

1.315 Bail or Conditions of Release

(A) At arraignment, the Court shall address the issue of bail/bond and decide whether the defendant should be released on their own recognizance, or be required to post a cash or surety bond with the Court, and if so, designate the amount. The Court shall also determine whether any conditions of release are appropriate to the case, and order same. Conditions may include, but are not limited to, the following:

1. Placing the defendant in the care and custody of a designated responsible adult or organization who has agreed to supervise him or her during the pendency of the case.
2. Placing restrictions on travel, association, or residence of defendant during the pendency of the case.
3. Prohibiting contact with any victim or witness in the case or their immediate family members, which could include that person's residence, workplace, or any other place they are known to frequent.
4. Prohibiting the use of alcohol or controlled substances, and drug or alcohol testing at a frequency decided by the Court.
5. Wearing of a tether, GPS unit, or other electronic monitor in order to monitor the defendant's whereabouts, to confine him or her to their home, or to detect the use of any alcohol or controlled substances.
6. The use of a SCRAM, sober link, or other similar device in order to ensure they are not driving a vehicle under the influence of alcohol or controlled substances.
7. Participate in a substance abuse program treatment or any educational program.
8. Not possess firearms or other dangerous weapons.

(B) All bond orders shall have the following standard conditions for defendants:

1. They shall appear at all court ordered hearings.
2. They shall not break the law or commit any new crimes while on bond.
3. They shall not threaten, intimidate, influence, or attempt to threaten, intimidate or influence any victim, informant, potential witness, potential or actual juror, police officer, court staff, or member of the Prosecutor's Office, nor tamper with, remove, or destroy any evidence that may be used against them in the case.

(C) In determining the conditions of bond and/or release, the Court shall consider the nature and circumstances of the offense charged, public safety concerns/dangerousness to the community, any prior criminal record, the likelihood of appearance at future court proceedings, including any prior history of appearances or failures to appear at Court and/or flight to avoid prosecution, family ties, employment, financial resources, character and mental condition, and length of residency in the community.

(D) The Court shall indicate on the record in the presence of the defendant the bond amount and any conditions imposed, and the reasons for them. It shall also issue a written bond order setting forth the amount, terms, and any conditions imposed, the bond order shall set forth the penalties for violation, including a bench warrant, contempt of court, and potential revocation of bond. A copy of the bond order shall be provided to the defendant and LTBB Law Enforcement.

- (E) If the conditions of bond are violated, the Court may forfeit any cash or surety that has been posted with the Court to secure the release of the defendant in addition to imposing any of the measures indicated in section (D).
- (F) The Court may also authorize and establish a Law Enforcement Bail Schedule for certain offenses or classes of offenses through which a person arrested may post bail with LTBB Law Enforcement or other designated official for transmittal to the court clerk and obtain his or her release prior to his or her appearance before the Court.