

**STATE OF INDIANA – COUNTY OF MIAMI
IN THE MIAMI CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Local Rule Amendments
October 3, 2023**

The judges of the Miami Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the Local Rule pertaining to the Courts' bond schedule (LR52-CR00-1). All new text is shown by underlining, and deleted text is shown by ~~strikethrough~~.

Notice has been given to the public by posting in the Office of the Miami County Clerk and on the Clerk's website and on the Indiana Judicial Website, and by furnishing a copy to the officers and other members of the Miami County Bar Association. Comments may be made from October 16, 2023, until November 15, 2023, to:

Hon. Timothy P. Spahr, Judge of the Miami Circuit Court, Attn.: Public Comment
on Local Rules, Miami County Courthouse, 25 North Broadway, Peru, IN 46970;
or tspahr@miamicountyin.gov.

These rule amendments will be effective on November 22, 2023.

Dated this 3rd day of October, 2023.

**/S/ TIMOTHY P. SPAHR, JUDGE
MIAMI CIRCUIT COURT**

**/S/ J. DAVID GRUND, JUDGE
MIAMI SUPERIOR COURT I**

**/S/ JACOB D. WINKLER, JUDGE
MIAMI SUPERIOR COURT II**

**LR52-CR00-1
BOND SCHEDULE**

**NON-ALCOHOL-RELATED
TRAFFIC MISDEMEANORS:** \$100 cash bond

ALL OTHER MISDEMEANORS: \$300 cash bond

**FOR FELONY OFFENSES (OTHER THAN MURDER) ALLEGEDLY COMMITTED ON
OR BEFORE JUNE 30, 2014:**

CLASS D FELONIES: \$500 cash bond

CLASS C FELONIES: \$12,000 corporate security bond or 10% cash

CLASS B FELONIES: \$25,000 corporate security bond or 10% cash

CLASS A FELONIES: \$50,000 corporate security bond only

**FOR FELONY OFFENSES (OTHER THAN MURDER) ALLEGEDLY COMMITTED ON
OR AFTER JULY 1, 2014:**

LEVEL 6 FELONIES: \$500 cash bond

LEVEL 5 FELONIES: \$10,000 corporate security bond or 10% cash

LEVEL 4 FELONIES: \$20,000 corporate security bond or 10% cash

LEVEL 3 FELONIES: \$30,000 corporate security bond or 10% cash

LEVEL 2 FELONIES: \$40,000 corporate security bond only

LEVEL 1 FELONIES: \$50,000 corporate security bond only

MURDER: INITIALLY, NO BAIL WILL BE SET.

When deemed appropriate, the judge may set bond in amounts and under terms different than are stated on this bond schedule.

A defendant arrested based ONLY on the offenses listed in the bulleted list immediately below AND who is NOT subject to any other warrant, detainer, or hold shall be released upon the defendant's own recognizance, on the condition that the defendant appear as directed for Court hearings and upon execution of a Personal Recognizance bond. A defendant who has been arrested for an alcohol-related offense is still subject to the minimum detention periods ~~described in I.C. 35-33-1-6~~. called for by the applicable statute.

- A violation of I.C. 9-24-18-1 – Operating Motor Vehicle Never Received License, as a Class C Misdemeanor.
- A violation of I.C. 9-24-19-2 – Operating Motor Vehicle While Suspended or Revoked, Prior Infraction Violation, as a Class A Misdemeanor.
- A violation of I.C. 9-24-19-3 – Operating Motor Vehicle While Suspended or Revoked as Result of Offense, as a Class A Misdemeanor.
- A violation of I.C. 35-48-4-8.3 – Possession of Paraphernalia, as a Class C Misdemeanor.
- A violation of I.C. 35-48-4-11 – Possession of Marijuana, Hash Oil, Hashish, or Salvia, as a Class B Misdemeanor.
- A violation of I.C. 7.1-5-7-7 – Illegal Possession, Consumption, or Transportation of Alcohol by a Minor, as a Class C Misdemeanor.
- A violation of I.C. 7.1-5-1-3 – Public Intoxication, as a Class B Misdemeanor.

ADDITIONAL BONDING TERMS:

- ~~1. — A defendant charged with a “violent crime” (as described in I.C. 5-2-6.1-8) shall have no contact, directly or indirectly, with the alleged victim(s).~~
- ~~2. — A defendant charged with a “crime of domestic violence” (as described in I.C. 35-31.5-2-78), which includes domestic battery, regardless of the class, shall remain in jail for eight (8) hours following arrest before being eligible for release on bail.~~
- ~~3. — A defendant who is charged with child molesting (I.C. 35-42-4-3) or child solicitation (I.C. 35-42-4-6) or who is a sexually violent predator under I.C. 35-38-1-7.5 and 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) may not be admitted to bail until the Court has conducted a bail hearing in open court. That hearing shall be held within forty eight (48) hours of the defendant being arrested, unless exigent circumstances prevent holding the hearing within forty eight (48) hours. It shall be the responsibility of the Miami County Sheriff to promptly notify the Court of the arrest of such a defendant in order that such a hearing may be held in a timely fashion.~~
- 1.4. \$10,000 shall be added to a defendant's bond if charged with using a deadly weapon.
- 2.5. \$10,000 shall be added to a defendant's bond if charged with manufacturing any controlled substance.
- 3.6. \$10,000 shall be added to a defendant's bond if charged with Reckless Homicide;

Operating a Motor Vehicle Resulting in Death under I.C. 9-30-5-5(a)(1), (2), or (3); or Operating a Motor Vehicle After Lifetime Suspension Resulting in Death.

- ~~4.7.~~ For a defendant charged as a habitual offender, habitual substance offender, or habitual vehicular substance offender (excluding a habitual traffic violator), there shall be an additional bond equal to the bond for the highest class of felony charged against the defendant.
- ~~8.~~ ~~Upon arrest, any defendant already on terms of probation or parole is subject, pursuant to statute, to a detention hold for fifteen days before being released on bail. In order to provide the county prosecutor with sufficient opportunity to request a probation hold, the Miami County Sheriff shall hold the defendant in custody until the defendant's first court appearance.~~
- ~~5.9.~~ Except as augmented under these additional bonding terms, a defendant's bail shall be determined by adding the bonds for each criminal charge then pending against the defendant.
- ~~10.~~ ~~With regard to a defendant who is a foreign national and who is unlawfully present in the United States under federal immigration law, such a defendant may be released from custody only by posting a bond in accordance with the provisions of I.C. 35-33-8-4.5.~~
- ~~6.~~ Unlike earlier versions of this rule, the current version of this rule now only addresses the calculation of the amount of bond that is to be set. Of course, certain Indiana statutes pertaining to bonding requirements or restrictions and/or calling for a defendant to be held for a certain length of time before that defendant's release on bond and/or limiting a defendant's contact with the defendant's alleged victim continue to apply.

(Effective ~~January 1, 2024~~ July 1, 2020)