Rule 13

The bail schedules for misdemeanor cases, including traffic and environmental cases, is described in Schedules 4.01 to 4.041.

Schedules 4.01 to 4.041 have been adopted upon due consideration of public safety, including the seriousness of the offense, a defendant's criminal record, and the likelihood a defendant will return to court, as required by Article I, Section 9 of the Ohio Constitution.

SCHEDULE 4.01 – RECOGNIZANCE SCHEDULE

(A) – Personal Recognizance

Excluding cases described in Schedule 4.01(C), and unless otherwise ordered pursuant to Schedule 4.01(B), bail shall be a personal recognizance.

(B) – Monetary Bail May Be Sought

Law enforcement and/or a prosecuting attorney may seek an order applying the monetary bail schedule (Schedule 4.02) notwithstanding Schedule 4.01(A). To do so, law enforcement and/or a prosecuting attorney shall contact the Duty Judge prior to slating the defendant.

The Duty Judge shall then determine whether there is good cause to require application of the monetary bail schedule. Law enforcement and/or a prosecuting attorney may show good cause by supplying information to the Duty Judge regarding public safety, including the seriousness of the offense, the defendant's criminal record, and the likelihood the defendant will return to court.

If the Duty Judge determines good cause has been shown, bail shall be set according to Schedule 4.02. If not, bail shall be a personal recognizance pursuant to Schedule 4.01(A).

(C) – Exclusions: Charges Requiring Bail to Be Set By Judge

1) Bail shall be set by the 4D arraignment judge in accordance with Article I, Section 9 of the Ohio Constitution in cases in which the defendant has been charged with any of the following offenses, including a substantially similar municipal ordinance:

    a. Domestic violence, assault, aggravated trespassing, aggravated menacing, menacing by stalking, menacing, arson, inciting to violence, riot, inducing panic, escape, intimidation of a witness/attorney/victim, endangering children;
    b. Violation of a protection order;
    c. The following offenses if the alleged victim of the violation was a family or household member at the time of the commission of the offenses: criminal damaging or endangering, criminal mischief;
    d. Unlawful sexual conduct with a minor, voyeurism, sexual imposition, child enticement with sexual motivation, unlawful restraint, criminal child enticement;
    e. A violation of R.C. 4511.19(A) as penalized in R.C. 4511.19(G)(1)(c) or (G)(1)(d) or a substantially similar municipal ordinance for which the

penalties are substantially similar.

2) In cases in which the defendant has been charged with one or more misdemeanors, in addition to one or more felonies, bail shall be set by the 4D arraignment judge pursuant to Article I, Section 9 of the Ohio Constitution.

3) In cases in which the defendant is being held on a probation violation, bail shall be set by the assigned judge pursuant to Article I, Section 9 of the Ohio Constitution.

4) When a judge or magistrate has previously set bail in a case, or has ordered a new amount in its last capias or warrant entry, that bail shall remain in effect unless otherwise ordered by a judge or magistrate.

SCHEDULE 4.02 – NON-RECOGNIZANCE SCHEDULE; RESIDENTS AND NON-RESIDENTS

(A) – Residents

When the defendant is a resident of the State of Ohio and the Duty Judge has ordered bail to be set pursuant to Schedule 4.02, the bail schedule is as follows.

Classification or Offense		Bail	Type
Unclassified misdemeanor	$	500.00	Cash, Surety or Appearance
Misdemeanor of the first degree		500.00	Cash, Surety or Appearance
Misdemeanor of the second degree		400.00	Cash, Surety or Appearance
Misdemeanor of the third degree		300.00	Cash, Surety or Appearance
Misdemeanor of the fourth degree		200.00	Cash, Surety or Appearance
Minor Misdemeanor		100.00	Cash, Surety or Appearance

This bail schedule shall be used by the Clerk unless:

1. The bail for the charge is specified in another schedule within this Rule.
2. The defendant elects to pay fines and costs pursuant to Local Court Rule 4.11.
3. It is after 5:00 a.m. on a date that the defendant is scheduled to appear for arraignment in courtroom 4D.

(B) – Non-Residents

When the defendant is not a resident of the State of Ohio and the Duty Judge has ordered bail to be set pursuant to Schedule 4.02, the bail schedule is as follows.

Classification or Offense		Bail	Type
Unclassified misdemeanor	$	2,000.00	Cash or Surety
Misdemeanor of the First Degree		2,000.00	Cash or Surety

Misdemeanor of the Second Degree	1,500.00	Cash or Surety
Misdemeanor of the Third Degree	1,000.00	Cash or Surety
Misdemeanor of the Fourth degree	500.00	Cash or Surety
Minor Misdemeanor	100.00	Cash or Surety

If the non-resident defendant can establish to the satisfaction of the Clerk of Courts that the defendant is a student or is gainfully employed in this State, the defendant shall be released on the same bail as residents of this State.

SCHEDULE 4.03

When bail is required to be set pursuant to Schedule 4.02, bail will be required for only one of two charges of OVI if both charges arise out of the same incident.

SCHEDULE 4.031

When bail is required to be set pursuant to Schedule 4.02, and when a defendant is charged with two or more charges, in any combination, under R.C. 4510.11, R.C. 4510.111, R.C. 4510.12, R.C. 4510.16, or R.C. 4510.21, or under any same or similar ordinance, bail will be required for only one the charges. When this schedule applies, bail shall be set in the amount required for the highest level offense charged.

SCHEDULE 4.04

Bail for residents of the State of Ohio in domestic violence cases shall be set according to Local Rule 4.10.

SCHEDULE 4.041

If the identity of a person slated cannot be determined to the satisfaction of the law enforcement agency, bail shall be set according to Article I, Section 9 of the Ohio Constitution.