

IN THE DELAWARE MUNICIPAL COURT

BAIL BOND SCHEDULE CRIMINAL/TRAFFIC OFFENSES, EXCLUDING MINOR MISDEMEANORS

Effective May 20, 2024

1. In addition to paying the bail amounts listed in paragraph 4 below – or any bail amount set by the court in a particular case – persons who post bail must also pay the following additional amounts¹ when posting bail:

For all non-traffic misdemeanors:	\$54
For all moving-violation traffic misdemeanors:	\$64
For all non-moving-violation traffic misdemeanors:	\$10

Persons who are released on their own recognizance without having to post any money with the court are not required to pay the amounts listed above.

2. If a person is charged with multiple offenses, bond shall be required for only the two most serious offenses. **In the event a person is arrested and has cash in his or her possession that is not evidence or contraband, the Sheriff shall permit the Defendant to immediately use that cash to post bond.**
3. Bond shall be made available at the option of the defendant, as follows:
 - a. Ten Percent Bond. The undersigned deposits 10% of the full amount of the bond. Upon breach, the undersigned will forfeit the amount deposited and will owe the balance on the full amount of bond. Upon compliance, 90% of the amount deposited shall be returned to the Defendant or the bond depositor.
 - b. Bond in the amount specified in the court bail bond schedule guaranteed to the accused as a policy holder of a casualty insurer, or as a member of a bonafide motorists or travelers association.
 - c. Bond with sufficient solvent sureties, or bond secured by real estate in the county, or cash or securities allowed by law in lieu thereof in the amount specified in the court's bail bond schedule.
4. (a) Generally, unless charged with any of the offenses that are specifically excepted from the court bail bond schedule, all Delaware County residents are to be released on their own recognizance for any category of misdemeanor. The offender must execute a personal recognizance bond before being released.

(b) In order to secure appearance for non-Delaware County residents, the court has determined that a personal recognizance bond is insufficient, therefore, bond for non-county residents is as follows:

¹ These amounts are set by R.C. 2743.70(A)(1), 2937.22(B), 2949.091(A)(1)(a), and 2949.094(C).

	<u>(Non-Local Ohio Resident)</u>	<u>(Out-of-State Resident)</u>
M-1	\$2,500	\$5,000
M-2	\$2,000	\$3,500
M-3	\$1,500	\$3,000
M-4 and Unclassified Misdemeanors with potential jail	\$1,500	\$3,000
Any unclassified misdemeanors that do not carry a potential jail sentence and any minor misdemeanors require a citation.		

Pursuant to §2935.26 O.R.C. for minor misdemeanors, the officer shall not arrest a person, but shall issue a citation, unless:

1. The offender requires medical care or is unable to provide for his/her own safety.
2. The offender cannot, or will not, offer satisfactory evidence of his/her identity.
3. The offender has previously been issued a citation for that misdemeanor and has failed to appear or forfeit the fine and costs.

EXCEPTIONS TO THE BAIL BOND SCHEDULE:

If an accused is arrested for any of the following offenses, the offender may not be released without bond being set by the court. If the offender is arrested and incarcerated over a weekend or a holiday and may spend more than 48 hours in jail before appearing in court for a bond hearing, a judge or magistrate should be contacted at a reasonable hour in order to review the case for probable cause and set appropriate bond.

<u>Criminal Offenses</u>	<u>Traffic Offenses</u>
Assault or Domestic Violence	Third Lifetime OVI
Violation of a Temporary Protection Order or Civil Protection Order	Vehicular Homicide
Violation of an Anti-Stalking Protection Order	Vehicular Manslaughter
Inducing Panic	Driving Under an OVI Court Suspension
Aggravated Menacing	Willfully Fleeing or Eluding a Police Officer
Menacing by Stalking	Street/Drag Racing
Aggravated Trespass	
Endangering Children	

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GENERAL

At the discretion of the jail commander, offenders otherwise eligible for release on the bond described in this schedule may be held for a bond hearing. Factors that the jail commander may consider include any of the following:

1. The offender has a history of failing to appear;
2. The offender has a physical, mental, or emotional condition and appears to pose a danger to himself or herself or others;
3. The offender is currently on bond, parole or probation for another charge or in any jurisdiction; or
4. The jailer has reasonable basis to believe that the offender is a flight risk. The jail commander has a reasonable basis for believing that the offender is a flight risk if any of the following conditions exist:
 - a. The offender has two or more previous arrests for felonies, misdemeanors of the second degree or higher, or juvenile offenses that would have been felonies or misdemeanors of the second degree or higher if committed by an adult,
 - b. The offender manifests an intention to flee,
 - c. The offender is charged with a crime of which “flight” is an element or major component of the charge,
 - d. The offender has two or more previous warrants issued for his or her arrest,
 - e. The offender’s operator’s license has been cancelled two or more previous times for failure to appear and/or pay traffic fines.