

FILED

IN THE CHILLICOTHE MUNICIPAL COURT  
CHILLICOTHE, OHIO

2023 AUG -7 AM 9: 53

IN THE MATTER OF  
FIXING OF BAIL FOR CRIMINAL  
AND TRAFFIC OFFENSES

EFFECTIVE DATE: TINA E. LARGE, CLERK  
MUNICIPAL COURT  
CHILLICOTHE, OHIO

AUGUST 7, 2023

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1. Pursuant to Criminal Rule 4, when a law enforcement officer is empowered to arrest without a warrant, the officer may issue a summons in lieu of making an arrest, when the officer believes that the issuance of a summons appears reasonably calculated to ensure the defendant's appearance. Other factors that may be considered by the officer include the seriousness of the offense, public safety, and the defendant's previous criminal record. The issuance of a summons should be considered the preferred method.
2. The court holds telephone probable cause determinations on most weekends, and some holidays, on a regular basis to address bail for persons arrested more than 24 hours before a court arraignment session. A representative of the law enforcement agency that initiated an arrest should attend and present the probable cause.
3. Pursuant to R.C. 2937.011, bail for charges filed in Chillicothe Municipal Court, including criminal and traffic offenses shall be as set by this bail bond schedule until the defendant's appearance before a judge.
4. Standard bail bond schedule. The standard bail bond schedule is as follows except as excluded in paragraph 5 below.
  - a. If a defendant is charged with more than one offense arising from the same incident, bail will be required for only that offense with the highest penalty charged.

Misdemeanor Criminal Offenses

	<u>In</u> <u>County</u>	<u>Out of</u> <u>County</u>	<u>Out of</u> <u>State</u>
Offense of Violence*			
1 <sup>st</sup> or 2 <sup>nd</sup> Degree	\$5000/10%	\$5000/10%	\$7500/10%
3rd or 4th Degree	\$1000/10%	\$1000/10%	\$2500/10%
Other			
1st or 2nd Degree	\$1000/10%	\$2000/10%	\$2500/10%
3rd or 4th Degree	\$ 500/10%	\$1000/10%	\$1500/10%
Unclassified	\$ 500/10%	\$1000/10%	\$1500/10%
Minor misdemeanor	summons	summons	summons

\*Misdemeanor Offenses of Violence:

- R.C. 2903.13 Assault
- R.C. 2903.21 Aggravated Menacing
- R.C. 2903.211 Menacing by Stalking
- R.C. 2903.22 Menacing
- R.C. 2909.03 Arson
- R.C. 2917.01 Inciting to Violence
- R.C. 2917.03 Riot
- R.C. 2917.31 Inducing Panic
- R.C. 2919.25 Domestic Violence
- R.C. 2921.04(A) Intimidation of Attorney, Victim, or Witness
- R.C. 2921.34 Escape

Misdemeanor Traffic Offenses

	<u>In County</u>	<u>Out of County</u>	<u>Out of State</u>
OVI/OVS			
1st Offense	\$1000/10%	\$2000/10%	\$2500/10%
2nd Offense	\$2000/10%	\$2500/10%	\$5000/10%
3rd Offense	\$5000/10%	\$5000/10%	\$5000/10%
Leaving the Scene	\$1000/10%	\$2000/10%	\$2500/10%
Drag Racing	\$1000/10%	\$2000/10%	\$2500/10%
3rd Moving Offense			
w/in 12 months	\$ 250/10%	\$ 500/10%	\$1000/10%
All other 1 <sup>st</sup> or 2 <sup>nd</sup> Degree	\$1000/10%	\$2000/10%	\$2500/10%
All other 3 <sup>rd</sup> or 4 <sup>th</sup> Degree	\$ 500/10%	\$1000/10%	\$1500/10%
All Other Traffic**	summons	summons	\$ 150

\*\*All Other Traffic. There is no authority to arrest a defendant for a minor misdemeanor traffic violation unless both of the following apply:

1. The defendant is issued a citation for an offense prohibited by Chapter 4511., 4513., or 4549. of the Revised Code or an act prohibited by the Revised Ordinances of Chillicothe that is substantially similar to any section contained in Chapter 4511., 4513., or 4549. of the Revised Code, and
2. A. The defendant is an Ohio resident but does not have a current valid Ohio driver's or commercial driver's license, or  
 B. The defendant is a resident of another state that is not a member of the nonresident violator compact of which Ohio is a member pursuant to section 4510.71 of the Revised Code.

In that case, the law enforcement officer may require the defendant to post reasonable security in the amount of \$150.00. The \$150.00 may be paid in cash, check, or credit card, and the officer shall give the defendant a receipt.

- b. Selected Ohio Department of Natural Resources Cases. For the offenses listed in the attached Natural Resources Schedules, the bond amount is fixed as shown on those Schedules, as they may be amended from time to time.
5. Exclusions. Bail shall be set by the arraigning judge in cases in which the defendant has been charged with any of the following offenses:
- a. Felonies;
  - b. Domestic violence or other offenses of violence if the victim is a family or household member and if any of the following applies (see R.C. 2919.251):
    - i. The defendant, at the time of the alleged offense, was subject to the terms of a protection order issued or consent agreement approved pursuant to R.C. 2919.26 or 3113.31;
    - ii. The defendant previously was convicted of or pleaded guilty to any of the following:
      - 1. A violation of R.C. 2919.25 or 2919.27 involving a protection order or consent agreement approved pursuant to R.C. 2919.26 or 3113.31 (or a violation of an existing or former municipal ordinance or law that is substantially similar to either section);
      - 2. A violation of R.C. 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the victim of the violation was a family or household member at the time of the violation (or a violation of an existing or former municipal ordinance or law that is substantially similar to those sections);
      - 3. Any offense of violence if the victim of the offense was a family or household member at the time of the offense;
    - iii. The arresting officer indicates in a police report or other document accompanying the complaint any of the following:
      - 1. The officer observed on the alleged victim objective manifestations of physical harm that the arresting officer reasonably believes are a result of the alleged offense;
      - 2. The officer reasonably believes that the person had on the person's person at the time of the alleged offense a deadly weapon or dangerous ordnance;
      - 3. The officer reasonably believes that the person presents a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial.
  - c. Violations of any protection order or condition of community control, supervision, or probation involving prohibition from contact with specified defendants or places;
  - d. 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: aggravated menacing, menacing by stalking, menacing, aggravated trespass, or any sexually oriented offense;
  - e. Any other offense when the victim, police officer, or law director is seeking a protection order, no contact order, or other conditions of bond.

6. Detainment and bail hearing.

- a. 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, a defendant may be detained until such time that the defendant appears before the arraignment judge. A defendant so detained may, however, post bail in accordance with paragraph 4 of this bail schedule prior to the defendant's arraignment, and the defendant shall be assigned a court appearance date by the agency accepting the bail.
- b. A defendant arrested and who has not been released on bail should be brought before a judge for an initial bail hearing on the first court day, but not later than the second court day, following the defendant's arrest.
- c. If, at the initial bail hearing the defendant was not represented by counsel, and if the defendant has not been released on bail, the defendant shall be brought before a judge for a second bail hearing on the second court day following the defendant's initial bail hearing.

7. Previously set bail.

- a. When a judge has previously set bail in a case or on a probation violation, 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.
- b. A defendant who has been arrested pursuant to a warrant or capias, and who has not been released on bail, should be brought before a judge for a bail hearing on the first court day, but not later than the second court day, following the arrest. If, at the bail hearing the defendant was not represented by counsel, and if the defendant has not been released on bail, the defendant shall be brought before a judge for a second bail hearing on the second court day following the defendant's last bail hearing.

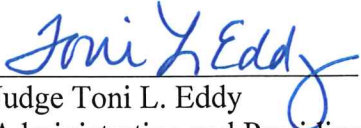
8. Miscellaneous.

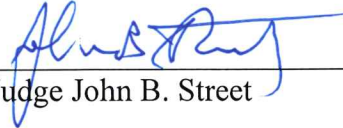
- a. Pursuant to R.C. 2937.011, the imposition of financial conditions for release shall be related to public safety, the defendant's risk of nonappearance in court, the seriousness of the offense, and the previous criminal record of the defendant.
- b. The forfeiture of the bail or security is not a substitute for appearance in Court and payment of penalty imposed on a plea and finding of guilty unless otherwise permitted by law.
- c. Bail shall be in a form authorized by R.C. 2937.011.
- d. In addition to the amount of bail, the amounts required by R.C. 2743.70 and R.C. 2949.091 shall be added to the bail and held by the clerk of the court as set forth in those sections.
- e. Absent a showing of good cause, there is a presumption of release on personal recognizance when a defendant appears pursuant to a summons issued by the court pursuant to R.C. 2937.011(F).
- f. A defendant may make bail by use of a credit card.

9. Pursuant to the authority of Art. I, Sec. 9 of the Ohio Constitution, Rule III (4) of the Local Rules of the Chillicothe Municipal Court, and Sections 2919.251, 2935.15, 2937.011, and 2937.23 of the Ohio Revised Code, the above amounts and formulas are hereby established and published.

10. This schedule shall take effect immediately. Any former schedules of bail in conflict with this schedule are hereby repealed and superseded by this schedule.

Approved this 7 day of August, 2023, by:

  
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Judge Toni L. Eddy  
Administrative and Presiding Judge

  
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Judge John B. Street