

## LR79-CR00-16. Bail Schedule

Unless otherwise ordered by a judicial officer, the Sheriff of Tippecanoe County is hereby ordered to follow this bail schedule for the setting of bail for all persons arrested without warrants for criminal offenses committed in Tippecanoe County:

| OFFENSE CLASS                             | CASH AMOUNT + | SURETY AMOUNT       |
|---|---------------|---------------------|
| Murder                                    | No Bond       | No Bond             |
| Level 1 felony                            | \$5,000       | \$50,000            |
| Level 2 felony                            | \$2,500       | \$25,000            |
| Level 3 felony                            | \$1,500       | \$15,000            |
| Level 4 felony                            | \$1,000       | \$10,000            |
| Level 5 felony                            | \$500         | \$5,000             |
| Level 6 felony                            | \$500         |                     |
| Misdemeanors                              | \$250         |                     |
| Escape (L6f)<br>Failure to Register (L6f) |               | \$5,000 surety only |

Persons arrested for Level 1, 2, 3, 4 or 5 felonies must pay the CASH AMOUNT and the SURETY AMOUNT shown above. The CASH AMOUNT shown above represents a 10% cash bond amount paid if posted through the Clerk with an executed Agreement on Disposition of Bonds.

**A. Multiple offenses.** If a person is arrested for allegedly committing more than one offense, bail shall be in the amount established for the most serious offense.

**B. Posting Bond.** The total surety and total cash (100% of cash – not 10% cash) amounts may be paid in full with cash only or surety bond only, unless otherwise ordered by a judicial officer. Property bonds must first be approved by a Judge. When a 10% cash bond is posted with the Clerk, the arrested person and depositor must sign an Agreement on Disposition of cash bond, and the 10% cash bond must be posted in the arrested person's name only. Upon non-filing, dismissal, or acquittal, the 10% cash bond posted may be returned less publicly paid costs of representation and the administration fee. Otherwise, after the sentencing of an arrested person, the 10% cash bond will be retained by the Clerk to pay public defender fees, restitution, court costs, fines or other fees ordered by the Court.

**C. No bond until seen by judicial officer.** This bail schedule shall not be used for any person arrested for committing an offense, attempting to commit an offense, or conspiracy to commit an offense, listed below:

- Child Molesting
- Child Solicitation
- Rape
- Criminal Deviate Conduct
- Vicarious Sexual Gratification
- Sexual Conduct in Presence of Minor
- Child Exploitation
- Child Seduction
- Sexual Battery
- Kidnapping of Minor
- Criminal Confinement of Minor
- Possession of Child Pornography
- Promoting Prostitution
- Promoting Human Trafficking of Minor
- Sexual Misconduct with a Minor
- Incest

In these cases, the amount and conditions of bail will be set by a judicial officer following a bail hearing in open court not more than forty-eight (48) hours after the person has been arrested, except if the person is arrested when the courthouse is closed, then the bail hearing will be held on the next working day. The Sheriff shall notify the Magistrate's Court and the Prosecuting Attorney's Office of any persons held without bail pursuant to this provision.

**D. No-Contact Order and 12 Hour Hold Required.** If a person is arrested for a "crime of domestic violence," a crime of violence (other than a driving offense) resulting in bodily injury to a victim, or a crime listed below, the person shall be detained for twelve (12) hours without the opportunity to post bond.

- Battery resulting in bodily injury
- Aggravated Battery
- Domestic Battery
- Criminal Recklessness resulting in bodily injury
- Criminal Recklessness with a firearm
- Strangulation
- Criminal Confinement
- Custody Interference
- Intimidation
- Harassment
- Stalking
- Invasion of Privacy

After the expiration of twelve (12) hours, the person may be released upon the posting of bond in the amount set forth in the bond schedule above, and by signing and agreeing to follow a “10 DAY NO-CONTACT ORDER AS A CONDITION OF PRE-TRIAL RELEASE” as to the alleged victim(s), as set forth in Appendix A below. The person shall not be released without their signature, even if they post the monetary bond. When the person is released, the Sheriff shall provide notification to any alleged victims if so requested.

**E. Exceptions to the bond schedule.** All persons living outside Tippecanoe County or its adjacent counties (including Benton, Carroll, Clinton, Fountain, Montgomery, Warren and White) must post bond pursuant to the bail schedule above. However, the following exceptions apply to persons living in Tippecanoe County and its adjacent counties:

1. *Public Intoxication*: Hold 12 hours, then release on own recognizance if not impaired.
2. *Operating While Intoxicated or Operating Over Legal Limit (Misdemeanor)*: Hold for time period specified below, then release on own recognizance.

|                            |          |
|----------------------------|----------|
| .08 - .09                  | 3 hours  |
| .10 - .11                  | 4 hours  |
| .12 - .13                  | 5 hours  |
| .14                        | 6 hours  |
| .15 - .16                  | 7 hours  |
| .17                        | 8 hours  |
| .18 - .19                  | 9 hours  |
| .20                        | 10 hours |
| .21 - .22                  | 11 hours |
| .23 or breath test refusal | 12 hours |
| .24 - .25                  | 13 hours |
| .26                        | 14 hours |
| .27 - .28                  | 15 hours |
| .29                        | 16 hours |
| .30                        | 17 hours |
| .31 or above               | 24 hours |

3. *Minor Consuming (Class C Misdemeanor), Possession of Marijuana (Class A and Class B Misdemeanor), Possession of Paraphernalia (Class A and Class B Misdemeanor)*: If not impaired at time of arrest, book-in and immediately release on own recognizance. If impaired or actively using at the time of arrest, book-in, hold a minimum of four hours (and longer if still impaired after four hours) and then release on own recognizance.

4. *Operating While Suspended (Class A Misdemeanor) or Operating While Never Receiving a License (Class C Misdemeanor)*: Release on own recognizance.

**F. Deviations from Bail Schedule.**

1. *Before Initial Hearing:* A judicial officer may deviate from the Bail Schedule, or order that the arrested person be held without bail until seen by a judicial officer, upon reviewing a verified motion concerning safety or flight.

2. *At Initial Hearing:* A judicial officer may deviate from the Bail Schedule, and may order other conditions of pre-trial release, after considering evidence at the Initial Hearing.

3. *After Initial Hearing:* Once a judicial officer has set the amount of bail or other conditions of pre-trial release after the Initial Hearing, motions to modify the order shall be presented to the respective court in writing, and proper notice of the hearing shall be given to the parties and attorneys of record.

**G. Waiver from Juvenile Court.** When a child is waived to adult court, the initial bail amount set in the juvenile court shall remain in effect unless and until it is modified in the adult court.

**H. Conditions of Pre-Trial Release.** Whether released after posting bond, or released on their own recognizance, the arrested person's pre-trial release is conditioned upon maintaining good and lawful behavior, appearing in court for all court appearances, informing the respective court in writing of any change of address within 48 hours, not using or possessing illegal drugs or alcohol, and complying with all other conditions of pre-trial release set by a judicial officer. For all Class A, B, and C felony and Level 1, 2, 3, 4 and 5 offenses, the arrested person may not leave the State of Indiana without prior approval of the court. A violation of any condition of pre-trial release may result in the court revoking the arrested person's bond and the issuing a warrant for arrest.

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