

Morgan 2012

Exceptions: When an "MC" file is obtained over a weekend, holiday or after-hours, and a judge of one of the Morgan Circuit and Superior Courts must handle the "MC" request, that file shall be assigned to the signing Judge's court, and not filed according to quarterly assignment schedule. If the Magistrate acts upon an "MC" request, the case file shall be filed according to the quarterly assignment schedule.

LR55-CR00-1___. Bail

1.1 Bail Procedure.

Acting under the authority of I.C. 35-33-8-4, the Courts now issue the following rule relative to bail in criminal cases:

1.1.1 All warrants issued by the Morgan Circuit and Superior Courts shall have the amount of bail endorsed on the warrant. In all other cases, the **Bail Schedule** set forth in rule **LR55-CR-00-1.2**, *supra*, shall apply.

1.1.2 If the defendant is presently out on bail on a pending criminal case then:

(a) If the new arrest is for a Misdemeanor the amount of bail to be posted shall be double the amount stated in the bail schedule; or,

(b) If the new arrest is for a Felony, the defendant shall not be released on bail by the Sheriff's Department and bail will be determined by the Court at the defendant's first court appearance.

1.1.3 If the defendant is presently on probation or parole, the defendant shall be held without bail until the defendant's court appearance. Bail, if any, will be set by the Court to which the case is assigned.

1.1.4 If the Sheriff of Morgan County believes that the bail to be posted in a case should be less than the amount set on the warrant or pursuant to the bail schedule, the Sheriff may contact the Magistrate for authorization to reduce the bail. If the Magistrate is not available, then the Sheriff may contact the Judge of one of the other courts. Any such request must be made personally by the Sheriff, or, if the Sheriff is unavailable, by the Sheriff's Chief Deputy.

1.1.5 The Sheriff of Morgan County has the express authority to refuse to release a person on bail pursuant to this order if the Sheriff has specific information sufficient to convince a reasonable man that there is a substantial risk that the defendant will not appear. In those cases, bail will be set by the Court at the defendant's first appearance before the Court.

1.1.6 In every case where the defendant is accused of battery, domestic violence, sexual misconduct or child molesting, the defendant shall not be released on bail prior to appearing before the Judge or Magistrate, and the

defendant is served with a "no contact order" or protective order by the Court, which shall become a condition of any bail.

1.1.7 The Sheriff of Morgan County and/or the Sheriff's designee shall have the authority to detain a person under the influence of intoxicating liquor or drugs until such time as the defendant may be safely released without danger to self or others. In no case shall the defendant be released in less than four hours. The Sheriff may consider:

- (a) Whether the defendant is going to immediately drive a vehicle.
- (b) Whether the defendant is being released to the custody of a parent, a relative or other responsible person.
- (c) The blood alcohol level of the defendant at the time of arrest.
- (d) Any other factors relevant to whether the defendant can be safely released without danger to self or others.

1.1.8 If the defendant is arrested for more than one charge, then the bail under this schedule shall be established as follows:

- (a) In all cases where at least one felony is being charged, the bond shall be the aggregate amount of the offenses charged - i.e., if the defendant is charged with property crimes of Burglary as a Class C Felony and Theft as a Class D Felony, the bail would be a total of \$5,000 surety plus \$1200 cash.
- (b) In cases involving misdemeanors only, the bond shall be for the single highest offenses - i.e., if the defendant is charged with a Class A Misdemeanor and a Class B Misdemeanor and a Class C Misdemeanor, bail would be in the amount of \$1,500 surety plus \$550 cash.

1.1.9 If the defendant has a prior felony conviction or a prior conviction for the same charge for which the defendant has been arrested, bail should be double the amount stated in the bail schedule.

1.1.10 In all cases where the defendant is released under the provisions of this order, the Morgan County Prosecuting Attorney's Office shall be notified the morning of the next business day by the Morgan County Sheriffs Department that the defendant has been released, the charges the defendant was arrested for, and the date the defendant was ordered to appear for the Initial Hearing.

1.1.11 This order does not apply to any juvenile offenders.

1.1.12 The Morgan Circuit and Superior Courts, under the authority of Indiana Code 35-33-7-6 and local rule LR55-CR00-3.5, order that the defendant and each person who makes a cash deposit bail under the Morgan County Bail Schedule on behalf of a defendant execute a **Cash Bond Agreement** in the form shown in local rule LR55-CR00-1.4, *supra*. The agreement allows the court to retain all or any part of the cash deposit to pay publicly paid costs of representation and fines, court costs, fees and restitution that the Court may order the defendant to pay if the defendant is convicted.

1.1.13 Bail may be posted under Indiana Code 35-33-8-3.2(A), (C) & (E) as follows:

(A) The court will accept only a combination of surety or property plus cash as set out in the attached Morgan County Bail Schedule.

(B) Property bond shall be secured by real estate located in Morgan County where Thirty-three hundredth (0.33) of true tax value less encumbrances is at least the amount of the bond. The owner of the property by I.C. 27-10-2-4 must have lived in Morgan County for one (1) year, be a United States Citizen, at least eighteen (18) years of age, and be related to the defendant within the third degree of affinity.

(C) Surety bond shall be posted by an insurer as defined by and meeting the qualifications of I.C. 27-1-5-1 and bail agent as defined by I.C. 27-10-1-4.

(D) Cash shall be United States currency only.

1.2 Bail Schedule.

The following bail schedule is established for all criminal cases filed in the Morgan Circuit and Superior Courts:

MURDER	NO BOND
HABITUAL CRIMINAL	BAIL WILL BE DETERMINED BY THE COURT AT THE DEFENDANT'S FIRST COURT APPEARANCE
CLASS A FELONY	\$30,000 SURETY OR PROPERTY PLUS \$2,000 CASH
CLASS B FELONY	\$10,000 SURETY OR PROPERTY PLUS \$600 CASH
CLASS C FELONY	
(a) against persons	\$5,000 SURETY OR PROPERTY PLUS \$600 CASH
(b) against property	\$3,000 SURETY OR PROPERTY PLUS \$600 CASH
CLASS D FELONY	
(a) against persons	\$2,500 SURETY OR PROPERTY PLUS \$600 CASH
(b) against property	\$2,000 SURETY OR PROPERTY PLUS \$600 CASH

CLASS A MISDEMEANOR	\$1,500 SURETY OR PROPERTY PLUS \$550 CASH
CLASS B MISDEMEANOR	\$1,000 SURETY OR PROPERTY PLUS \$550 CASH
CLASS C MISDEMEANOR [OPERATING WITH .08 A.C.E.]	\$1,500 SURETY OR PROPERTY PLUS \$550 CASH
CLASS C MISDEMEANOR [ALL OTHER C MISDEMEANORS]	\$550 CASH

1.3 Bail Agents.

All commercial bail bonds shall contain the **printed** name, address and phone number of the principal surety and the bail agent.

1.4 Cash Bond Agreement form

The Morgan Circuit and Superior Courts, under the authority Indiana Code 35-33-7-6 and local rule LR55-CR00-3.5, order that the defendant and each person who makes a cash deposit bail under the Morgan County Bail Schedule on behalf of a defendant execute a Cash Bond Agreement in this format:

CASH BOND AGREEMENT UNDER – I.C. 35-33-8-3.2

By authority of I.C. 35-33-8-3.2, the Court may take all of the cash bond posted for a person, if convicted, for payment of public defenders, fines, costs, fees and restitution.

****This means you may not get any of your money back if the person is convicted.****

I acknowledge I have read this document. I understand I may not get any of my money back that I post for a cash bond for _____

NAME OF DEFENDANT

Signature of Defendant

SIGNATURE OF PERSON POSTING CASH BOND

PRINTED NAME of Person Posting Cash Bond

DATE: _____

Signature of Witness (Jail Staff)

TO BE FILED IN CASE NUMBER: 55 _____ - _____ - _____ - _____

[NOTE: Jail Staff/Clerk: attach this signed Cash Bond Agreement to the Cash Bond Receipt for filing with the Court receiving the criminal charges]