

**STATE OF INDIANA – COUNTY OF MONROE
IN THE MONROE CIRCUIT COURT**

**Notice of Proposed Local Rule Amendment and Finding Good Cause to Deviate
From Established Schedule
October 5, 2016**

The judges of the Monroe Circuit Court, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~strike through~~.

In accordance with Trial Rule 81, the time period for the bar and public to comment shall begin on October 5, 2016 and shall close November 5, 2016 but the rule would be effective immediately. Comments may be made to Bonnie Austin, Monroe Circuit Court, 301 N. College Avenue, Bloomington, IN 47404 or email comments to baustin@co.monroe.in.us.

In addition, complete rule language is available for review on the Monroe County Local Rules section of the Indiana Judiciary website <http://www.in.gov/judiciary/2918.htm>, Monroe Circuit Court website <http://www.co.monroe.in.us/tsd/Justice/CircuitCourt.aspx> and a copy posted in the Monroe Circuit Clerk's office.
(See attached list of the proposed changes to the Monroe Circuit Court Local Rules.)

DATED this 5th day of October, 2016 on behalf of the Judges of Monroe County.



Valeri Haughton, Judge
Presiding Judge
Monroe Circuit Court

LR53-CR00-0310 BAIL BOND SCHEDULE

Updated 10/3/2016

IN THE CIRCUIT COURT
FOR THE COUNTY OF MONROE AND STATE OF INDIANA

ORDER ESTABLISHING BAIL SCHEDULE

Pursuant to the provisions of IC 35-33-8-4, the Circuit Court of Monroe County, Indiana, enters the following order establishing the amount **and conditions** of bail for those persons charged with the commission of criminal offenses by information; arrest on probable cause, or indictment.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that effective immediately and until further order of the Court, bail shall be as follows for all individuals charged with the commission of criminal offenses in the Monroe Circuit Court:

SECTION 1.

FELONIES (Offenses committed prior to July 1, 2014)

- A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;
- B. For a person charged with being a habitual offender; bail shall be \$50,000 surety and \$500 cash, or a habitual substance offender; bail shall be \$25,000 surety and \$500 cash;
- C. For any Class A felony offense, bail shall be \$50,000 surety and \$500 cash;
- D. For any Class B felony offense, bail shall be \$20,000 surety and \$500 cash;
- E. For any Class C felony offense, bail shall be \$5,000 surety and \$500 cash;
- F. For any Class D felony offense, bail shall be \$2,000 surety and \$500 cash.

FELONIES (Offenses committed after June 30th, 2014)

- A. For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set

except by a judge at a preliminary hearing;

- B. For a person charged with being a habitual offender in Levels 1 through 4, bail shall be \$20,000 surety, in addition to the bail amount for the highest level of felony charged; and for Levels 5 & 6 bail shall be \$10,000 surety, in addition to the bail amount for Levels 5 or 6.
- C. For any Level 1 felony offense, bail shall be \$50,000 surety and \$500 cash;
- D. For any Level 2 felony offense, bail shall be \$30,000 surety and \$500 cash;
- E. For any Level 3 felony offense, bail shall be \$15,000 surety and \$500 cash,
- F. For any Level 4 felony offense, bail shall be \$10,000 surety and \$500 cash;
- G. For any Level 5 felony offense, bail shall be \$5,000 surety and \$500 cash,
- H. For any Level 6 felony offense, bail shall be \$2,000 surety and \$500 cash.

SECTION II. MISDEMEANORS

- A. Any person arrested for a misdemeanor offense other than battery, domestic battery, invasion of privacy, resisting law enforcement, possession of a handgun without a license, operating a vehicle while intoxicated operating with either a .08 or .15 ACE or dealing marijuana or hashish, shall be released from jail to appear in **the probation department and** court on that person's own recognizance, subject to the following conditions:
 - 1. At the time such a person is released on recognizance, the person shall be required to furnish a present residential and mailing address, telephone number, social security number, and employer's name and address. The identifying data of any full-time or part-time student at Indiana University – Bloomington shall include a student's permanent address and telephone number as well as the student's local address and telephone number.
 - 2. If the person arrested is under 21 years of age, the information shall also include parents' names, addresses, and telephone numbers.
 - 3. If the person agrees to provide the data required in Section II, A (1), but is unable to provide a social security number, driver's license, photo identification card, or employer information, the person may be released to the custody of a resident of Monroe County over 18 years of age who can provide such data on themselves.
 - 4. Upon the inability or refusal to provide the information required under this Section, the person shall be held until brought before a judge.
- B. A person shall not be released on recognizance **and shall be held until brought before a judge** if the person:

1. Has any conviction within the last 5 years;
 2. Has failed to appear in any court within the last 5 years;
 3. Has pending criminal charges; or
 4. Is on probation or parole at the time of arrest.
- C. If the provisions of this Section do not authorize the release of the person on recognizance, bail shall be as follows:
1. For any Class A misdemeanor, bail shall be \$1,000 surety and \$500 cash;
 2. For any Class B misdemeanor, bail shall be \$500 surety and \$500 cash;
 3. For any Class C misdemeanor, bail shall be \$500 surety and \$500 cash.

SECTION III. MISCELLANEOUS PROVISIONS

A. Promise to Appear.

1. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to execute a written Promise to Appear in the appropriate court at the designated date and time. The Promise to Appear form shall be immediately forwarded to the appropriate court by the Sheriff.

B. Pretrial Assessment. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to meet with representatives of the probation department to be evaluated for pretrial services and additional bail conditions prior to being brought or appearing before a judge.

C. Conditions of Release. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be subject to pretrial supervision by the probation department, which may include, but is not limited to, electronic monitoring of whereabouts; daily reporting requirements; drug and alcohol testing; and/or regular meetings with an authorized representative of the probation department until released from these conditions by a judge.

B.D. Intoxication. No person shall be released by the Sheriff of Monroe County, regardless of the provisions of this Order, unless such person clearly manifests a state of sobriety at the time the provisions of this Order would otherwise permit release.

1. The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.
2. When information is available concerning the blood-alcohol content of an intoxicated

person due to the administration of blood tests, breath tests, or other chemical tests, no intoxicated person shall be released by the Sheriff except as provided by IC 35-33-1-6.

3. When no information is available concerning the blood-alcohol content of a person charged with operating while intoxicated, such person shall not be released for a period of 24 hours, unless ordered by a judge.
4. When no information is available concerning the blood-alcohol content of a person charged with public intoxication, such person shall not be released for a period of 4 hours, unless ordered by a judge.

C.E. Battery No Contact Agreement. A person arrested on a charge **for an offense resulting in bodily injury to a person** involving battery or domestic battery, shall not be released until 24 hours have elapsed, unless ordered by a judge. The person may then post bail:

1. Pursuant to other sections of this Bail Order; and
2. If the person agrees in writing to **have initiate no direct or indirect contact with the victim for ten (10) days after release or until the initial hearing, whichever occurs first. At the initial hearing, a judge may reinstate or modify the condition that the defendant refrain from direct or indirect contact with the victim.**

Upon refusal to sign a No Contact Agreement, the person shall be held without bail until brought before a judge.

D.F. Extradition. Any person extradited to Monroe County shall be held without bail until brought before a judge.

E.G. Overweight Trucking Violations. The bail schedule as set out in this Order shall not apply to trucking violations. Bail for such offenses shall be determined pursuant to the provisions of IC 9-20-18-1, et seq.

F.H. Combination of Charges. If a person is charged with the commission of more than one offense arising out of a single incident, whether the offenses are felonies or misdemeanors, bail shall be in one amount for all charges, and shall be in the amount established for the most serious offense charged.

G.I. Double Bond. The specified surety bond for felonies or misdemeanors shall be doubled in the event the person has a pending case, has been convicted of a felony within the last 5 years, or is a habitual substance offender.

H.J. Cash Bond. After normal business hours the Sheriff shall accept a bond made in cash or by certified check and shall issue a receipt. A cash bond must be posted in the name of the Defendant and the Defendant and each person who makes the deposit on behalf of the Defendant shall agree in writing that the court may retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the Defendant to pay if convicted. Thereafter, as soon as is practicable, the Sheriff shall deposit the cash or certified check with the Monroe County Clerk.

I.K. 10% Cash Deposit or Full Cash Bond. The Clerk or Sheriff may not accept 10% cash deposit or full cash bond in lieu of the bond otherwise required herein except upon express written order of a judge. In the event a 10% cash bond is approved by a Court, the Clerk may retain as a service fee 10% of the amount deposited when the bond is released at the conclusion of the case.

J.L. Probation/Parole Hold. A person charged with the commission of a crime while on probation or parole shall be held without bail until brought before a judge.

K.M. Release of Bond. No cash bond may be released by the Monroe County Clerk except upon written order of a judge after judgment has been entered and any costs, fines, fees, and costs and restitution imposed by the Court have been paid and satisfied.

L.N. Amount of Bail on Warrant. If bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant and shall supersede conflicting provisions of this order.

LR53-CR00-0311 PUBLIC DEFENDER APPOINTMENT

Updated 10/3/2016

Public Defender appointments continue for 30 days beyond conviction in criminal cases or disposition in Juvenile Delinquency cases.

The Public Defender shall represent all defendants, who have not retained private counsel and who have been arrested for a misdemeanor or felony offense for the purposes of bail at initial hearings as implemented by the Monroe County Pretrial Pilot Project.

**~~LR53-CR00-0315 STATEMENTS BY ARRESTEE DURING PRE-TRIAL
SCREENING INTERVIEWS~~**

Updated 10/3/2016

~~A. Prohibited Uses: Evidence of an arrestee's statements made for use in preparing an authorized evidence-based risk assessment tool is not admissible against the arrestee, in any criminal proceeding.~~

~~B. Exceptions: The court may admit such statements:~~

- ~~1. in any proceeding in which another statement made in preparing an authorized evidence-based risk assessment tool has been introduced, if in fairness the statements ought to be considered together; or~~
- ~~2. in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.~~

LR53-CR00-0316 WAIVER OF INITIAL HEARING

Added 10/3/2016

Initial hearings may only be waived in cases where the defendant is represented by an attorney. The attorney shall file a written appearance and notice waiving the initial hearing. If the defendant waives the initial hearing, the defendant agrees to accept the recommendations for pretrial supervision made by the Probation Department and written in the *Order and Conditions of Pretrial Release*.