

**IN THE JACKSON COUNTY MUNICIPAL COURT at JACKSON, OHIO**  
**General Journal** **General Order 2023-07-05 A**

## **2023 Bond Schedule**

This matter came before the court on the issue of Bond Schedule

As effective on **July 5, 2023**, directed to all the Law Enforcement of Jackson County Ohio and pursuant to Ohio Law.

Whereas pursuant to rule of court, and the Ohio Rules of Criminal Procedure, Rule 46, you are directed follow the Bond Schedule as set forth below.

### **New arrests.**

All of the normal statutory and Ohio Criminal Rules of Procedure concerning initial arrests and summons shall continue to apply. *Care should thus be applied when using officer discretion.*

### ***This issuance of this court order does two things:***

*1) sets new posting requirements once that someone is arrested*

***and***

*2) restructures bonds for warrants on*

*a) Failure To Appear (FTA's) **and***

*b) Probation Violations (PV's).*

**FILED**

**JUL 05 2023**

JACKSON COUNTY MUNICIPAL COURT  
Derek A. Cales, Clerk

**RATIONALE.** In light of a change of circumstances of all of the foregoing factors, save and except space and gender limitations, the court can no longer in good faith operate using previous bond schedules.

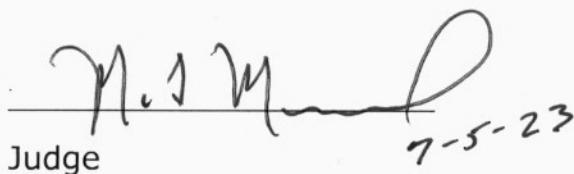
## ARRESTS & INCARCERATIONS

**Preface.** The court during 2020 through 2022 has for periods of time for that period written and adopted a number of various bond schedules in order to cope with the always present issue of a) limited jail space, b) no female jail beds, c) covid with various restrictions, d) covid quarantines, e) medical clearance issues\*, f) DuBose v. McGuffey, 168 Ohio St. 3d 1, 2022-Ohio-8, 195 N.E.3d 951, 2022 Ohio LEXIS 1, 2022 WL 34730 mandating non-consideration of public safety. 2022 Constitutional Amendment designated as Issue 1 eliminates the requirements that bail amounts and conditions are established pursuant to Article IV, Section 5b, which requires the Supreme Court to prescribe the rules and practices of the state courts. As of 2022, the Supreme Court had the authority to set the rules for trial courts, according to the constitution. Instead, the measure requires courts to use factors such as "public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the general assembly may prescribe" when setting terms of bond.

### VACATION OF ALL PREVIOUS BOND SCHEUDLES

Therefore, in consideration thereof, this court finds that the most recent bond schedule and all previous bond schedules hereto should be vacated and so orders. This order shall be designated as a General Order numbered 2022-09-12 A. It will **become effective as of May 1, 2023**, however shall during 2023 be set out as a Local Rule after processing and incorporation.

This is a general court order applicable to all police and sheriff personnel pursuant to RC Chapter 1901.34

  
Judge 7-5-23

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**This is a general court order applicable to all police officers and sheriff deputies pursuant to RC Chapter 1901.32 (A).**

## 2023 Bond Schedule (new offenses)

### NO BOND OFFENSES

Felony 1st Degree	Bond will be set by the Court
Felony 2d Degree	Bond will be set by the Court
Felony 3d (with violence)	Bond will be set by the Court
Domestic Violence	Bond will be set by the Court
Assault Peace Officer	Bond will be set by the Court
TPO Violation	Bond will be set by the Court
Child Endangerment (with physical harm to child)	Bond will be set by the Court
Aggravated Menacing (M1 but W/Firearm)	Bond will be set by the Court
Menacing by Stalking	Bond will be set by the Court
Arson	Bond will be set by the Court

### Lower Offenses

Felony 3d Degree (nonviolent)	\$10,000 10 % Cash or Full Surety (\$1000.00)
Felony 4th Degree	\$10,000 10 % Cash or Full Surety (\$1000.00)
Felony 5th Degree	\$10,000 10% Cash or Full Surety (\$1000.00)

<i>Misdemeanor 1st Degree</i>	<i>\$10,000 10% Cash or Full Surety (\$1000.00)</i>
<i>M 2d Degree</i>	<i>\$ 2,500 10% Cash or Full Surety (\$ 250.00)</i>
<i>M 3d Degree</i>	<i>\$ 2,500 10% Cash or Full Surety (\$ 250.00)</i>
<i>M 4th Degree</i>	<i>\$ 2,500 10% Cash or Full Surety (\$ 250.00)</i>
<i>Minor Misdemeanor</i>	<i>\$ 1,000 10% Cash or Full Surety (\$ 100.00)</i>

## **WARRANTS**

**Rules of the Newly Adopted Bond Schedule as to Warrants will now be that the face of the warrant is effective as to what it states upon its face.**

**Officers are granted no discretion to deviate from the order of the warrant as to terms of arrest. Officers must contact the issuing judge to seek deviation.**

Bonds for these various types of warrants shall however by virtue of this order be written as follows:

### **TYPE A ARREST WARRANTS (New case)**

This type of warrant is almost exclusively one directly requested by a law enforcement officer and *will clearly state the required bond*

### **TYPE B FAILURE TO APPEAR WARRANTS**

Shall be arrested and shall include the *same terms* as on the original bond schedule above Type A. *It will clearly state the bond required.*

### **TYPE C PROBATION VIOLATION WARRANTS**

**Shall be enforced and arrested and held at no bond until seen before the court.**

**TYPE D MINOR MISDEMEANOR WARRANTS**

Will rarely occur but shall be enforced and arrested or can post at \$1,000.00 10% Cash or Full Surety (\$100.00). These matters are normally processed by the clerk's office with the Ohio BMV.

**TYPE E WARRANTS WITH INSTRUCTION**

Any warrant issued to your agency with an instruction specifically stating NO BOND HOLD shall be honored and enforced at those terms only and will be seen by the court at the earliest possible time.

**WARRANTS ISSUED PRIOR TO 04/30/2023**

The terms upon the face of all existing warrants entered into the system as of 04/30/2023, shall be strictly enforced as written, regardless of color

**Notice As To**  
**\*MEDICAL CARE**  
**[Legal Authority of the Medical Care Doctrine]**

By virtue of RC Sec 111.15, the Ohio General Assembly has for practical application but as a matter of law designated that the various administrative agencies of state government can and must promulgate rules that apply to the how the legislature intended that provisions of law shall be enforced.

By virtue of RC Sec. 5120.01, the legislature has specifically set out that the director of rehabilitation and correction is the executive head of the department of rehabilitation and correction. All duties conferred on the various divisions and institutions of the department by law or by order of the director shall be performed under the rules and regulations that the director prescribes and shall be under the director's control.

By virtue of RC Sec 5120.10 (A) (1), the director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service commission pursuant to section 111.15 of the Revised Code, the director of rehabilitation and correction promptly shall send a copy of the rule or amendment, if the rule or amendment pertains to minimum jail standards, by ordinary mail to the political subdivisions or affiliations of political subdivisions that operate jails to which the standards apply.

By virtue of Ohio Administrative Code (OAC) Section 5120:1-8, the director of the Department of Rehabilitation & Corrections (DRC) has exercised in accordance with his statutory duties promulgated OAC Sec 5120:1-8, set up DRC control and management criteria or rules constituting law, for authority and management over all 'Full-Service Jails' in Ohio.

Specifically, at OAC Sec 5120:1-8-9, (reprinted in its entirety at Appendix "A") the director has further set out requirements that require compliance for the medical and mental health needs of a prisoner.

More specifically, there are parts of various subsections of OAC Sec 5120:1-8-9 that should be examined as follows both at OAC Ann. 5120:1-8-09 (B ) (Essential) Inmate pre-screen and OAC Ann. 5120:1-8-09 (C ), thus setting out both a pre-screen process and a receiving screening process. The Ohio Administrative Code at its various mandates labelled either "Important" or as "Essential". The court takes those designations as given the normal usage in meaning. Therefore, it is notable that both processes, the Pre-Screen and the Receiving Screen are mandated by the director as the highest of priorities. In order to clearly understand the magnitude of these provisions the court herein reprints those subsections as follows:

(B) (Essential) Inmate pre-screen. Before acceptance into jail, health-trained personnel shall inquire about, but not be limited to the following conditions and the health authority shall develop policies for the acceptance or denial of admission for:

- (1) Suicide thoughts/plan.
- (2) Current serious or potentially serious medical or mental health issues needing immediate attention.
- (3) The use of taser, pepper spray or other less lethal use of force during arrest.
- (4) Observe for signs of and inquire about drug and/or alcohol intoxication or abuse.

(C) (Essential) Receiving screen. Health trained personnel, in accordance with protocols established by the health authority, shall perform a written medical, dental and mental health receiving screening on each inmate upon arrival at the jail and prior to being placed in general population.

- (1) Inquiry includes at least the following:
  - (a) Current and past illness and health problems;
  - (b) Current and past dental problems;
  - (c) Current and past mental health problems;
  - (d) Allergies;
  - (e) Current medications for medical and mental health;



- (f) Hospitalizations for medical or mental health purpose(s);
- (g) Special health needs;
- (h) Serious infection or communicable illness(s);
- (i) Use of alcohol and drugs including types, amounts and frequency used, date or time of last use and history of any problems after ceasing use i.e. withdrawal symptoms;
- (j) Suicidal risk assessment;
- (k) Possibility of pregnancy;
- (l) Other health problems as designated by the health authority.

(2) Observation of the following:

- (a) Behavior including state of consciousness, mental health status, appearance, conduct, tremors and sweating;
- (b) Body deformities and ease of movement;
- (c) Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes, infestations and needle marks or other indications of drug abuse.

(3) Medical disposition of inmate:

- (a) General population;
- (b) General population with prompt referral to appropriate health or mental health services;
- (c) Referral for emergency treatment;
- (d) Medical observation/isolation;
- (e) Mental health observation/precautions;
- (f) Documentation of date, time and signature and title of person completing screening.