

2009

ADAMS

ADAMS COUNTY PRESUMPTIVE BAIL SCHEDULE

The Bail schedule listed below is a presumptive Bail Schedule that the Adams Circuit and Adams Superior Court shall use. Unless otherwise ordered by the Court, the following shall be the amounts set for the bail bonds:

<u>OFFENSE</u>	<u>CASH BOND</u>	<u>PLUS</u>	<u>SURETY BOND</u>
Murder	None	plus	None
Attempted Murder	None	plus	\$100,000
A Felony	None	plus	\$ 50,000
B Felony – crimes of violence	None	plus	\$ 50,000
B Felony – dealing drugs	None	plus	\$ 50,000
B Felony	None	plus	\$ 30,000
C Felony – Crimes of violence	None	plus	\$ 30,000
C Felony – Dealing drugs	None	plus	\$ 30,000
C Felony	None	plus	\$ 20,000
D Felony – Crimes of violence	None	plus	\$ 10,000
D Felony – Drug & OWI	\$250	plus	\$ 7,500
D Felony	\$200	plus	\$ 7,500
A Misd. – Crimes of violence	\$300	plus	\$ 5,000
A Misd. – Drug	\$300	plus	\$ 5,000
A Misd.	\$350	plus	\$ 1,500
B Misd.	\$350	plus	None
C Misdemeanor	\$350	plus	None
OWI (A & C Misd)	\$500	plus	\$ 2,500

CRIMES OF VIOLENCE: “Crimes of Violence” means any homicide not specifically listed above, any sex crime, all batteries, robbery, burglary as an A or B felony, any

crime against children, stalking, intimidation, resisting law enforcement, OWI causing death or serious bodily injury, and invasion of privacy

WARRANTLESS ARRESTS: No bail shall be set for persons arrested without a warrant for Resisting Law Enforcement, Intimidation, Invasion of Privacy, Stalking, Battery, Domestic Violence or an A, B, or C Felony until the Initial Hearing is held.

INCREASED BONDS: Bonds shall be increased by 50% for persons who have another Felony case pending, or who have a prior conviction of Escape or Failure to Appear, or who are charged as a Habitual Offender, Habitual Substance Offender or Repeat Sex Offender.

FIFTEEN DAY HOLD: If a person is arrested for a crime while on probation, parole, or while released either on bond or the person's own recognizance for another offense, the bond schedule shall not apply and the person may be detained for 15 days during which time the Prosecuting Attorney shall notify the appropriate probation or parole department and the Court shall determine bail, if any.

MULTIPLE CHARGES: If a person is accused of multiple crimes, bond shall be posted on the most serious charge only.

DOMESTIC VIOLENCE ARREST: Any person arrested and held in custody for a crime of domestic violence (as described in *IC 35-41-1-6.3*) shall be kept in custody and not released for at least eight (8) hours from the time of the arrest. Such a person, regardless of when an initial hearing may be held and bond set, may not be released on bail until at least eight (8) hours from the time of the person's arrest.

SEXUALLY VIOLENT PREDATOR DEFENDANTS: Pursuant to I.C. 35-33-8-3.5, a person who is a sexually violent predator under I.C. 35-38-1-7.5, and who is arrested 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 a court has conducted a bail hearing in open court.

CHILD MOLESTING OR CHILD SOLICITATION ARREST: Pursuant to I.C. 35-33-8-3.5, a person charged with Child Molesting or Child Solicitation shall not be admitted to bail until the court has conducted a bail hearing in open court.

CASH BONDS: All cash bonds shall be posted with the Adams County Clerk or the Adams County Sheriff. All or part of a full cash bond may be retained to cover: pauper counsel, community correction or probation user fees; restitution; court costs; fines; special fees authorized by statute; child support; any other cost or fee Ordered by the Court; or any other financial obligations of the defendant in any Adams County Cause. The Defendant, or any person providing cash to a Defendant, agrees that all or part of the cash bond may be retained as stated above. Unless the Court orders otherwise, when

cash bonds are released, they may be released to the person who posted the bond, not necessarily to the Defendant.

FAILURE TO APPEAR WITH CASH BOND: In the event the accused fails to appear, any monies deposited with the Clerk, may, upon Order of Court, be transferred to the Extradition Fund of the Court to be used for the return of such accused or any other fugitive.

READMISSION TO BOND FOLLOWING FAILURE TO APPEAR: In the event an individual fails to appear and the individual is then rearrested, the individual's new bond may not be less than \$2,500 surety under any circumstances and shall otherwise be at least 50% more than the original bond. Under no circumstances shall an individual who has failed to appear and been rearrested be admitted to bail pursuant to a cash bond or released upon the individual's personal recognizance.

BOND REDUCTIONS: Pre-trial Motions for bond reductions shall be presented to the Court in writing and proper notice of the hearing scheduled thereon shall be given to the Prosecuting Attorney. Notwithstanding any pre-trial motion for bond reduction, at the Initial Hearing a Defendant's bond may not be reduced without the presence of the State of Indiana.

RELEASE ON PROMISE TO APPEAR. The bail schedule shall not apply to cases in which a person may be released upon written promise to appear or the posting of other appropriate security including, but not limited to, the following:

(1) **Traffic Offenses.** Pursuant to I.C. 9-30-2-5, a resident of Indiana charged with a misdemeanor regulating use and operation of a motor vehicle other than one listed in I.C. 9-30-2-4 shall be released upon signing a promise to appear. The offenses excepted from this rule by I.C. 9-30-2-4 are as follows: (a) an offense causing or contributing to an accident involving injury or death to any person; (b) a violation of I.C. 9-30-5; and (c) failure to stop in the event of an accident causing death, personal injuries, or damage to property. Residents of states which are members of the nonresident violator agreement, I.C. 9-28-1 et seq shall be treated in the same manner as residents of Indiana. Residents of other states shall be required to provide security as provided in I.C. 9-30-2-5 or, failing to do so, they shall post bail in the amount provided above. Any person refusing to sign a promise to appear shall post bail.

INTOXICATED INDIVIDUALS: Notwithstanding the above, any individual arrested for an alcohol-related offense shall be detained and shall not be eligible to post bail until such individual has reached a blood alcohol level of no more than .05%, by weight, which level shall be determined by using the chart displayed in Indiana Code 35-33-1-6.

INDIVIDUALS UNDER THE INFLUENCE OF DRUGS OR CONTROLLED SUBSTANCES: Considering the safety of the detained individual and the public and in accordance with state statutes and the policy of the Adams County Sheriff, any individual

reasonably believed to be under any influence drugs or controlled substances when arrested may be detained without bond until he or she is no longer under such influence.

ILLEGAL ALIENS: Illegal Aliens shall be held without bond until further order of the Court or the expiration of three (3) working days (Holidays and weekends do not count) after arrest or until notice by the United States Immigration and Customs Enforcement (ICE) of No Hold, whichever comes first. Unless the Court orders otherwise, the defendant's bond shall be in accordance with this bond schedule after the expiration of three (3) working days from the time of arrest or notification from ICE that there will be no hold. The purpose of this order concerning illegal aliens is to allow the Homeland Security/ Immigration and Customs Enforcement (ICE) adequate time to investigate and determine whether the INS wishes to detain the defendant for prosecution and/or deportation.

UNKNOWN INDIVIDUALS: If the true identify of a person is unknown s(he) shall be held until further order of the Court.

OTHER CONDITIONS OF BOND: All appearance bonds posted by defendants are subject to the following conditions: a) the defendant shall appear in court at all times required by the Court; b) the defendant shall not leave the State of Indiana without the prior written approval of the Court; c) the defendant shall not commit or be arrested for another criminal offense; d) the defendant shall make contact and schedule an appointment with court appointed counsel immediately upon posting bond and keep all appointments; e) the defendant shall keep his or her attorney and the Court advised in writing of any change of address within twenty-four (24) hours of such change; f) any other condition of bond ordered by the Court; g) pursuant to I.C. 35-33-8-3.29a)(4), a defendant's release may also be conditioned upon refraining from any direct or indirect contact with the alleged victim of an offense or other individual so ordered by the Court. Violation of any condition of bond may result in the Court revoking the defendant's release on bond and the issuance of a warrant for re-arrest.