

**(C) ORDER ON APPEARANCE OF CRIMINAL DEFENDANTS AND THE
SETTING OF BAIL IN CRIMINAL CASES**

1. No Bail Requirement

If a Court has not established bail in a particular case, no bail shall be set for the following offenses until such time as the person arrested has been brought before a neutral and detached Judge or Magistrate within the County of Elkhart, State of Indiana:

- a. all offenses if the offender is on probation
- b. all felonies
- c. all misdemeanors involving possession or delivery of a firearm as proscribed by I.C. § 35-47 *et seq.*
- d. all misdemeanors involving domestic battery as proscribed by I.C. §35-42-2-1.3
- e. all misdemeanors involving invasion of privacy as proscribed by I.C. §35-46-1-15.1
- f. all misdemeanors involving operating while intoxicated proscribed by I.C. §9-30-5 *et seq.*

1.5 Fifteen (15) Day Hold

An offender who is subject of a fifteen (15) day hold that was issued by a judge or magistrate shall be brought before a judge or magistrate for hearing within fifteen (15) days of the order as required by I.C. § 35-33-8-6. If a judge or magistrate enters no order setting bail at the hearing or any time prior to the expiration of the fifteen (15) day hold, the court shall also indicate in the bail order that the fifteen (15) day hold terminates.

2. Bail

Bail for all criminal offenses shall be set by a judicial officer at the hearing to determine probable cause. The judicial officer determining bail shall consider factors relating to public safety and risk of flight as reflected in I.C. § 35-33-8-4. When setting bond a court may consider conditions of bail under I. C. § 35-33-8 *et seq.* Bond requirements for all Trial De Novo requests following convictions from a City Court will be determined by LR20-CR00-CRBS-13(E).

3. Consideration of Local Rule 13 for fixing amount of bail

In fixing the amount of bail in a give case, that judicial officer may consider the Elkhart County Criminal Bail/Bond schedule, as embodied in LR20-CR00-CRBS Rule 13. Notwithstanding the foregoing, it is emphasized that such schedule is advisory in nature, and shall not be construed as limiting the authority of any judicial officer to fix bond in any amount which he or she deems to be appropriate in any given cause.

4. Surety requirement

On all cases involving the posting of bail through a surety, a person shall not be released on bail until the bail bond agent certifies that he or she has verified that the information provided to the bail bond agent regarding identification and address of the person is accurate and reliable. On all misdemeanor and Level 6 Felony cases, a 10% cash bond shall be allowable, unless otherwise ordered by the Court.

5. Notice regarding Initial Hearing

A person who has posted bail prior to his or her appearance in court for an Initial Hearing shall be informed of his or her Initial Hearing date, time and location, and that failure to appear as directed will result in a revocation of bail and the issuance of an arrest warrant for failure to appear.

6. Alcohol related charges

No bail shall be allowed for persons arrested on alcohol related charges if release of s aid person is otherwise prohibited by law (See I.C. §35-33-1-6)

7. Duty of recording bail information

All original documentation regarding the posting of bail shall be submitted to the Court where the particular offense is filed and the Clerk of the Court shall be responsible for entering the information on the Chronological Case Summary (CCS).

If criminal charges have not been filed, the original documentation regarding the posting of bail shall be submitted to the Court that docketts the finding of probable cause for the arrest and shall also be entered by the Clerk of the Court in the CCS.

LR20-CR00-CRBS-13 CRIMINAL BAIL/BOND SCHEDULE

(A) Unless otherwise ordered by a court, bail on felony charges is as follows:

	FELONY CASES	LEVEL
A	\$150,000.00	LEVEL 1 FELONY \$150,000.00
B	\$ 75,000.00	LEVEL 2 FELONY \$100,000.00
C	\$ 5,000.00 (SUSPENDIBLE) \$ 10,000.00 (NONSUSPENDIBLE)	LEVEL 3 FELONY \$ 75,000.00
D	\$ 3,000.00 (SUSPENDIBLE) \$ 5,000.00 (NONSUSPENDIBLE)	LEVEL 4 FELONY \$ 10,000.00
X X	XXXXXXXXXXXXXXXXXXXXXXXXXXXXX X	LEVEL 5 FELONY \$ 5,000.00
X X	XXXXXXXXXXXXXXXXXXXXXXXXXXXXX X	LEVEL 6 FELONY \$ 3,000.00

(B) Reserved

(C) This Bail/Bond Schedule is advisory. It shall be within the discretion of any court to set a bond which is higher or lower than that recommended by the schedule in any given case. Any bail setting shall be reviewable at the instance of any party.

(D) Reserved

(E) Trial De Novo Bond Schedule following Criminal Conviction in City Court
 A defendant filing a request for Trial De Novo following judgment of conviction from a City Court entered in Elkhart County shall be required to:
 1) initially deposit a \$500.00 cash bond, or
 2) file an Affidavit of Indigence in compliance with Indiana Trial De Novo Rules with the clerk of the Circuit Court. All cash bonds shall be presented to the Clerk of the Court within twenty-four (24) hours of an electronic filed Request for Trial De Novo being accepted by the Clerk. An Affidavit of Indigence must be filed together with the Request for Trial De Novo.