FULL CASH
\$1,000 CASH plus \$90,000 SURETY
\$1,000 CASH plus \$180,000 PROPERTY

CLASS C FELONY

\$5,000 FULL CASH
\$1,000 CASH plus \$20,000 SURETY
\$1,000 CASH plus \$40,000 PROPERTY

CLASS D FELONY

\$1,500 FULL CASH
\$1,000 CASH plus \$1,000 SURETY
\$1,000 CASH plus \$5,000 PROPERTY

LEVEL 1 FELONY

\$40,000 FULL CASH or
\$6,000 CASH plus \$140,000 SURETY or
\$6,000 CASH plus \$280,000 PROPERTY

LEVEL 2 FELONY

\$30,000 FULL CASH or
\$5,000 CASH plus \$100,000 SURETY or
\$5,000 CASH plus \$200,000 PROPERTY

LEVEL 3 FELONY

\$20,000 FULL CASH or
\$4,000 CASH plus \$60,000 SURETY or
\$4,000 CASH plus \$120,000 PROPERTY

LEVEL 4 FELONY

\$10,000 FULL CASH or
\$3,000 CASH plus \$20,000 SURETY or
\$3,000 CASH plus \$40,000 PROPERTY

LEVEL 5 FELONY

\$5,000 FULL CASH or
\$2,000 CASH plus \$5,000 SURETY or
\$2,000 CASH plus \$10,000 PROPERTY

LEVEL 6 FELONY

\$2,000 FULL CASH or
\$1,000 CASH plus \$1,000 SURETY or
\$1,000 CASH plus \$5,000 PROPERTY

MISDEMEANORS

CLASS A 500 CASH ONLY
CLASS B 400 CASH ONLY
CLASS C 300 CASH ONLY

NO TEN PERCENT (10%) CASH DEPOSIT IS AUTHORIZED ON ANY BOND unless approved by further order of either Court.

5. FORFEITURE OF BOND

When permitted by law, bonds may be forfeited for failure of the Defendant to appear.

6. CASH BONDS KEPT FOR COSTS

When permitted by law, all or part of a full cash bond may be retained to cover:

- | | |
|---------------------------------------|--|
| 1. Court appointed attorney fees | 9. Weed Eradication fee |
| 2. Restitution | 10. D.A.P.I.C. fee |
| 3. Court costs | 11. Prosecutor's Drug Investigation fee |
| 4. Fines | 12. Any other cost or fee ordered by the Court |
| 5. Community service work fees | 13. Destruction of public property. |
| 6. Alcohol & Drug Users Program fee | |
| 7. Alcohol & Drug Countermeasures fee | |
| 8. Probation Users fee | |

7. CONDITIONS OF RELEASE

A. Defendant shall

1. Appear for all hearings as Ordered,
2. Complete and sign a Terms and Conditions for Release on Bond form.

B. Defendant shall NOT

1. Commit any crime,
2. Attempt to commit any crime.
3. Violate any order of the Washington Circuit or Superior Court.
4. Violate any term or condition listed in the Terms and Conditions for Release on Bond form.

8. REVOCATION OF BOND

Bond may be revoked and the Defendant rearrested upon a showing of probable cause to believe that any condition of release has been violated.

9. DISTRIBUTION OF THIS RULE

The sheriff shall make one copy of this rule available to any Defendant or citizen upon request, and without charge.

10. ALCOHOL RELATED OFFENSES

	PERCENTAGE BLOOD ALCOHOL LEVEL	HOURS AFTER INITIAL READING IS TAKEN
	.08 or less.....	5
	.09.....	5
	.10.....	5
	.11.....	6
	.12.....	7
A person arrested for an alcohol related offense (including P.I., if a portable breath test is offered) shall be detained before bond is posted in accordance with this schedule.	.13.....	8
	.14.....	9
	.15.....	10
	.16.....	11
	.17.....	12
	.18.....	13
	.19.....	14
	.20.....	15
	.21.....	16
	.22.....	17
	.23.....	18
	.24.....	19
	.25.....	20
	.26.....	21
	.27.....	22
	.28.....	23
	.29.....	24
	.30 and above.....	24
	REFUSAL TO SUBMIT.....	NO BOND UNTIL SET BY COURT

11. DISCRETION OF JUDGES

This rule shall NOT limit the discretion of either Court Judge to deny bond or to set different amounts and/or conditions for release on a case by case basis.

12. MEDICAL EMERGENCY

When the Sheriff or his designated Jail Commander determines that

- a. a medical emergency exists which requires a prisoner to be treated outside the jail; and
- b. the prisoner does not present an immediate risk to public safety; and
- c. the Sheriff lacks staffing manpower to provide a full time guard during medical treatment,

then the Sheriff or designated Jail Commander may authorize the release of the prisoner on a medical furlough or upon the prisoner's own recognizance, and notify the Court promptly thereafter of the action. The prisoner must agree in writing (if able) to

return on the date and time assigned by the Sheriff and to such conditions (including alcohol and drug testing) as the Sheriff chooses to impose.

13. PROOF OF IDENTITY

No prisoner shall be released until fingerprinted, photographed and has provided proof of identity.