

## **Marion Superior Court Bail Schedule**

### **1. SCOPE**

This Provisional Bail Schedule shall apply to all defendants arrested outright in Marion County. This schedule shall not apply to those cases where a judicial officer already has issued a warrant with a predetermined bail.

### **2. MAJOR FELONY BAIL AMOUNTS**

#### **(a) General Provisions**

- i.** Individuals that are booked in on a Major Felony outright arrest are not permitted to post bond until the case has been submitted to the Initial Hearing Court for a probable cause determination and bond has been set by a Judicial Officer.
  
- ii.** Pursuant to I.C. § 35-38-8-6.5, the court may not release a person on bail for at least twenty-four (24) hours from the time of the person's arrest if the person is arrested for one (1) or more of the following offenses committed against a family or household member:
  - (1) A crime of domestic violence (as described in I.C. § 35-31.5-2-78).
  - (2) Battery (I.C. § 35-42-2-1).
  - (3) Domestic battery (I.C. § 35-42-2-1.3).
  - (4) Aggravated battery (I.C. § 35-42-2-1.5).
  - (5) Strangulation (I.C. § 35-42-2-9).
  - (6) Rape (I.C. § 35-42-4-1).
  - (7) Sexual battery (I.C. § 35-42-4-8).
  - (8) Invasion of privacy (I.C. § 35-46-1-15.1).
  - (9) Criminal stalking (I.C. § 35-45-10-5).
  - (10) Criminal recklessness (I.C. § 35-42-2-2).
  - (11) Criminal confinement (I.C. § 35-42-3-3).
  - (12) Burglary (I.C. § 35-43-2-1).
  - (13) Residential Entry (I.C. § 35-43-2-1)
  
- iii.** Bail amounts set pursuant to this schedule shall be based upon the lead charge brought against the defendant. No bail amount set pursuant to this schedule shall exceed \$200,000.

#### **(b) Bail Amounts**

Murder	No Bail
Class A Felony	\$50,000 Surety
Level 1 Felony	\$50,000 Surety
Level 2 Felony	\$50,000 Surety
Class B Felony	\$20,000 Surety
Level 3 Felony	\$20,000 Surety
Level 4 Felony	\$20,000 Surety

Class C Felony	\$7,500 Surety
Level 5 Felony	\$7,500 Surety
Domestic Violence:	
Class C Felony	\$25,000 Surety
Level 5 Felony	\$25,000 Surety

**(c) Enhancements:** The bail schedule amounts shall double for each of the following circumstances applying to the defendant:

1. The defendant is not a Marion County resident,
2. The crime alleged involves a deadly weapon or serious bodily injury,
3. The defendant has two or more alleged victims,
4. The defendant has two or more prior felony convictions,
5. The defendant has two or more failures to appear,
6. The defendant has ten or more prior arrests (not including public intoxication arrests). This category shall double for each additional 10 arrests a defendant has.
7. The defendant has been arrested for an offense while on probation, parole, bond or released on the person’s own recognizance for another offense.

NOTE: Enhancements do not pertain to class “C” felony or level 5 felony Domestic Violence offenses.

**(d) Filed Cases.** Bond set and release provisions ordered from the Initial Hearing Court may be altered by the Housing Court at the time the formal charges are filed.

**(e) Child Molesting, Child Solicitation, and Sexually Violent Predator Cases**

No bail will be issued until the trial court has conducted a bail hearing for a person who is charged with Child Molesting (I.C. § 35-42-4-3) or Child Solicitation (I.C. § 35-42-4-6);

No bail will be issued until the trial court has conducted a bail hearing for a person who has been determined to be a sexually violent predator defendant as defined in I.C. § 35-33-8-3.5.

The Initial Hearing Court Judicial Officer shall set such cases for a bail hearing in the appropriate court no later than 48 hours after the person has been arrested or at the earliest possible setting if exigent circumstances prevent holding the hearing within 48 hours.

**3. MISDEMEANOR & CLASS D/LEVEL 6 FELONY BAIL AMOUNTS:**

**(a) General Provisions**

- i. Individuals that are booked in on a misdemeanor, class D, or level 6 outright arrest are permitted to post bond as soon as they are booked in by the Marion County Sheriff’s Office and bond is set.

- ii. Bail amounts set pursuant to this schedule shall be based upon the lead offense identified by the arresting officer on the Officer's Arrest Report.
- iii. All individuals released either on their own recognizance or on bail are required to abide by conditions of release ordered by the Court.

**(b) Operating a Vehicle While Intoxicated**

Individuals arrested for Operating a Vehicle While Intoxicated shall be released on their own recognizance, unless they have a prior conviction under I.C. § 9-305 or for a crime of a similar nature to I.C. § 9-30-5 from another jurisdiction. Bail shall be set at \$500 Cash for any individual arrested for Operating a Vehicle While Intoxicated who also has more than one prior conviction under I.C. § 9-305 or for a crime of a similar nature to I.C. § 9-30-5 from another jurisdiction.

**(c) General Misdemeanor Bail Amounts**

All individuals booked in on misdemeanor offenses shall be released on their own recognizance, except for the following offenses:

Battery	\$150 Cash
Possession of a Handgun without a License	\$150 Cash
Domestic Violence (Including Invasion of Privacy)	per schedule
Operating While Intoxicated with prior conviction	per schedule

**(d) General FD/F6 Bail Amounts**

Individuals booked in on one of the following level six or class "D" felony offenses shall be released on their own recognizance:

- Theft
- Operating a Vehicle as a Habitual Traffic Violator
- Possession of Marijuana

Bail shall be set in the amount of \$500 Cash for individuals booked in for a general class "D" felony or level 6 felony outright arrest.

- Battery (I.C. § 35-42-2-1)
- Criminal Confinement (I.C. § 35-42-3-3)
- Criminal Gang Activity (I.C. § 35-45-9-3)
- Criminal Recklessness (I.C. § 35-42-2-2 – all sections)
- Escape (I.C. § 35-44-3-5/I.C. §35-44.1-3-4)
- Intimidation (I.C. § 35-45-2-1)
- Pointing a Firearm (I.C. § 35-47-4-3)
- Residential Entry (I.C. § 35-43-2-1.5)
- Resisting Law Enforcement (I.C. § 35-44-3-3/ I.C. §35-44.1-3-1)
- Stalking (I.C. § 35-45-10-5)

- Strangulation (I.C. § 35-42-2-8/ I.C. §35-42-2-9)

Bail shall be set in the amount of \$250 for all other individuals arrested on an outright arrest for a general d-felony or level 6 felony offense.

**(e) Enhancements.**

The bail schedule amounts shall double, up to a maximum of \$500 Cash bond for each of the following circumstances:

1. The defendant is not a Marion County resident,
2. The defendant has one or more failures to appear,
3. The defendant has one or more prior felony convictions.

**(f) Misdemeanor, D-Felony, & Level 6 Felony Domestic Violence Cases**

Class D Felony	\$2,000 Cash
Level 6 Felony	\$2,000 Cash
Class A Misdemeanor	\$1,000 Cash

If a domestic violence charge is not the lead charge and this schedule would require a higher bail for the domestic violence charge standing alone, the bail shall be set as if the domestic violence charge were the lead charge.

**(g) Invasion of Privacy Cases**

Class D Felony	\$2,000 Cash
Level 6 Felony	\$2,000 Cash
Class A Misdemeanor	\$1,000 Cash

If an invasion of privacy charge is not the lead charge and this schedule would require a higher bail for the invasion of privacy charge standing alone, the Initial Hearing Court Judicial Officer should set the bail as if the invasion of privacy charge were the lead charge.

**4. REVIEW OF PROVISIONAL BAIL AMOUNT**

Except for felony courts, the trial court to which the defendant's case is assigned shall review the bail set:

1. Within five (5) days of the arrest of any defendant who has not yet made bail as set by the Initial Hearing Court Judicial Officer or pursuant to the Provisional Bail Schedule; or,
2. Within five (5) days upon receipt of motion of the State or the defendant pursuant to I.C. § 35-33-8-5.

## **5. MISCELLANEOUS PROVISIONS**

- (a) Prior to being released, individuals booked in for a violent crime with injury, the arrestee must sign a No Contact Order protecting the alleged victim if one exists, in accordance with I.C. § 35-33-8-3.6. If the person refuses to sign a No Contact Order, the Sheriff shall hold the person until they are brought to court.
  
- (b) The Marion County Prosecutor's Office may file a Motion for a Greater Than Standard Bond. This may be done at any point once an individual is booked in to the Marion County Sheriff's custody. The Motion shall list the reasons the Marion County Prosecutor's Office believes would deem the individual a flight risk or a harm to the community. The filing shall be submitted directly to the Initial Hearing Court.

**\*Updated on 8/9/2023**