STATE OF INDIANA)
)SS:
COUNTY OF GRANT)

IN THE CIRCUIT AND SUPERIOR COURTS
OF GRANT COUNTY, INDIANA

IN RE: THE AMENDMENT OF
LOCAL RULES LR-27-TR12-7
27-CR-00-20 and LR-27-AR15-21

CAUSE NO. 27C01-1505-CB-23

NOTICE AND ORDER ON RULE AMENDMENT

The Circuit and Superior Courts of Grant County, Indiana, hereby give notice of their intention to amend Local Rules LR-27-TR12-7, 27-CR-00-20 and LR-27-AR15-21 of the Local Rules of Practice and Procedure in the Circuit and Superior Courts of the 48th Judicial Circuit pursuant to Indiana Trial Rule 81. The text of the amendments are attached hereto as Exhibit A. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Pursuant to Trial Rule 81(D), the undersigned judges find that there is good cause to deviate from the typical adoption scheduled contemplated by Rule 81, and to provide for adoption after a thirty (30) day comment period. Notice shall be forwarded to the Grant County Bar Association, the Grant County Clerk for publication on the county website, and the Division of State Court Administration. Comments regarding the Amendment should be directed to the Grant Circuit Court, 101 East 4th Street, Marion, IN 46952, (765) 664-5527, or the Division of State Court Administration, Statehouse, 200 West Washington Street, Room 315, Indianapolis, IN 46204, (317) 232-2540, within 30 days of posting.

SO ORDERED this 10 day of July, 2015.

MARK E. SPITZER, JUDGE
GRANT CIRCUIT COURT

JEFFREY D. TODD, JUDGE
GRANT SUPERIOR COURT NO. 1

DANA KENWORTHY, JUDGE
GRANT SUPERIOR COURT NO. 2

WARREN HAAS, JUDGE
GRANT SUPERIOR COURT NO. 3

BRIAN MCLANE, MAGISTRATE
GRANT SUPERIOR COURT NO. 2

LR-27 ~~TR 12-7~~-AR12-7
FAX FILING

Documents may be filed in the Grant Circuit Court and in the Grant Superior Courts by electronic facsimile transmission ("Fax"), if all of the requirements of Ind. Administrative Rule 12 are met. The Clerk of Grant Circuit Court is designated to receive such transmissions, pleadings, motions, and other papers by Fax at 765.651.2470. No electronic facsimile transmission fee is charged by Grant County Government for such filings.

(Amended August 9, 2015)

~~A. Facsimile filing is strongly discouraged and should be used only in cases of genuine emergency.~~

~~B. Any facsimile filing must comply with Rule Admin. R. 12. A facsimile filing may not exceed ten (10) pages.~~

~~C. The sending party must contact all counsel of record before filing by facsimile and advise them of the filing and make arrangements for immediate delivery of the document filed by facsimile.~~

~~D. The sending party shall immediately mail to the Court the original of any document filed by facsimile.~~

LR-27 CR00-20
CRIMINAL MATTERS

BAIL / ~~BAIL~~ Surety BOND / 10% CASH BOND SCHEDULE FOR WARRANTLESS ARRESTS EFFECTIVE ~~October 1, 2014~~August 9, 2015, FOR ALL COURTS IN GRANT COUNTY, INDIANA [Gas City City Court; Grant Circuit Court; Grant Superior Courts 1, 2 & 3; & Marion City Court]

The **Bail/Surety Bond/10% Cash Bond** for cases filed in Gas City City Court; Grant Circuit Court, Grant Superior Court 1, Grant Superior Court 2, Grant Superior Court 3, and Marion City Court shall be as set out below, **unless otherwise ordered by a judicial officer in a specific case**. The term "bail" means the full amount (100%). The term "cash bond" refers to posting 10% of the amount of the bail in cash. The term "surety bond" refers to paying a non-refundable fee (usually 10% of the bail) to an approved surety company, which in turn posts its guarantee to pay the full amount of the bail, if the Defendant fails to appear and the appropriate revocation procedures have been followed. The term "cash" includes a credit card payment.

In all cases the Defendant must also pay the $5 special death benefit fee [see Ind. Code § 35-33-8-3.2(d)(1)]

If the Defendant posts a cash bond, a 10% administrative fee not to exceed $50 will be assessed. [See I.C. § 35-33-8-3.2(a)(2)]

The Defendant and any other person posting cash must execute an agreement authorizing the Court, if the Defendant is convicted, to use all or part of the cash to pay the following: 1) fines; 2) costs; 3) fees; 4) publicly paid costs of representation; and 5) restitution. [See I.C. § 35-33-8-1.5 and I.C. § 35-33-8-3.2(a)] In addition, the agreement must authorize the Defendant to use all or part of the cash to privately employ and pay an attorney to represent the Defendant in the criminal case. [See *State ex rel. Williams v. Ryan*, 490 N.E.2d 1113 (Ind. 1986)]

If the Defendant is a foreign national unlawfully present in the United States under federal immigration law, only ~~a 100%~~ cash ~~bail~~ may be posted.

A Defendant posting bail or the 10% cash bond by means of a credit card must pay the credit card service fee under I.C. § 33-37-6.

If the Defendant is a sexually violent predator defendant, as defined in I.C. § 35-38-1-7.5, or is arrested for 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, the Defendant may not be admitted to bail until a judicial officer has conducted a bail hearing in open court, which should be done within 48 hours after arrest unless exigent circumstances prevent holding the hearing within 48 hours. [See I.C. § 35-33-8-3.5]

If the Defendant has been arrested without a warrant for any of the crimes listed in this paragraph, **the Defendant is to be held without bail** until a judicial officer sets bail: **1) Domestic Battery, Intimidation, Invasion of Privacy, Sexual Battery, Stalking,** or **Strangulation; 2) Resisting Law Enforcement as a Level 5 or 6 Felony; or 3) Murder**. If the Defendant is held without bail for one or more of these crimes, a judicial officer is to set bail **within 48 hours of the arrest**. If a judicial officer fails to do so, bail shall be set as shown below.

If the Defendant was arrested for a crime of domestic violence as described in I.C. § 35-31.5-2-78, the judicial officer may not authorize the Defendant to be released until at least 8 hours from the time of the arrest. [See I.C. § 35-33-8-6.5]

When multiple crimes have been charged, use the bail that is listed for the highest level crime.

If the Defendant has been arrested for a violent crime resulting in injury or death as defined in I.C. § 5-2-6.1-8, such as battery with injury, strangulation, domestic battery, etc., the Defendant is automatically prohibited from having any direct or indirect contact with the alleged victim for 10 days from the Defendant's release from custody or until the initial hearing, whichever occurs first. [I.C. § 35-33-8-3.6] If a Judge issues a No Contact Order, it will replace the automatic no contact provision of the bond. A No Contact Order issued by a Judge will be in effect until changed or terminated by the Judge.

If the Defendant **is on bail or bond or on his or her own recognizance on another pending criminal matter, and it is alleged that the Defendant committed the new crime while on bail, bond, or recognizance**, the Defendant's bail on the new charge shall be ~~**$500,000.**~~as set out below. The Defendant may post a 10% cash bond.

If the Defendant was on probation or parole when the new crime is alleged to have been committed, the Defendant is to be **held for 15 days after arrest on the new charge** to allow the appropriate parole or probation authority time to file a petition to revoke the Defendant's probation or parole, unless otherwise ordered by a judicial officer. [See I.C. § 35-33-8-6]

In columns with two figures, such as "$4,000 – $400", the higher amount is the full amount of the bail and the smaller amount is the 10% cash bond. If only one amount appears in a column, it refers to the full amount of the bail.	Grant County Resident	Other Indiana Resident	Out-of-State Resident	Surety bonds may not be used for any person, whose identity cannot be verified and/or for a foreign national unlawfully in the United States. Only cash is accepted.
New Arrest While on Bail, Bond or Recognizance: Cash Only	~~$500,000-$50,000~~ $100,000-$10,000	~~$500,000-$50,000~~ $200,000-$20,000	~~$500,000-$50,000~~ $300,000-$30,000	~~$500.000-$50,000~~$300,000 $30,000
Probation Violation: Cash Only	~~$500,000-$50,000~~ $100,000-$10,000	~~$500,000-$50,000~~ $200,000-$20,000	$500,000-$50,000 $300,000-$30,000	~~$500,000-$50,000~~$300,000 $30,000
Class C Misdemeanor: Cash Only	**$4,000 – $400**	**$8,000 – $800**	**$12,000 – $1,200**	**$12,000**
Class B Misdemeanor: Cash Only	**$4,500 – $450**	**$9,000 – $900**	**$13,500 – $1,350**	**$13,500**
Class A Misdemeanor: Cash Only	**$5,000 – $500**	**$10,000 – $1,000**	**$15,000 – $1,500**	**$15,000**
Level 6 Felony: Cash Only	**$6,000 – $600**	**$12,000 – $1,200**	**$18,000 – $1,800**	**$18,000**
Level 6 Felony Domestic Battery or Strangulation: Cash Only	**$10,000 – $1,000**	**$20,000 – $2,000**	**$30,000 – $3,000**	**$30,000**
Level 5 Felony: Cash Only	**$10,000 - $1,000**	**$20,000 – $2,000**	**$30,000 – $3,000**	**$30,000**
Level 4 Felony, Robbery as a Level 5 Felony, or Kidnapping as a Level 5 Felony, or Failure to Register as a Sex Offender as a Level 5 Felony: Full cash bail or surety bond	**$20,000**	**$40,000**	**$60,000**	**$60,000**
Level 3 Felony: Full cash bail or surety bond	**$30,000**	**$60,000**	**$90,000**	**$90,000**
Level 2 Felony: Full cash bail or surety bond	**$50,000**	**$100,000**	**$150,000**	**$150,000**
Level 1 Felony: Full cash bail or surety bond	**$100,000**	**$200,000**	**$300,000**	**$300,000**
Murder	**There shall be NO**	**There shall be NO BOND, except as set**	**There shall be NO BOND, except as set**	**There shall be NO BOND, except as set by a judicial officer.**

	BOND, except as set by a judicial officer.	**by a judicial officer.**	**by a judicial officer.**	

LR-27-AR15-21
GRANT COUNTY COURTS
LOCAL RULE GOVERNING COURT REPORTERS

The undersigned Courts comprise all of the Courts of record of Grant County, Indiana and hereby adopt the following Local Rule by which Court Reporter services shall be governed.

Section One - Definitions. The following definitions shall apply under this Local Rule:

(1) A *Court Reporter* is a person who is specifically designated by a Court to perform the official Court reporting services for the Court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing and transcribing electronic data.

(3) *Work space* means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the County but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Grant County.

(11) *County indigent transcript* means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(14) *Expedited Transcript* means a transcript which is requested to be delivered by the Court Reporter in a time period which is less than 45 days.

Section Two: Salaries, Per Page Fees and Private Practice

1. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during all regular work hours, gap hours or overtime. The Judge of the supervising Court and Court Reporter(s) shall enter into a separate written agreement addressing gap hours and overtime.

2. Effective ~~January 1~~September 1, 201~~501~~, the Court Reporter shall charge as follows:

   A. A per page fee of ~~Four~~ Five Dollars and Fifty Cents ($~~4~~5.50) for indigent county transcripts, state indigent transcripts and private practice transcripts,

   B. a minimum fee of $35.00 per transcript, and

   C. additional labor charge for time spent binding the transcript and exhibit binders (this is to be an hourly rate based upon Court reporter's paid salary/35 hour work week, and taking into consideration the additional costs associated with an individual who receives self-employed income. This rate shall be calculated on an annual basis by the Judges of Grant County and communicated to the Court Reporters.)

A claim for all county indigent transcripts shall be submitted to the Grant County Auditor for payment. Court Reporters shall be paid for ~~D~~depositions ~~shall remain at Four Dollars ($4.00)~~at the rate of Five Dollars and Fifty Cents ($5.50) per page.

3. Pursuant to Administrative Rule 15 all Court Reporters will report, on an annual basis, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.

4. If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of Court's equipment for such purpose, the Court Reporter agrees to the following:

   (a) Record and transcribe the deposition on the Court Reporter's own time and keep a record of such on employee time sheets.

(b) Reimburse the County at the rate of ten cents ($.10) per page for use of equipment, work space and supplies.

(1) The Court Reporter shall submit a claim to the Grant County Auditor for payment of an indigent deposition, however, said claim shall include the deduction for use of equipment, work space and supplies.

(2) The Court Reporter shall remit payment to the Grant County Auditor annually, by December 15th, for use of equipment, work space and supplies in conjunction with a non-indigent deposition.

(Adopted January 9, 2002, amended August 9, 2015)