

Pursuant to Rule 46 of the Criminal Rules of Procedure, the following Bail Schedule is hereby adopted as amended 10/16/09:

FELONY OFFENSES:

Pursuant to O.R.C. 2937.23(A), in cases of felony, the amount of bail shall be fixed by the Judge or Magistrate. Arrangements shall be made through the Bailiff's office for persons charged with a felony to be brought before the Court for a bond hearing without unnecessary delay.

On any felony bond that is posted, an additional \$60 in State mandated costs (Reparations Rotary Fund \$30 and Indigent Defense Support Fund \$30) are to be collected in cash at the time bail is posted. State costs (Reparations Rotary Fund (V.C.) & Indigent Defense Support Fund are not required to be collected on unsecured (personal recognizance) bonds. No person shall be placed or held in a detention facility for failing to pay the additional \$60 in State costs.

Effective 10/16/09, whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts bail (includes unsecured bond) a \$25 surcharge shall be required. If the surety is someone other than the defendant, the bond shall not be considered acceptable without receipt of the \$25 surcharge. The \$25 surcharge shall be posted in the Defendant's name.

MISDEMEANOR & TRAFFIC OFFENSES:

First Degree	\$3,500.00
Second Degree	\$3,000.00
Third Degree	\$2,500.00
Fourth Degree	\$2,000.00
Unclassified with Jail penalty	\$1,500.00

Exception to above: ** All persons charged with violations of Ohio Revised Code section 2919.25 (Domestic Violence) or a substantially similar municipal ordinance shall be held for arraignment in person or by video where bail shall be set before a Judge or Magistrate.**

In addition to any misdemeanor bond that is posted, an additional \$ 29.00 in State mandated costs for deposit into the Reparations Rotary Fund (\$9) and Indigent Defense Support Fund (\$20 eff: 10/16/09) are to be collected in cash at the time bail is posted. In the case of traffic offenses, an additional \$10 in state mandated Moving Violation Court Cost shall also be required. State costs (Reparations Rotary Fund & Indigent Defense Support Fund are not required to be collected on unsecured (personal recognizance) bonds. No person shall be placed or held in a detention facility for failing to pay the additional \$29 or \$39 in State costs.

Effective 10/16/09, whenever a person is charged with any offense, other than a traffic offense that is not a moving violation, and posts bail a \$25 surcharge shall be required. If the surety is someone other than the defendant, the bond shall not be considered acceptable without receipt of the \$25 surcharge. The \$25 surcharge shall be posted in the Defendant's name.

TRAFFIC OFFENSES:

- A.** Personal recognizance bond in lieu of bond in the amount specified in the bail schedule shall be made available to all persons charged with any traffic offense except in the following cases:
1. Driving while under the influence of alcohol or any drug of abuse;
 2. Vehicular homicide;
 3. Leaving the scene of an accident;
 4. Driving while under suspension or revocation of a driver's or commercial driver's license (M-1);
 5. Driving without being licensed to drive (M-1);
 6. Willfully fleeing or eluding a police officer;
 7. Street racing.
- B.** Bond for the above-specified offenses shall be made available at the option of the defendant, as follows:
1. Cash appearance bond in the amount specified in the Court bail schedule subject to the ten percent (10%) provision upon which amount the accused shall deposit ten percent. Ninety percent (90%) of said amount will be returned to the accused upon final disposition, which includes satisfaction of all fines and costs assessed to the case.
 2. Posting bond in the amount specified in the Court bail schedule guaranteed to the accused as a policyholder of a casualty insurer, or as a member of a bona fide motorists' or travelers' association;
 3. Executing a bail bond with sufficient solvent sureties, or executing a bond secured by real estate in the county, or depositing cash or the securities allowed by law in lieu thereof in the amount specified in the court's bail schedule;
 4. Cash appearance bond which requires deposit of total amount. The total amount will be returned to the accused upon final disposition of the case, which includes satisfaction of fines and costs assessed to the case.

MISDEMEANOR OFFENSES:

- A.** Personal bond shall generally not be made available unless an evaluation of the criteria for establishing bond for misdemeanor offenses listed below indicates that the accused's appearance is virtually guaranteed. In determining which conditions will reasonably assure appearance, the following factors are to be considered in establishing bond in misdemeanor offenses:
- 1.** Nature and circumstances of the offense;
 - 2.** The accused's family ties; employment; permanence of residence; record of convictions; record of prior failure to appear when required in judicial proceedings;
 - 3.** Physical, mental or emotional condition which may pose a danger to the accused or to others unless the accused can be released into the temporary custody of a responsible relative, friend, or other responsible person;
 - 4.** Place or residence if not within the confines of the Willoughby Municipal Court jurisdiction.
- B.** If the accused is not released on his own recognizance or upon the execution of an unsecured appearance bond, or pursuant to the bail posting options identified above, the accused shall be given a hearing without unnecessary delay before a Judge or Magistrate who shall determine the conditions of his release.
- C.** The bail schedule serves as a guideline for the posting of bonds in misdemeanor cases. The officer in charge may use his/her discretion to grant personal bond, if in his/her opinion the circumstances warrant deviation from the guidelines established in the bail schedule. Officer discretion shall not apply in Domestic Violence offenses.