

Rule 22

BAIL

Pursuant to Criminal Rule 46(G) and Rule 5.02 of the Rules of Superintendence for the Court of Ohio, the bail schedule for misdemeanor charges, including traffic offenses, unless excluded below, shall be set as follows:

First Degree Misdemeanors	\$2,500
Second Degree Misdemeanors	\$1,500
Third Degree Misdemeanors	\$1,000
Fourth Degree Misdemeanors	\$ 500
Minor Misdemeanors	Cite and Release
Unclassified Misdemeanors	Cite and Release

(B) The bonds set forth above shall be posted at 10%. In accordance with Revised Code 2937.22, a person charged with any offense other than a traffic offense that is not a moving violation who posts bail shall pay a surcharge of twenty-five dollars. The Clerk of Court shall retain the twenty-five dollars until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the Clerk shall transmit the twenty-five dollars to the Treasurer of State, and the Treasurer of State shall deposit it into the indigent defense support fund created under section 120.08 of the Revised Code. If the person is found not guilty or the charges are dismissed, the Clerk shall return the twenty-five dollars to the person.

(C) All misdemeanors, unless excluded below, that are recommended for personal recognizance release by the PSA Court Tool shall be released on the conditions recommended. In the event that a misdemeanor is recommended for supervised release and supervised release is not available, the release shall be processed as an own recognizance release.

(D) This schedule does not apply as outlined below. For the charges outlined below, the judge shall set bail pursuant to Criminal Rule 46.

(1) This schedule shall not apply to any crime involving a human victim: Domestic Violence (M1 and M4), Domestic Violence Threats, Assault, Child Endangering, Child Enticement, Aggravated Menacing, Unlawful Restraint, Menacing, Menacing by Stalking, Aggravated Trespass, Intimidation of Victim/Witness, Riot, Inducing Panic, Inciting to Violence, Violations of TPO, Telephone Harassment, any offense of violence if the victim is a family or household member, and any attempt, complicity or conspiracy to commit any of the foregoing offenses. All such charges require judicial determination of bond.

(2) This schedule shall not apply to any Sexually Oriented Offenses, including Attempted Importuning, Sexual Imposition, Unlawful Sexual Conduct with a Minor, and Voyeurism, Attempted Illegal use of a Minor in Nudity Oriented Material or Performance, Attempted Child Enticement with Sexual Motivation, Attempted Pandering Obscenity, Menacing by Stalking with Sexual Motivation, Unlawful Restraint with Sexual Motivation, and any attempt, complicity or conspiracy to commit any of the foregoing offenses. All such charges require judicial determination of bond.

(3) This schedule shall not include OVI (Third Offense in Ten Years). All such charges require judicial determination of bond.

(4) This schedule shall not apply to felonies, unless the charge is a drug, theft, or forgery felony level 4 or 5 charge that is recommended for release by the PSA Court Tool. In the case of a drug, theft, or forgery level 4 or 5 charge recommended for personal recognizance release by the PSA Court Tool shall be released on the conditions recommended. This provision

does not apply if the recommendation for release includes a recommendation for electronic monitoring.

(E) This schedule does not apply to any violation of any protection order or condition of community control, supervision, or probation involving prohibition from contact with specified persons or places. All such charges require judicial determination of bond.

(F) This schedule does not apply to any offense where the victim, police officer, or prosecutor is seeking a protection order, a no-contact order, or other condition of bond. All such charges require judicial determination of bond.

(G) If a police officer or prosecutor, based on the circumstances of the case, has reasonable cause to believe that a bond is insufficient, the judge may be contacted for additional authority. If the judge determines that personal bail is insufficient, the conditions of release shall be set pursuant to Criminal Rule 46.

(H) When a judge or magistrate has previously set bail on a case or has ordered a new amount in its last capias or warrant entry, and the judge or magistrate has indicated “no summons,” the bail shall remain in effect unless otherwise ordered by a judge or magistrate.

(I) Property Bond. In order to post a property bond:

(1) The real estate must be titled in the name of the defendant or surety and must be located in Lucas County, Ohio. In order to be used as a property bond, real estate must be titled in the name of an individual or individuals. Property owned by a trust, trustee, corporation, limited liability corporation, partnership, or other such entity shall not be accepted as security under this rule.

(2) The defendant or surety must file an affidavit for a real estate bond which:

(a) has attached a statement of current owners and lien holders from a title company showing all owners of the real estate including the defendant or the surety and showing all lien holders and the amount claimed in each encumbrance:

(b) includes for each encumbrance identified in the title company statement, satisfactory evidence of the current balance of each encumbrance, including any unpaid mortgages, taxes, or other liens;

(c) has attached a statement of equity showing the difference in the fair market value of the real estate less the unpaid balances of each lien, equaling a balance of at least twice the amount of the bond;

(d) has attached a current appraisal from the county auditor or a licensed real estate agent, showing the fair market value of the real estate;

(e) has attached a certified copy of the property deed from the county recorder’s office;

(f) includes a statement of each spouse of each owner indicating agreement to post property as bond;

(g) is signed by the defendant or surety, each owner, and each spouse of each owner.

(3) The judge must approve these documents after which the Clerk of Court must file the bond in the Lucas County Recorder’s Office as a lien on the real estate. A release of lien shall be conveyed to the defendant or surety for filing after the bond is released.

(4) Should the defendant fail to appear, the lien on the real estate can be foreclosed, the real estate sold, and the proceeds applied to the bail amount.

(J) Any release under this rule is subject to compliance with statutory DNA collection requirements including ORC 2901.07.

