

## **BOND SCHEDULE** **FOR MUNICIPAL COURTS IN LORAIN COUNTY**

The intent of this rule is to insure that persons charged with criminal offenses not be incarcerated pre-conviction without just cause. Criminal 46(G) and Superintendence Rule 5.02 mandates the five (5) Municipal Courts of Lorain County establish a bond schedule that pertains to Avon Lake Municipal Court, Elyria Municipal Court, Lorain Municipal Court, Oberlin Municipal Court and Vermilion Municipal Court.

This rule applies to persons accused of Felony or Misdemeanor crimes prior to conviction and prior to the person's initial appearance in Court.

### **MISDEMEANOR CHARGES**

There shall be a presumption of release for persons charged with non-violent Misdemeanor crimes. There is no presumption of release for a person charged with offenses of violence as defined in Section 2901.01(A)(9) of the Ohio Revised Code and listed in Exhibit A attached hereto\*. The person charged with a non-violent offense shall be released upon arrest after booking and fingerprints (as may be required) on a \$500.00 personal bond. The arresting/booking agency shall issue a Summons to the person with a specific Court date for the person's appearance **UNLESS** one of the following exceptions apply:

- (1) The person charged is unable to provide for his/her own safety or requires medical care.
- (2) The person cannot or refuses to offer satisfactory proof of his/her identity.
- (3) The person refuses to sign for a personal bond acknowledging their upcoming Court date.
- (4) The person refuses to be booked and processed as required by law.
- (5) The person has an outstanding warrant or warrants for failure to appear for Court appearances.

- (6) The person has a history of warrants being issued for not appearing in Court.
- (7) The person resisted, fled, or placed or attempted to place a person or officer at risk of harm.
- (8) The Arresting Officer or the booking agency has reason to believe that the Defendant should not be immediately released in the interest of the safety for the community. The Officer/Agency shall provide written reasons for not setting a bond prior to Defendant's first Court appearance.

**If any of the above-described exceptions apply, bond shall be set from the following schedule:**

1 <sup>st</sup> Degree Misdemeanor	\$1,000.00 cash/surety
2 <sup>nd</sup> Degree Misdemeanor	\$750.00 cash/surety
3 <sup>rd</sup> Degree Misdemeanor	\$500.00 cash/surety
4 <sup>th</sup> Degree Misdemeanor	\$250.00 cash/surety

**If the person is not a resident of Lorain County, Ohio, and the arresting law enforcement officer believes the person will not or may not voluntarily appear in Court to answer the charge, the following bond schedule shall apply:**

1 <sup>st</sup> Degree Misdemeanor	\$2,000.00 cash/surety
2 <sup>nd</sup> Degree Misdemeanor	\$1,500.00 cash/surety
3 <sup>rd</sup> Degree Misdemeanor	\$1,000.00 cash/surety
4 <sup>th</sup> Degree Misdemeanor	\$500.00 cash/surety

**All minor misdemeanors and unclassified misdemeanors that do not have a potential jail penalty should be citations unless one of the exceptions listed above apply.**

## **PERSONS CHARGED WITH FELONIES OR CRIMES OF VIOLENCE**

### **FELONY ARRESTS**

Pursuant to Criminal Rule 46(H), a person who has been arrested, either pursuant to a warrant or without a warrant and who has not been released on bail, shall be brought before a judicial office for an initial bail hearing no later than the second Court day following the arrest. The bail hearing may be combined with the initial appearance provided for in Criminal Rule 5(A).

### **FELONIES**

Aggravated Murder or Murder	No Bond/Hold until brought before Judge
1 <sup>st</sup> Degree Felony	No Bond/Hold until brought before Judge
2 <sup>nd</sup> Degree Felony	No Bond/Hold until brought before Judge
3 <sup>rd</sup> Degree Felony	No Bond/Hold until brought before Judge
4 <sup>th</sup> Degree Felony	No Bond/Hold until brought before Judge
5 <sup>th</sup> Degree Felony	No Bond/Hold until brought before Judge

All persons charged with any Felony offense, regardless of the degree of the offense, shall be held without bond and shall be brought before the Court at the next regular Court session.

### **DEVIATION FROM THE BOND SCHEDULE**

The Arresting Agency may provide in writing any reason a Bond different from the Bond Schedule or No Bond was offered to the Defendant. Reasons would include, but not limited to:

- (1) The person charged is unable to provide for his/her own safety, requires medical care, or is a threat to him/herself.
- (2) The person cannot or refuses to offer satisfactory proof of his/her identity.
- (3) The person refuses to be booked and processed as required by law.
- (4) The person has an outstanding warrant or warrants for failure to appear for Court appearances.
- (5) The person has a history of warrants being issued for not appearing in Court.

- (6) The Arresting Officer or the booking agency has reason to believe that the Defendant should not be immediately released in the interest of the safety for the community. The Officer/Agency shall provide written reasons for not setting a bond prior to Defendant's first Court appearance.

**DNA SAMPLE CONDITION OF ALL BONDS IN FELONY ARRESTS:**

Pursuant to Section 2901.07(B)(1) of the Ohio Revised Code, the Accused shall submit to a collection of a DNA sample by the arresting agency as a condition of all bonds set in Felony cases.

**OVI CHARGES**

**First Offense:** There shall be a presumption of release on Personal Bond.

**Second Offense:** There shall be a presumption of release on Personal Bond.

**Third Offense IN 10 YEARS OR 5<sup>th</sup> OFFENSE IN 20 YEARS:**

Defendant shall be held without Bond until brought before a Judge at the earliest time available.

**Felony OVI:** No Bond/hold until brought before a Judge . Would include a 4<sup>th</sup> offense in 10 years and 6<sup>th</sup> offense in 20 years or a prior Felony OVI conviction.

**OUT OF STATE RESIDENTS:**

If the Defendant is from out of State or produces an out-of-state driver's license, Bonds shall be set on the following schedule:

**First Offense:** Bond shall be set at \$2,000.00 cash/surety/10%

**Second Offense:** Bond shall be set at \$3,250.00 cash/surety/10%

**Third Offense IN 10 YEARS OR 5<sup>th</sup> OFFENSE IN 20 YEARS:**

Defendant shall be held without Bond until brought before a Judge at the earliest time available.

**Felony OVI:** This would include a 4<sup>th</sup> offense in 10 years, a 6<sup>th</sup> offense in 20 years, or a prior Felony OVI conviction. Defendant shall be held without Bond until brought before a Judge at the earliest time available.

## DOMESTIC VIOLENCE

Pursuant to Criminal Rule 46(H), a person who has been arrested, either pursuant to a warrant or without a warrant and who has not been released on bail, shall be brought before a judicial office for an initial bail hearing no later than the second Court day following the arrest. The bail hearing may be combined with the initial appearance provided for in Criminal Rule 5(A).

Domestic Violence (Misdemeanor) No Bond/Hold until brought before a Judge

Domestic Violence (Felony) No Bond/Hold until brought before a Judge

Stalking No Bond/Hold until brought before a Judge

Violating a TPO No Bond/Hold until brought before a Judge

Defendants will be brought before the Court at the next regular Court session at which time bond shall be considered pursuant to Section 2919.251 of the Ohio Revised Code.

## CHARGES INVOLVING FIREARMS

Any charge involving the use of a firearm No Bond  
Hold until brought before a Judge

Does not include CCW – bond shall be set according to the regular Misdemeanor Bond Schedule.

## EXTRAORDINARY CIRCUMSTANCES

Any time the County Jail or arresting agency has a question about bond due to the extraordinary circumstance of the case, the Officer may call a Judge from the Court with jurisdiction of the case.

SIGNED:

  
\_\_\_\_\_  
Judge Darrel A. Bilancini, Avon Lake Municipal Court

Date: 9/15/21

  
\_\_\_\_\_  
Judge Gary C. Bennett, Elyria Municipal Court

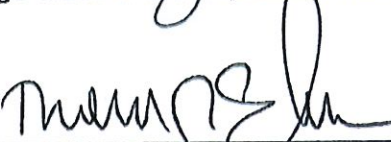
Date: 9/15/21

  
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Judge Robert C. White, Elyria Municipal Court

Date: 9/15/21

  
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Judge Mark J. Mihok, Lorain Municipal Court

Date: 9-15-21

  
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Judge Thomas J. Elwell, Jr., Lorain Municipal Court

Date: 9-15-21

  
\_\_\_\_\_  
Judge Thomas A. Januzzi, Oberlin Municipal Court

Date: 9/15/21

  
\_\_\_\_\_  
Judge W. Zack Dolyk, Vermilion Municipal Court

Date: 9/20/21

The Bond Schedule is effective as of the 29<sup>th</sup> day of September, 2021.

REV 09/14/2021

## Offenses of Violence 2901.01 (A)(9)

<b>2903.01</b> Aggravated Murder	<b>2909.24</b> Terrorism
<b>2903.02</b> Murder	<b>2911.01</b> Aggravated Robbery
<b>2903.03</b> Voluntary Manslaughter	<b>2911.02</b> Robbery
<b>2904.04</b> Involuntary Manslaughter	<b>2911.11</b> Aggravated Burglary
<b>2903.11</b> Felonious Assault	<b>2917.01</b> Inciting to Violence
<b>2903.12</b> Aggravated Assault	<b>2917.02</b> Aggravated Riot
<b>2903.13</b> Assault	<b>2917.03</b> Riot
<b>2903.15</b> Permitting Child Abuse	<b>2917.31</b> Inducing Panic
<b>2903.21</b> Aggravated Menacing	<b>2919.25</b> Domestic Violence
<b>2903.22</b> Menacing	<b>2921.03</b> Intimidation
<b>2903.211</b> Menacing by Stalking	<b>2921.04</b> Intimidation of attorney, victim or witness in criminal case or delinquent child action proceeding
<b>2905.01</b> Kidnapping	<b>2921.34</b> Escape
<b>2905.02</b> Abduction	<b>2923.161</b> Improperly discharging a firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function
<b>2905.11</b> Extortion	<b>2903.34</b> Patient Abuse or Neglect
<b>2905.32</b> Trafficking in Persons	<b>2919.22</b> Endangering Children
<b>2907.02</b> Rape	<b>2907.12</b> Felonious Sexual Penetration
<b>2907.03</b> Sexual Battery	
<b>2909.02</b> Aggravated Arson	
<b>2909.03</b> Arson	

Please note some Code sections listed above also include Misdemeanor offenses and would be subject to the Misdemeanor Bond Schedule and any exceptions contained herein.