

Lorain County's Municipal Courts Bond Schedule

Arrest

MISDEMEANOR

FELONY

OVI

3rd/10 yrs - no bond
 5th/20 yrs - no bond

Out-of-State Resident
 1st/10 yrs - \$2,000
 2nd/10 yrs - \$3,250
 3rd/10 yrs - no bond
 5th/20 yrs - no bond

Any Non-Violent Offense

or
 OVI 1st and 2nd
\$500 personal

unless exceptions 1-8 apply, then use cash/surety bond schedule below

Use Citation with summons if Minor Misdemeanor or (no jail) Undclassified Misdemeanor unless exceptions 1-8 apply, then use cash/surety bond schedule below

Violent Offenses

Dom. Violence Stalking Violation TPO
NO BOND

Any "use of firearm" (not CCW)
NO BOND

NO BOND

Any Deviation from Bond Schedule for Violent Offenses requires written report stating reasons 1-8 or others.

Bond Schedule
County Resident
 M1 - \$1,000
 M2 - \$750
 M3 - \$500
 M4 - \$250

Bond Schedule
Out-of-County Resident
 M1 - \$2,000 M2
 - \$1,500 M3
 - \$1,000 M4
 - \$500

and arresting officer believes person may not appear

These are reasons for either EXCEPTION from the Personal Bond presumption in Misdemeanor cases or DEVIATION from the Bond Schedule requirement in Violent Offense cases (with those reasons to be provided in a written report to the court prior to defendant's first court appearance):

1. The person charged is unable to provide for their own safety, requires medical care, or is a threat to themselves.
2. The person cannot or refuses to offer satisfactory proof of their identity.
3. The person refuses to be booked and processed as required by law.
4. The person has outstanding warrant(s) for failure to appear for court appearance(s).
5. The person has a history of warrants being issued for not appearing in Court.
6. The arresting officer or booking agency has reason to believe that the person should not be immediately released in the interest of the safety of the community.
7. The person refuses to sign for a personal bond acknowledging their scheduled court date.
8. The person resisted, fled, or placed or attempted to place a person or the officer at risk of harm.

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 the Judge from the Court with jurisdiction of the case to discuss the issue of bond.

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 st Degree Misdemeanor	\$1,000.00 cash/surety
2 nd Degree Misdemeanor	\$750.00 cash/surety
3 rd Degree Misdemeanor	\$500.00 cash/surety
4 th 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 st Degree Misdemeanor	\$2,000.00 cash/surety
2 nd Degree Misdemeanor	\$1,500.00 cash/surety
3 rd Degree Misdemeanor	\$1,000.00 cash/surety
4 th 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 st Degree Felony	No Bond/Hold until brought before Judge
2 nd Degree Felony	No Bond/Hold until brought before Judge
3 rd Degree Felony	No Bond/Hold until brought before Judge
4 th Degree Felony	No Bond/Hold until brought before Judge
5 th 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 5th 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 4th offense in 10 years and 6th 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 5th 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 4th offense in 10 years, a 6th 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



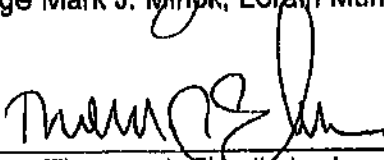
Judge Robert C. White, Elyria Municipal Court

Date: 9/15/21



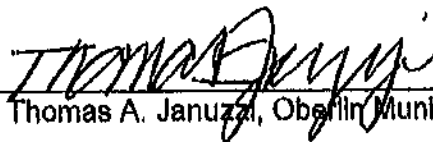
Judge Mark J. Mihok, Lorain Municipal Court

Date: 9-15-21



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 29th day of September, 2021.

REV 09/14/2021

Offenses of Violence 2901.01 (A)(9)

2903.01 Aggravated Murder	2909.24 Terrorism
2903.02 Murder	2911.01 Aggravated Robbery
2903.03 Voluntary Manslaughter	2911.02 Robbery
2904.04 Involuntary Manslaughter	2911.11 Aggravated Burglary
2903.11 Felonious Assault	2917.01 Inciting to Violence
2903.12 Aggravated Assault	2917.02 Aggravated Riot
2903.13 Assault	2917.03 Riot
2903.15 Permitting Child Abuse	2917.31 Inducing Panic
2903.21 Aggravated Menacing	2919.25 Domestic Violence
2903.22 Menacing	2921.03 Intimidation
2903.211 Menacing by Stalking	2921.04 Intimidation of attorney, victim or witness in criminal case or delinquent child action proceeding
2905.01 Kidnapping	2921.34 Escape
2905.02 Abduction	2923.161 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
2905.11 Extortion	2903.34 Patient Abuse or Neglect
2905.32 Trafficking in Persons	2919.22 Endangering Children
2907.02 Rape	2907.12 Felonious Sexual Penetration
2907.03 Sexual Battery	
2909.02 Aggravated Arson	
2909.03 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.



Judge Gary C. Bennett

Elyria Municipal Court

601 Broad Street
Elyria, OH 44035

Phone: (440) 326-1741

Fax: (440) 326-1744

September 24, 2021

VIA EMAIL:

LORAIN COUNTY BAR ASSOCIATION

Attention: Jeannie

Dear Jeannie:

The Ohio Supreme Court mandated every County with multiple Municipal Courts to arrive at one Schedule for all Courts or a schedule imposed by the Supreme Court would be implemented.

The local Judges started working on this project in the spring to come up with a well-thought out schedule for Lorain County. Working over the summer with a great deal of discussion and input, the Judges arrived at the schedule attached hereto. We believe it addresses the needs of the accused, the protection of the public, and concerns of law enforcement.

Attached please find the Countywide Bond Schedule approved by all seven Judges of the five Municipal Courts in Lorain County. This new Schedule goes into effect on September 29, 2021, and covers all Misdemeanor and Felony cases scheduled for appearance in any of the Municipal Courts.

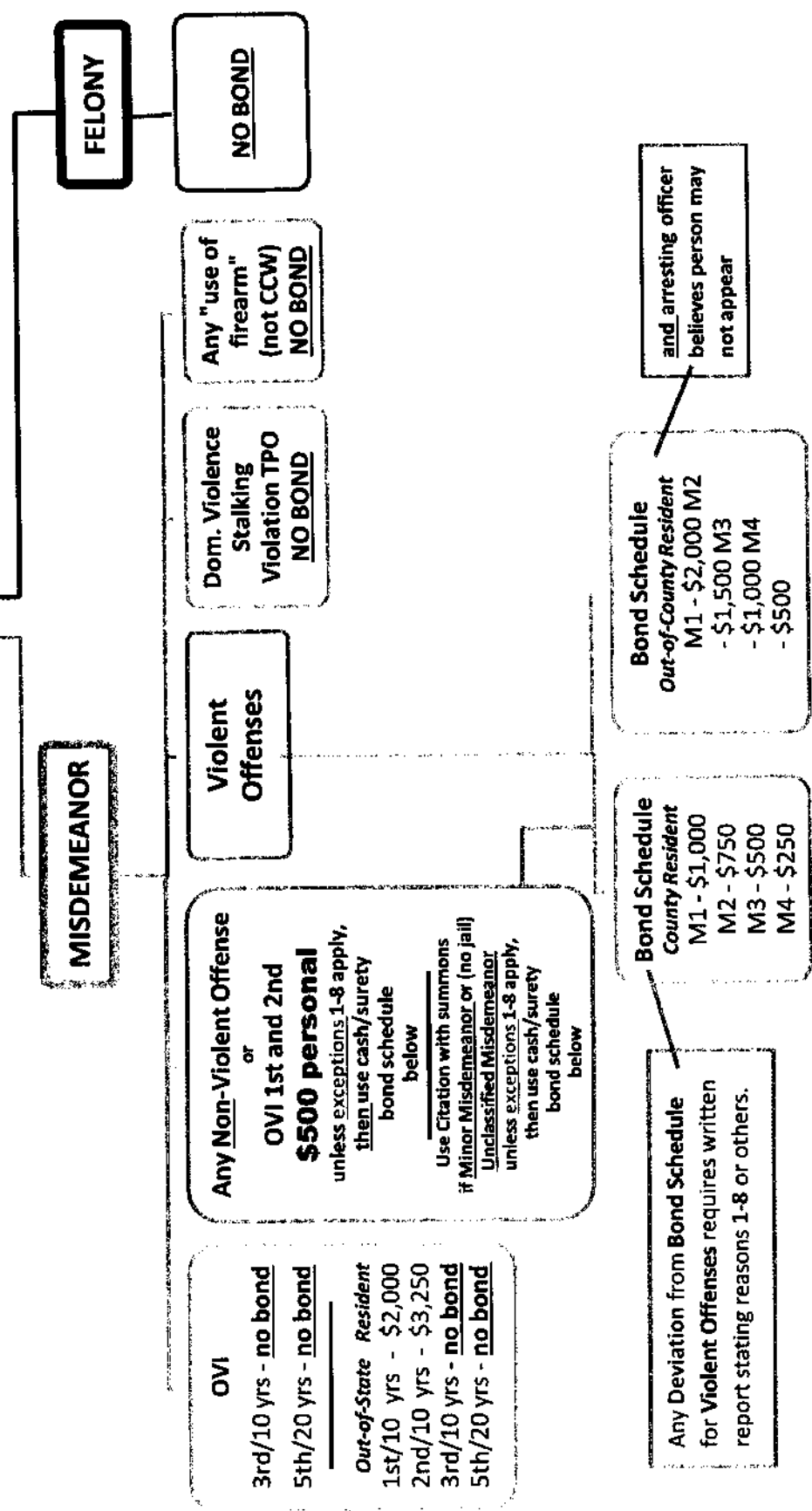
Very truly yours,

Gary C. Bennett, Judge
Elyria Municipal Court

GCB/clv
Enc.

Lorain County's Municipal Courts Bond Schedule

Arrest



These are reasons for either EXCEPTION from the Personal Bond presumption in Misdemeanor cases or DEVIATION from the Bond Schedule requirement in Violent Offense cases (with those reasons to be provided in a written report to the court prior to defendant's first court appearance):

1. The person charged is unable to provide for their own safety, requires medical care, or is a threat to themselves.
2. The person cannot or refuses to offer satisfactory proof of their identity.
3. The person refuses to be booked and processed as required by law.
4. The person has outstanding warrants for failure to appear for court appearance(s).
5. The person has a history of warrants being issued for not appearing in Court.
6. The arresting officer or booking agency has reason to believe that the person should not be immediately released in the interest of the safety of the community.
7. The person refuses to sign for a personal bond acknowledging their scheduled court date.
8. The person resisted, fled, or placed or attempted to place a person or the officer at risk of harm.

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 the Judge from the Court with jurisdiction of the case to discuss the issue of bond.