

# OTTAWA COUNTY MUNICIPAL COURT

## BOND SCHEDULE

In accordance with Rule 46 of the Ohio Rules of Criminal Procedure and Section 2937.222 of the Ohio Revised Code, the following bond schedule is adopted and court ordered for all traffic and criminal cases in the Ottawa County Municipal Court when the person has been arrested.

- A. Personal recognizance is the rule. There is a presumption of a personal recognizance bond for all misdemeanor charges, unless otherwise provided by statute and/or excepted below.

If the law enforcement officer or prosecutor, based on the circumstances of the case, has reasonable cause to believe that a personal recognizance bond is insufficient, the judge or magistrate shall be contacted for additional authority. If the judge or magistrate determines that personal bail is insufficient, the conditions of release shall be set pursuant to Crim.R.46.

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.

- B. For all other charges, the judge or magistrate of the court shall set bail pursuant to Crim.R.46. This includes:
1. All felony charges.
  2. The following misdemeanor charges, regardless of whether charged under the Ohio Revised Code, city/village ordinance, or any other statutory provision:
    - a. Domestic violence or any other offense of violence if the victim is a family or household member (see R.C. 2919.251);
    - b. Violation of any protection order or condition of community

control, supervision, or probation involving prohibition from contact with specified persons or places;

- c. The following offenses if the accused was subject to a protection order and/or has a prior conviction involving the same complainant/victim, pursuant to R.C. 2903.212:
  - i. Aggravated menacing (R.C. 2903.21);
  - ii. Menacing by stalking (R.C. 2903.211);
  - iii. Menacing (R.C. 2903.22);
  - iv. Aggravated trespass (R.C. 2911.211);
  - v. Any sexually oriented offense as defined by R.C. 2950.01.

3. The following misdemeanor charges, regardless of whether charged under the Ohio Revised Code, a city/village ordinance, or any other statutory provision:

- a. Assault;
- b. Aggravated Menacing;
- c. Menacing by Stalking;
- d. Menacing;
- e. Aggravated Trespass;
- f. Any sexually oriented offense as defined by R.C. 2950.01 and second or more offenses of public indecency *et seq.*;
- g. OVI when, after reasonable efforts, the arresting officer is unable to locate a responsible individual to release the defendant to;
- h. Any other offense when the victim, law enforcement officer or prosecutor is seeking a protection order, restrictions with no contact, or any other similar conditions of bond.

Individuals charged with the above referenced crimes shall be held without bond until such time as bond can be set by the Judge or Magistrate, which shall be not longer than 48 hours after the time of incarceration.

**For all other misdemeanor charges, the defendant may be released by the law enforcement officer on his or her own recognizance to the**

**appropriate governmental agency if there is an outstanding warrant, or to a responsible, sober person as the law enforcement officer deems appropriate, unless, based on the circumstances of the case, the prosecutor or law enforcement officer request a bond or conditions of bond.**

If the law enforcement officer or the prosecutor seek to hold an individual without bond or require a cash/surety bond prior to release for any other type of crime not referenced in Sections 1,2 and/or 3, herein, said officer/prosecutor must contact the Judge and/or Magistrate as soon as practicable, but not to exceed forty-eight (48) hours after arrest, and present the grounds for overcoming said presumption of recognizance. Individuals can be detained without bond during this initial period until a determination has been made by the Judge/Magistrate.

In order to overcome the presumption of recognizance, the law enforcement officer/prosecutor shall provide the Court with information relevant to Criminal Rule 46 and R.C. 2937.222, including:

- 1) Records of criminal convictions for any:
  - a. Offenses of violence as defined by R.C. 2901.01;
  - b. Criminal cases within the past five (5) years other than minor misdemeanors; and
  - c. Major traffic offenses as defined by Traffic Rule 13(B).
- 2) If the defendant is on community control supervision/probation, parole, or post release control;
- 3) The nature and circumstances of the offense charged;
- 4) Active warrants;
- 5) Pending protection orders against the defendant;
- 6) Known medical, mental health, or substance abuse issues;
- 7) Booking screening information, if arrested;
- 8) Known occupation or source of income/support; and
- 9) Any other information requested by the Judge/Magistrate or presented by the law enforcement officer/prosecutor based on the circumstances of the case.

The law enforcement officer/prosecutor requesting a no bond order or cash/surety bond order shall contact the Judge/Magistrate during reasonable hours and with reasonable notice. A defendant shall not be detained for more than forty-eight (48) hours prior to his/her initial probable cause determination pursuant to Crim.R.5. The law enforcement officer/prosecution must show a bona fide emergency or other extraordinary circumstances for any delay of more than forty-eight (48) hours after arrest.

Although the Judge or Magistrate is not obligated or bound to adhere to the following schedule, generally, misdemeanor bonds will be set as follows:

MISDEMEANOR 1 - 1 <sup>ST</sup> DEGREE. . . . .	\$4,000.00
	May post 10% - \$400.00
	**Plus add \$25.00 surcharge
MISDEMEANOR 2 - 2 <sup>ND</sup> DEGREE . . . . .	\$3,000.00
	May post 10% - \$300.00
	**Plus add \$25.00 surcharge
MISDEMEANOR 3 - 3 <sup>RD</sup> DEGREE. . . . .	\$2,000.00
	May post 10% - \$200.00
	**Plus add \$25.00 surcharge
MISDEMEANOR 4 - 4 <sup>TH</sup> DEGREE. . . . .	\$1,000.00
	May post 10% - \$100.00
	**Plus add \$25.00 surcharge
MINOR MISDEMEANOR - MM . . . . .	\$500.00
	May post \$100.00 Bond
	**Plus add \$25.00 surcharge
UNCLASSIFIED MISDEMEANOR - UM . . . . .	\$500.00
	May post \$100.00 Bond
	**Plus add \$25.00 surcharge

\*\* REGARDLESS OF THE NUMBER OF CHARGES ARISING OUT OF AN INCIDENT, A DEFENDANT IS TO BE ASSESSED THE \$25.00 SURCHARGE FEE ONLY ONE (1) TIME

This bond schedule is effective as of August 30, 2021 for all cases filed in the Ottawa County Municipal Court and supersedes any and all previous bond schedules of said Court.

**IT IS SO ORDERED**

  
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**JUDGE LOUIS P. WARGO III**

Journalized and Filed  
**AUG 30 '21 PM 12:08**  
OTTAWA COUNTY  
MUNICIPAL COURT  
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