

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 previously issued a warrant with a predetermined bail.

All bail amounts are subject to review and modification by the trial court in individual cases. The review and modification may come before or after the information or indictment is filed. A judicial officer shall consider factors found in I.C. § 35-33-8-4 in setting appropriate bail in all cases.

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. § 35-33-8-6.5, 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:
 - a. A crime of domestic violence (as described in I.C. § 35-31.5-2-78).
 - b. Battery (I.C. § 35-42-2-1).
 - c. Domestic battery (I.C. § 35-42-2-1.3).
 - d. Aggravated battery (I.C. § 35-42-2-1.5).
 - e. Strangulation (I.C. § 35-42-2-9).
 - f. Rape (I.C. § 35-42-4-1).
 - g. Sexual battery (I.C. § 35-42-4-8).
 - h. Invasion of privacy (I.C. § 35-46-1-15.1).
 - i. Criminal stalking (I.C. § 35-45-10-5).
 - j. Criminal recklessness (I.C. § 35-42-2-2).
 - k. Criminal confinement (I.C. § 35-42-3-3).
 - l. Burglary (I.C. § 35-43-2-1).
 - m. Residential Entry (I.C. § 35-43-2-1)
- iii. If an individual is charged with more than one offense, bond shall be equal to the charge resulting in the highest bail amount regardless of offense level.

- iv. Consistent with I.C. § 35-33-8-11, an individual charged with a crime of domestic violence, as described in I.C. § 35-31.5-2-78, may be required to wear a monitoring device as a condition of bail or release.
- v. Notwithstanding any provision stated herein, any individual who has a pending criminal case, who has an active warrant, who is on parole supervision, or who is serving a probationary or executed sentence in any jurisdiction, shall be held without bond until set by the assigned trial court.
- vi. Consistent with I.C. § 35-33-8-5, all individuals released on personal recognizance or released on bail may be found in violation of their conditions of release upon a finding of probable cause for a new criminal offense in any jurisdiction.

(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 Battery or Strangulation:

Class B Felony	\$25,000 Surety
Level 3 Felony	\$25,000 Surety
Level 4 Felony	\$25,000 Surety
Class C Felony	\$25,000 Surety
Level 5 Felony	\$25,000 Surety

(c) Enhancements Enhancements do not pertain to Domestic Battery or Strangulation offenses found in 2(b) above. For all other offenses, 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 charge filed alleges a deadly weapon or serious bodily injury as an element of the offense,

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.

(d) Filed Cases

- i. A judicial officer may set bond in an amount higher than recommended by the Bail Schedule if after finding probable cause the judicial officer finds the individual poses a risk to the physical safety of another person or the community or poses a risk of flight as found in I.C. § 35-33-8-4.
- ii. The bond set and release provisions ordered by the Initial Hearing Court may be altered by the assigned trial court, including deviation from the applicable surety bond amount and/or modification to a cash bond, split bond or other form of security as found in I.C. § 35-33-8-3.2.

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

- i. 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);
- ii. 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.
- iii. 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.
- iv. Notwithstanding any provision stated herein, any individual who has a pending criminal case, who has an active warrant, who is on parole supervision, or who is serving a probationary or executed sentence in any jurisdiction, shall be held without bond until set by the Initial Hearing Court or the assigned trial court.
- v. Consistent with I.C. § 35-33-8-5, all individuals released on personal recognizance or released on bail may be found in violation of their conditions of release upon a finding of probable cause for a new criminal offense in any jurisdiction.

(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. § 9-30-5 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 a pending case or prior conviction under I.C. § 9-30-5 or for a crime of a similar nature to I.C. § 9-30-5 from another jurisdiction. Alcohol monitoring may also be ordered as a condition of bail or release.

(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
Unlawful Possession of a Firearm	\$150 Cash
Possession of a Firearm by a Domestic Batterer	\$150 Cash

Domestic Violence (Including Invasion of Privacy)	per schedule
Operating While Intoxicated with prior conviction	per schedule

(d) General FD/F6 Bail Amounts

- i. 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

- ii. 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)

- iii. 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 for all misdemeanor/FD/F6 cases shall double 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,
4. The defendant has been arrested for an offense while on probation, parole, bond or released on the person’s own recognizance for another offense.

(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.

Consistent with I.C. § 35-33-8-11, an individual charged with a crime of domestic violence, as described in I.C. § 35-31.5-2-78, may be required to wear a monitoring device as a condition of bail or release.

(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 into 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.

- (c) The Marion County Prosecutor's Office may file a Motion to Revoke Bond for an individual released on personal recognizance or admitted to bail upon the subsequent charge of that individual for a new misdemeanor or felony offense in any jurisdiction.

***Amended on 3/13/2024**