

UNIFORM BAIL SCHEDULE

**The New Philadelphia Municipal Court
New Philadelphia, Ohio**

and

**Tuscarawas County Court – Southern District
Uhrichsville, Ohio**

Effective July 1, 2021

Pursuant to Crim.R. 46(G), the bail schedule for misdemeanor charges, including traffic offenses, unless excluded below, shall be set as follows:

1. Personal recognizance is the rule.

If the police 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.

For all other charges, the judge or magistrate of the court shall set the bail pursuant to Crim.R.

46. This includes:

2. Felonies;
3. Misdemeanor charges, regardless of whether charged under the Ohio Revised

Code, local ordinance, or 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.
- D. Any other offense when the victim, police officer, or prosecutor is seeking a protection order, no contact order, or other condition of bond.

MONETARY MISDEMEANOR BOND SCHEDULE

E. Misdemeanors:	First Degree	\$1,000.00
	Second Degree	\$750.00
	Third Degree	\$500.00
	Fourth Degree	\$250.00
OVI Offenses	First offense within 10 years	\$1,000.00
	Second Offense within 10 years	\$2,500.00
	Third Offense within 10 years	\$5,000.00

Bonds may be posted as follows:

New Philadelphia Municipal Court: 166 East High St., New Philadelphia, OH 44663.
Monday-Friday from 8:00 a.m. to 4:00 p.m. 330-343-6797.

If the Court is closed:

The New Philadelphia Police Department -122 2nd St. S.E., New Philadelphia, OH 44663.
330-343-4488.

Tuscarawas County Court – Southern District: 336 East Third St., Uhrichsville, OH 44683. Monday-Friday from 8:00 a.m. to 4:00 p.m.

If the Court is closed:

The Newcomerstown Police Department -124 West Church St., Newcomerstown, OH
43832. 740-498-6161.

The New Philadelphia Police Department -122 2nd St. S.E., New Philadelphia, OH 44663.
330-343-4488.

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Attorneys Practicing in the New Philadelphia Municipal Court and Tuscarawas County
Court – Southern District
Clerks of the New Philadelphia Municipal Court and Tuscarawas County Court

JUN 03 2021

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO****REBECCA VERMILLION**
Clerk Tuscarawas County Court

The following amendments to the Rules of Superintendence for the Courts of Ohio (new Sup.R. 5.02) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

August 26, 2019	Initial publication for public comment
March 2, 2021	Final adoption by conference
July 1, 2021	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 5.02. Bail Schedule.

(A) Definition

As used in this rule, "bail schedule" means a schedule covering misdemeanors, including traffic offenses, established by a court pursuant to Crim.R. 46(G).

(B) Presumption

Any bail schedule used by a municipal or county court shall include a rebuttable presumption that personal recognizance is the rule. A bail schedule is not to be used for offenses where the judge or magistrate is required by statute to set bail.

(C) Uniform bail schedule

If a county consists of more than one municipal or county court, the administrative judge of each court with a monetary bail schedule shall collectively establish a uniform bail schedule for use by those courts by September 29, 2021, and shall biennially review the schedule pursuant to Crim.R. 46(G). If the courts are unable to establish a uniform bail schedule, the courts shall use the model schedule as established by the Supreme Court. If a court has a non-monetary bail schedule, that court shall not be required to adopt a monetary bail schedule.

RULE 99. Effective Date.

[Existing language unaffected by the amendments is omitted to conserve space]

[(Insert division letter)] New Sup.R. 5.02, adopted by the Supreme Court of Ohio on March 2, 2021, shall take effect on July 1, 2021.

MODEL BAIL SCHEDULE

IN THE _____ COURT
_____ COUNTY, OHIO

Pursuant to Crim.R. 46(G), the bail schedule for misdemeanor charges, including traffic offenses, unless excluded below, shall be set as follows:

1. Personal recognizance is the rule.

If the police 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.

For all other charges, the judge or magistrate of the court shall set bail pursuant to Crim.R.46. This includes:

2. Felonies:

3. Misdemeanor charges, regardless of whether charged under the Ohio Revised Code, local ordinance, or 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.

D. Any other offense when the victim, police officer, or prosecutor is seeking a protection order, no contact order, or other conditions of bond.

Ohio Crim. R. 46

Rules current through rule amendments received through April 20, 2021
REBECCA VERMILLION
Clerk Tuscarawas County Court

OH - Ohio Local, State & Federal Court Rules > Ohio Rules Of Criminal Procedure

Rule 46. Pretrial Release and Detention

(A) Pretrial detention.

A defendant may be detained pretrial, pursuant to a motion by the prosecutor or the court's own motion, in accordance with the standards and procedures set forth in the Revised Code.

(B) Pretrial release.

Unless the court orders the defendant detained under division (A) of this rule, the court shall release the defendant on the least restrictive conditions that, in the discretion of the court, will reasonably assure the defendant's appearance in court, the protection or safety of any person or the community, and that the defendant will not obstruct the criminal justice process. If the court orders financial conditions of release, those financial conditions shall be related to the defendant's risk of non-appearance, the seriousness of the offense, and the previous criminal record of the defendant. Any financial conditions shall be in an amount and type which are least costly to the defendant while also sufficient to reasonably assure the defendant's future appearance in court.

(1) Financial conditions of release.

Any person who is entitled to release shall may be released upon one or more of the following types of financial conditions in the amount set by the court:

- (a) An unsecured bail bond;
- (b) A bail bond secured by the deposit of ten percent of the amount of the bond in cash. Ninety percent of the deposit shall be returned upon compliance with all conditions of the bond;
- (c) A surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash, at the option of the defendant.

(2) Non-financial conditions of release.

The court may impose any of the following conditions of release:

- (a) The personal recognizance of the accused;
- (b) Place the person in the custody of a designated person or organization agreeing to supervise the person;
- (c) Place restrictions on the travel, association, or place of abode of the person during the period of release;
- (d) Place the person under a house arrest, electronic monitoring, or work release program;
- (e) Regulate or prohibit the person's contact with the victim;
- (f) Regulate the person's contact with witnesses or others associated with the case upon proof of the likelihood that the person will threaten, harass, cause injury, or seek to intimidate those persons;

- (g) Require completion of a drug and/or alcohol assessment and compliance with treatment recommendations, for any person charged with an offense that is alcohol or drug related, or where alcohol or drug influence or addiction appears to be a contributing factor in the offense, and who appears based upon an evaluation, prior treatment history, or recent alcohol or drug use, to be in need of treatment;
- (h) Require compliance with alternatives to pretrial detention, including but not limited to diversion programs, day reporting, or comparable alternatives, to ensure the person's appearance at future court proceedings;
- (i) Any other constitutional condition considered reasonably necessary to reasonably assure appearance or public safety.

(C)Factors.

Subject to subsection (G)(2) of this rule, in determining the types, amounts, and conditions of bail, the court shall consider all relevant information, including but not limited to:

- (1) The nature and circumstances of the crime charged, and specifically whether the defendant used or had access to a weapon;
- (2) The weight of the evidence against the defendant;
- (3) The confirmation of the defendant's identity;
- (4) The defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, record of convictions, record of appearance at court proceedings or of flight to avoid prosecution;
- (5) Whether the defendant is on probation, a community control sanction, parole, post-release control, bail, or under a court protection order.

(D)Appearance pursuant to summons.

When summons has been issued and the defendant has appeared pursuant to the summons, absent good cause, there is a presumption of release on personal recognizance.

(E)Continuation of bail.

When a judicial officer, either on motion of a party or on the court's own motion, determines that the considerations set forth in subsections (B) and (C) require a modification of the conditions of release, the judicial officer may order additional or different types, amounts or conditions of bail, or may eliminate or lessen conditions of bail determined to be no longer necessary. Unless a modification is agreed to by the parties, the court shall hold a hearing on the modification of bond as promptly as possible. Unless modified by the judicial officer, or if application is made by a surety for discharge from a bond pursuant to R.C. 2937.40, conditions of release shall continue until the return of a verdict or the entry of a guilty plea, or a no-contest plea, and may continue thereafter pending sentence or disposition of the case on review.

(F)Information need not be admissible.

Information stated in or offered in connection with any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law. Statements or admissions of the defendant made at a bail proceeding or in the course of compliance with a condition of bail shall not be received as substantive evidence in the trial of the case.

(G)Bond schedule.

- (1) In order to expedite the prompt release of a defendant prior to initial appearance, each court shall establish a bail bond schedule covering all misdemeanors including traffic offenses, either specifically, by type, by potential penalty, or by some other reasonable method of classification. The court also may include requirements for release in

consideration of divisions (B) and (C)(5) of this rule. The sole purpose of a bail schedule is to allow for the consideration of release prior to the defendant's initial appearance.

(2) A bond schedule shall not be considered as "relevant information" under division (C) of this rule.

(3) Each municipal or county court shall, by rule, establish a method whereby a person may make bail by use of a credit card.

(4) Each court shall review its bail bond schedule biennially by January 31 of each even numbered year, to ensure an appropriate bail bond schedule that does not result in the unnecessary detention of defendants due to inability to pay.

(H)Review of Release Conditions.

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 officer for an initial bail hearing no later than the second court day following the arrest. That bail hearing may be combined with the initial appearance provided for in Crim. R. 5(A).

If, at the initial bail hearing before a judicial officer, the defendant was not represented by counsel, and if the defendant has not yet been released on bail, a second bail hearing shall be held on the second court day following the initial bail hearing. An indigent defendant shall be afforded representation by appointed counsel at State's expense at this second bail hearing.

(I)Failure to appear; breach of conditions.

Any person who fails to appear before any court as required is subject to the punishment provided by the law, and any bond given for the person's release may be forfeited. If there is a breach of condition of release, the court may amend the bail.

(J)Justification of sureties.

Every surety, except a corporate surety licensed as provided by law, shall justify by affidavit, and may be required to describe in the affidavit, the property that the surety proposes as security and the encumbrances on it, the number and amount of other bonds and undertakings for bail entered into by the surety and remaining undischarged, and all of the surety's other liabilities. The surety shall provide other evidence of financial responsibility as the court or clerk may require. No bail bond shall be approved unless the surety or sureties appear, in the opinion of the court or clerk, to be financially responsible in at least the amount of the bond. No licensed attorney at law shall be a surety.

History

Amended, eff 7-1-90; 7-1-94; 7-1-98; 7-1-06; 7-1-20.

Annotations

Notes

Editor's Note:

Ohio Criminal Rule 46(A)(2) declared unconstitutional in *State ex rel. Sylvester v. Neal*, 2014-Ohio-2926, 2014 Ohio LEXIS 1682 (2014) insofar as it allows a court to require a bond secured by a 10 percent cash deposit. Bail may be set under Crim.R. 46(A)(2), so long as a surety bond is accepted as an alternative.

Commentary

Staff Notes

7-1-20 AMENDMENT

Crim. R. 46 has been amended to improve efficiency in setting bail in an amount that effectively ensures (1) the defendant's continued presence at future proceedings, (2) that future proceedings will not be impeded by any effort to obstruct justice, and (3) the safety of any person as well as the community in general. Crim. R. 46 continues to entrust to the judicial officer's sound discretion the setting of particular conditions of release that will be imposed on a particular defendant in a particular case. At the same time, the amendments seek to ensure that excessive money bails are not used as a means of simply denying a defendant bail without benefit of a detention hearing prescribed by statute. See R.C. 2937.222

The title of Crim. R. 46 has been changed to recognize that pretrial detention is available under the Revised Code in those cases where no conditions of release are reasonably available. Subsection (A) has been added to that same effect.

Subsection (B) recognizes that conditions of release include both financial and non-financial conditions, either or both of which may be employed by the judicial officer in the exercise of the judicial officer's discretion. Financial conditions should be the least costly to reasonably ensure the defendant's presence at future proceedings; limiting financial conditions to ensuring against risk of flight is consistent with subsection (I), which provides that bond can only be forfeited when a defendant fails to appear at a future proceeding. The subsection's list of non-financial conditions is not exclusive, but identifies a number of non-financial conditions already employed by courts in Ohio and elsewhere.

Subsection (G) recognizes that a bond schedule is to be used for the sole purpose of securing a release before an initial appearance, and is not to be considered by a judicial officer during a bond hearing.

Subsection (H) has been amended to ensure that a person arrested who has not already been released pursuant to posting a bond specified in a bond schedule or prescribed in an arrest warrant, will appear before a judicial officer no later than the second court day after arrest. If the defendant's appearance at that time is without counsel, and if the defendant has not yet been released, then a second hearing, with the opportunity for the defendant to be represented by counsel, must take place within two court days after the initial court appearance.

7-1-06 AMENDMENT

Rule 46 was modified, effective July 1, 1998, to reflect the amendment to *Article I, Section 9 of the Ohio Constitution* approved by the voters in November 1997. Subsequent changes in the law, such as the standard civil protection order forms promulgated by the Supreme Court (Rule 10.01 of the Rules of Superintendence for the Courts of Ohio) and legislative revisions to the criminal code make some elaboration appropriate. The changes to divisions (B), (C), and (G) are intended to update the rule to reflect available technology, provide for greater safety, amplify the options that may be used by the trial court, and confirm the ability of a trial court to control conditions and type of bail.

RULE 46(B) CONDITIONS OF BAIL.

Division (B)(3) is modified to include electronic monitoring as one of the permissible conditions of bail that may be imposed by the trial court.

RULE 46(C) FACTORS.

Division (C) is amended to permit the trial court to consider two express factors in determining the amount and conditions of bail. Division (C)(1) permits the trial court to consider whether the defendant used or had access to a weapon. Division (C)(5) allows the court to consider whether the defendant is subject to a court-issued protection order.

RULE 46(G) BOND SCHEDULE.

Division (G) is revised to permit the court to include factors and conditions of bail in the bond schedule that the court must establish.

7-1-98 AMENDMENT

RULE 46 BAIL.

Rule 46 was reorganized in keeping with the Constitutional Amendment to Article I, Section 9 passed by Ohio's voters on November 4, 1997. This amendment allows a court to determine at any time the type, amount, and conditions for bail in all cases where incarceration is a possible punishment. Therefore, Crim.R. 46 now applies the same procedures to all offenses without regard to whether the alleged offense is serious or petty.

Since a court may consider imposing conditions related to public safety and not just appearance, the rule was amended to eliminate the term "appearance bond." Likewise, the rule reflects that the factors to be considered by a court in determining the type, amount, and conditions of bail need not be limited to those that will just ensure the accused will appear in court.

The amended rule provides that a person who appears pursuant to a summons should be issued a recognizance bond unless, for good cause, additional or different types, amounts, or conditions are required to ensure appearance or to protect the safety of the community.

The amended rule permits a court to forfeit bail only upon a person's failure to appear. However, the court has the discretion not to forfeit bail and may take action to amend instead. Bail may also be amended for failure to follow any of the conditions contained in the bail order.

7-1-94 AMENDMENT

RULE 46 BAIL.

In Criminal Rule 46(C) the word "preconviction" has been substituted for "pretrial" as the word "pretrial" could have been construed to mean only until the commencement of trial. However, after the commencement of trial there will ordinarily be a time gap before conviction for actual "conviction" does not occur until after both a plea or a finding of guilt after trial and imposition of sentence. Only then is there a final appealable order. Hence, Rule 46(C) now covers the period from arrest until conviction.

Also, in Rule 46(C), the word "felony" has been changed to "serious offense." A "serious offense" is defined in Criminal Rule 2(C) as any felony or misdemeanor for which the penalty prescribed by law includes confinement for more than six months. Certain misdemeanor offenses permit imprisonment for one year, e.g. RC 4511.99(4)(a), a driving while intoxicated statute. These are misdemeanors but also "serious offenses." By substituting the term "serious offense" for "felony," the preconviction release provisions of Rule 46(C) now apply not only to felonies but also to misdemeanors which rise to the level of serious offenses.

Similarly, the word "misdemeanor" has been changed to "petty offense" in Rule 46(D) to prevent the setting of bail by the clerk of court in a misdemeanor case where the misdemeanor is a serious offense. This does not prevent the clerk of court from releasing a defendant in the case of a misdemeanor other than a serious offense as a petty offense is defined in Rule 2(D) as a misdemeanor other than a serious offense.

The words "serious offense" have been substituted for "felony" in Rule 46(E)(1), and the words "petty offense" for "misdemeanor" in Rule 46(E)(2) for the same reasons. The word "preconviction" has been added to Rule 46(F) in the interest of clarity.