

**IN THE SHAKER HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO**

In accordance with Criminal Rule 46 and R.C. 2937.222, **the following bond schedule is adopted** and court ordered for all traffic and criminal cases in the Shaker Heights Municipal Court when the person has been arrested. **Prior to release on any type of bond** – unsecured, personal recognizance, or money bond, **the arrested person shall be fingerprinted by law enforcement.** Once fingerprinted, there shall be a presumption of pretrial release by the least restrictive means necessary to reasonably assure appearance in court and promote public safety.

There shall be no scheduled money bond and the judge or designated magistrate shall set bond for the following charges:

1. All felonies
2. The following misdemeanor charges whether charged under Ohio Revised Code, local ordinance or other statutory provisions:
 - a. **Domestic Violence**
 - b. **Assault**
 - c. **Violation of any:**
 - i. Criminal or civil **protection order**, or
 - ii. Condition of community control /probation **prohibiting contact** with specified persons or places, or
 - iii. **Pretrial no contact orders.**
 - d. **Aggravated menacing**
 - e. **Menacing by stalking**
 - f. **Menacing**
 - g. **Aggravated trespass**
 - h. Any other misdemeanor offense of the 1st, 2nd, 3rd or 4th degree when the police, prosecutor or a victim is **seeking a protection order, restrictions with no contact or other conditions of bond**
 - i. Any offense in which the misdemeanor charge is a **sexually oriented offense** as defined by R.C. 2950.01

- j. Any other misdemeanor offense of the 1st, 2nd, 3rd or 4th degree when, based upon the circumstances of the case, **the prosecutor or police request a bond or conditions of bond.**

There shall be a presumption of a money bond for the following misdemeanor offenses subject, as always, to a different bail decision or different conditions of bail based upon the circumstances of a particular case:

1. Any offense in which the misdemeanor charge involves a **deadly weapon, firearm, or dangerous ordnance** as defined by R.C. 2923.11 for which bond shall be \$10,000, 10%, cash or surety and a condition of bond shall be that the weapon must be placed with the arresting agency for safekeeping as a condition of release on bond.
2. **Operating a vehicle under the influence of alcohol or drugs (OVI)** wherein the bond shall be \$10,000, 10%, cash or surety for a first offense in 10 years, and \$15,000, 10%, cash or surety for a second or third offense in 10 years.
3. Any misdemeanor offense upon which the offender was **originally** issued an unsecured bond, personal recognizance bond or money bond but for which the **arrested person has failed to appear** on the case as ordered or whose conduct has violated court ordered conditions or for whom a new warrant on the case has been issued. (Examples: Failure to appear for arraignment, pretrial or trial dates.)

Except as set forth above, there shall be a presumption that the arrested person may be released upon an unsecured bond or personal recognizance bond for all misdemeanor offenses unless, based on the circumstances of the case, the prosecutor or police request a bond or condition of bond. The arrested person may be released on an unsecured or recognizance bond **after being fingerprinted** as the situation requires:

1. On his/her own if the arrested person is not a danger to self or others,
2. To the appropriate governmental agency if there is an outstanding warrant in another municipality unrelated to the charges at hand, or

3. To a sober adult person who police deem is appropriate and so long as the arrested person is not a danger to him/herself or others based upon intoxication, drug use or mental illness.

When a monetary bond is set, a surety bond may be posted by any surety approved by the Clerk of the Shaker Heights Municipal Court at that time.

In addition to the amount of a monetary bond or unsecured bond, **bonds shall include additional statutory fees** of \$54 for misdemeanor bonds and \$85 for felony bonds.

When a judge or magistrate has previously set a bond in a case or has ordered a new bond in its last capias or warrant entry, the new bond shall apply until/unless modified by the court. Such bond will supersede the above bond schedule.

If a person is arrested for two or more offenses, the bond set by the court may apply to all charges unless a different bond is requested by police or the prosecutor.

In order to overcome the presumption of an unsecured bond or personal recognizance bond, as well as to assist the court in setting bond in those categories that are exceptions to the presumption of personal bond listed above, **the police and/or the prosecutor shall provide the court information** in accordance with Criminal Rule 46, R.C. 2937.222 and R.C.2919.251 for domestic violence related offences:

- 1.) **Record of criminal conviction** 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 arrested person is on **community control supervision/probation, parole or post-release control** and the name of the court,
- 3.) The nature and circumstances of the offense charged, which may include the **police report and witness statements**, including:
 - A. Injury to victim and/or damages to property,

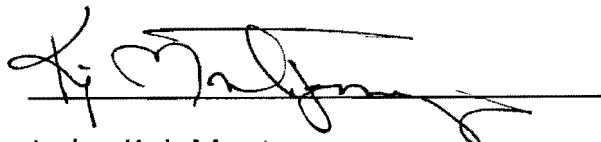
- B. Use of weapon in offense, possession, ownership, or access to a firearm, or whether the defendant has a CCW permit,
- C. Alcohol or drug related or involved,
- 4.) Active **warrants** with verification for pickup,
- 5.) Active **protection orders** against the arrested person in effect at the time of arrest,
- 6.) Known **medical, mental health, and/or substance abuse issues**,
- 7.) **Booking screening information** if arrested, or if arrested with no booking screen information, an explanation for its absence,
- 8.) Known occupation or source of **income/support** (the court's financial information forms),
- 9.) **DA-LE** when used, and

Any other information requested by the judge or presented by the government based on the circumstances of the case.

To assist law enforcement in gathering these materials, law enforcement is encouraged to complete the court's information cover checklists and supply those materials to the court within 48 hours. The prosecution must show a bona fide emergency or other extraordinary circumstances for a delay of more than 48 hours from time of arrest.

This bond schedule is effective on March 20, 2020, **2020** for all cases filed in the Shaker Heights Municipal court and supersedes any previous bond schedules.

So ordered.



 Judge K. J. Montgomery

March 17, 2020

 Date

Journalized 3-17-2020

 Clerk of Court
 By Christina J. Gursic
 Deputy Clerk