

STATE OF INDIANA ) IN THE CIRCUIT AND SUPERIOR COURTS  
 )SS: OF GRANT COUNTY, INDIANA  
COUNTY OF GRANT )

IN RE: THE AMENDMENT OF LOCAL RULES CAUSE NO. 27C01-1705-CB-15

**In the Grant Circuit and Superior Courts**  
**Notice of Proposed Local Rule Amendments and**  
**Finding Good Cause to Deviate from Established Schedule**  
**May 30, 2017**

The judges of the Grant Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

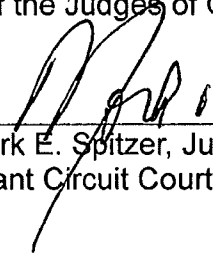
Supreme Court approval is required for Local Rules concerning Indiana Administrative Rule 1 and the criminal and civil caseload allocation plan and may not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Grant County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Grant County Bar Association. Comments may be made until July 7, 2017, to:

Mark E. Spitzer, Judge Grant Circuit Court  
101 E 4<sup>th</sup> St Ste 206  
Marion IN 46952-4057  
Email: [mospitzer@grantcounty.net](mailto:mospitzer@grantcounty.net)  
Phone: 765.664.5527  
Fax: 765.668.6581

These rule amendments will be effective on August 1, 2017, and after approval of the Indiana Supreme Court for those rules requiring approval.

DATED this 30 day of May, 2017 on behalf of the Judges of Grant County.

  
\_\_\_\_\_  
Mark E. Spitzer, Judge  
Grant Circuit Court

**LR-27 CR00-20  
Criminal Matters**

**Bail / ~~Bail Bond~~ / 10% Cash Bond / Surety Bond / Schedule for Warrantless Arrests ~~Effective October 1, 2014,~~ for All Courts in Grant County, Indiana**  
[Gas City City Court; Grant Circuit & Superior Courts; ~~Court; Grant Superior Courts 1, 2 & 3;~~ & Marion City Court]

The **Bail / 10% Cash Bond / Surety Bond / ~~40% Cash Bond~~ Schedule** for cases filed in Gas City City Court (GCCC); Grant Circuit Court (Circuit), Grant Superior Court 1 (Superior 1), Grant Superior Court 2 (Superior 2), Grant Superior Court 3 (Superior 3), and Marion City Court (MCC) shall be as set out below, **unless otherwise ordered by a judicial officer in a specific case**. The term "bail" means the full amount (100%). The term "cash bond" refers to posting 10% of the amount of the bail in cash. The term "surety bond" refers to paying a non-refundable fee (usually 10% of the bail) to an approved surety company, which in turn posts its guarantee to pay the full amount of the bail, if the Defendant fails to appear and the appropriate revocation procedures have been followed. The term "cash" includes a credit card payment.

~~In all cases~~ When a 10% cash bond or a surety bond is posted, the Defendant must also pay the \$5 special death benefit fee. [See Ind. Code § 35-33-8-3.2(d)(1).]

If the Defendant posts a cash bond, a 10% administrative fee not to exceed \$50 will be assessed. [See I.C. § 35-33-8-3.2(a)(2).]

The Defendant and any other person posting cash must execute an agreement authorizing the Court, if the Defendant is convicted, to use all or part of the cash to pay the following: 1) fines; 2) costs; 3) fees; 4) publicly paid costs of representation; and 5) restitution. [See I.C. § 35-33-8-1.5 and I.C. § 35-33-8-3.2(a).] In addition, the agreement must authorize the Defendant to use all or part of the cash to privately employ and pay an attorney to represent the Defendant in the criminal case. [See *State ex rel. Williams v. Ryan*, 490 N.E.2d 1113 (Ind. 1986).]

If the Defendant is a foreign national unlawfully present in the United States under federal immigration law, only a 100% cash bail may be posted.

A Defendant posting bail or the 10% cash bond by means of a credit card must pay the credit card service fee under I.C. § 33-37-6.

If the Defendant is a sexually violent predator defendant, as defined in I.C. § 35-38-1-7.5, or is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender, as defined in I.C. § 11-8-8-5, the Defendant may not be admitted to bail until a judicial officer has conducted a bail hearing in open court, which should be done within 48 hours after arrest unless exigent circumstances prevent holding the hearing within 48 hours. [See I.C. § 35-33-8-3.5.]

~~If the Defendant has been arrested without a warrant for any of the crimes listed in this paragraph, the Defendant is to be held without bail until a judicial officer sets bail: 1) Domestic Battery, Intimidation, Invasion of Privacy, Sexual Battery, Stalking, or~~

~~Strangulation; 2) Resisting Law Enforcement as a Level 5 or 6 felony; or 3) Murder. If the Defendant is held without bail for one or more of these crimes, a judicial officer is to set bail within 48 hours of the arrest. If a judicial officer fails to do so, bail shall be set as shown below.~~

If the Defendant was arrested for a crime of domestic violence as described in I.C. § 35-31.5-2-78, the judicial officer may not authorize the Defendant to be released until at least 8 hours from the time of the arrest. [See I.C. § 35-33-8-6.5.]

When multiple crimes have been charged, use the bail that is listed for the highest level crime.

If the Defendant has been arrested for a violent crime (as defined in I.C. § 5-2-6.1-8) that results in bodily injury to a person resulting in injury or death as defined in I.C. § 5-2-6.1-8, such as battery with injury, strangulation, domestic battery, etc., the Defendant is automatically prohibited from having any direct or indirect contact with the alleged victim for 10 days from the Defendant's release from custody or until the initial hearing, whichever occurs first. [I.C. § 35-33-8-3.6]. If a Judge judicial officer issues a No Contact Order, it will replace the automatic no contact provision of the bond. A No Contact Order issued by a Judge judicial officer will be in effect until changed or terminated by ~~the Judge~~ a judicial officer.

~~If the Defendant is on bail or bond or on his or her own recognizance on another pending criminal matter, and it is alleged that the Defendant committed the new crime while on bail, bond, or recognizance, the Defendant's bail on the new charge shall be \$500,000. The Defendant may post a 10% cash bond.~~

If the Defendant was on probation or parole for a case in a court of general jurisdiction when the new crime is alleged to have been committed, the Defendant is to be **held for up to 15 days after arrest on the new charge** to allow the appropriate parole or probation authority time to file a petition to revoke the Defendant's probation or parole, unless otherwise ordered by a judicial officer. [See I.C. § 35-33-8-6.] The 15 day hold does not apply to cases in courts that are not general jurisdiction courts, such as the GCCC and the MCC.

In columns with two figures, such as "\$4,000 – \$400", the higher amount is the full amount of the bail and the smaller amount is the 10% cash bond. If only one amount appears in a column, it refers to the full amount of the bail.	Grant County Resident	Other Indiana Resident	Out-of-State Resident	Surety bonds may not be used for any person, whose identity cannot be verified and/or for a foreign national unlawfully in the United States. Only cash is accepted.
<del>New Arrest While on Bail, Bond or Recognizance: Cash Only</del>	<del>\$500,000 – \$50,000</del>	<del>\$500,000 – \$50,000</del>	<del>\$500,000 – \$50,000</del>	<del>\$500,000 – \$50,000</del>
Probation Violation and Home Detention Violation in the Circuit & Superior Courts: Cash Only	<del>\$500,000</del> \$25,000 – \$50,000 \$2,500	<del>\$500,000</del> \$50,000 – \$50,000 \$5,000	<del>\$500,000</del> \$75,000 – \$50,000 \$7,500	<del>\$500,000 – \$50,000</del> \$75,000
Probation Violation and Home Detention Violation in the GCCC & MCC: Cash Only	\$2,000 – \$200	\$4,000 – \$400	\$6,000 – \$600	\$6,000
GCCC and MCC domestic battery, battery with injury, resisting, and invasion of privacy misdemeanors: Cash Only	\$4,000 – \$400	\$8,000 – \$800	\$12,000 – \$1,200	\$12,000
All other GCCC and MCC misdemeanors: Cash Only	\$2,000 – \$200	\$4,000 – \$400	\$6,000 – \$600	\$6,000
All Class C Misdemeanors in the Circuit & Superior Courts: Cash Only	<del>\$4,000</del> \$5,000 – \$400 \$500	<del>\$8,000</del> \$10,000 – \$800 \$1,000	<del>\$8,000</del> \$15,000 – \$800 \$1,500	<del>\$12,000</del> \$15,000
Class B Misdemeanor: Cash Only	<del>\$4,500</del> \$450	<del>\$9,000</del> \$900	<del>\$13,500</del> \$1,350	\$13,500
Class A Misdemeanor: Cash Only	<del>\$5,000</del> \$500	<del>\$10,000</del> \$1,000	<del>\$15,000</del> \$1,500	\$15,000
Level 6 Felony: Cash Only	\$6,000 – \$600	\$12,000 – \$1,200	\$18,000 – \$1,800	\$18,000
Level 6 Felony Domestic Battery or Strangulation: Cash Only	\$10,000 – \$1,000	\$20,000 – \$2,000	\$30,000 – \$3,000	\$30,000
Level 5 Felony: Cash Only	\$10,000 – \$1,000	\$20,000 – \$2,000	\$30,000 – \$3,000	\$30,000
Level 5 Felony Robbery or Kidnapping: Full cash bail or surety bond	\$20,000	\$40,000	\$60,000	\$60,000

<del>Level 4 Felony, Robbery as a Level 5 Felony, or Kidnapping as a Level 5 Felony, or Failure to Register as a Sex Offender as a Level 5 Felony: Full cash bail or surety bond</del>	\$20,000	\$40,000	\$60,000	\$60,000
Level 3 Felony: Full cash bail or surety bond	\$30,000	\$60,000	\$90,000	\$90,000
Level 2 Felony: Full cash bail or surety bond	\$50,000	\$100,000	\$150,000	\$150,000
Level 1 Felony: Full cash bail or surety bond	\$100,000	\$200,000	\$300,000	\$300,000
Murder <u>or</u> Treason	There shall be NO BOND, except as set by a judicial officer.			

**LR-27 TR 63-1**  
**Authority to Sit in Other Courts**

- A. The judges of Grant Circuit Court, Grant Superior Court 1, Grant Superior Court 2, Grant Superior Court 3, and the full-time juvenile magistrate appointed by the judge of Grant Superior Court 2, may sit as acting just in any matter as if the judge were the elected or appointed judge in the courts listed below upon the unavailability of the elected or appointed judges and shall denominate their authority as "Acting Judge", as provided in Ind. Administrative Rule 1:
1. Grant Circuit;
  2. Grant Superior 1;
  3. Grant Superior 2;
  4. Grant Superior 3;
  5. Gas City City Court; and
  6. Marion City Court.
- B. During a senior judge's or judge *pro tempore*'s appointment, the senior judge or judge *pro tempore* has the same authority to act in the other courts in the County as the regular judge of the court they are serving.
- C. The authority to act in the other courts is present even when the appointed or elected judge of the other court is present and available in the building that contains the court.

## LR-27 CR 2.2-2

### Assignment of Criminal Cases

~~July 1, 2014 Revision~~ Effective August 1, 2017

All felony and misdemeanor (CM) cases [and all infraction (IF) cases and all ordinance (OV) cases] are to be filed in the Courts in Grant County pursuant to this Local Rule (this Rule). The Courts are Gas City City Court (27H01), Marion City Court (27H02), Grant Circuit Court (27C01), Grant Superior Court 1 (27D01), Grant Superior Court 2 (27D02), and Grant Superior Court 3 (27D03).

#### I. Case Assignments When There Are No Pending Cases nor Probation

Cases shall be assigned as set out below when no other criminal proceeding is pending and when the Defendant is not on probation:

- A. The following cases shall be filed in 27H01:
- (1) All CM and IF cases that are alleged to have occurred in Grant County, Indiana, outside the corporate limits of the City of Marion, except those assigned to 27D03 pursuant to this Rule.
  - (2) All OV cases that are alleged to have occurred within the city limits of Gas City.
  - (3) All CM and infraction cases that are alleged to have occurred within the corporate limits of the City of Marion, when the primary law enforcement officer is an officer with the Grant County Sheriff's Department or with the Indiana State Police, except those cases assigned to 27D03 pursuant to this Rule.
  - (4) All CM cases in which the crime alleged is compulsory school attendance violation [Ind. Code § 20-33-2], including cases that would otherwise be filed in 27H02.
- B. The following cases shall be filed in 27H02:
- (1) All CM and IF cases that are alleged to have occurred within the corporate limits of the City of Marion, Indiana, that are not assigned to 27H01 or 27D03.
  - (2) All OV cases that are alleged to have occurred within the city limits of Marion.
- C. The following cases shall be filed in 27C01:
- (1) All waivers of jurisdiction over juveniles to adult court.
  - (2) All cases designated as Drug Court or Veterans Court cases.
  - (3) All Level 6 felony (L6) and Level 5 felony (L5) controlled substance, ~~L6~~ possession of paraphernalia, possession of a syringe, and ~~L6~~ possession of marijuana cases ~~except cases in which the controlled substance, paraphernalia, or marijuana is alleged to have been in the Defendant's possession while operating a motor vehicle. Those cases shall be filed in 27D03.~~
  - (4) All grand jury proceedings, including impaneling the grand jury.
- D. The following cases shall be filed in 27D01:

- (1) All Reentry Court cases.
- E. The following cases shall be filed in 27D02:
- (1) All juvenile cases except waivers of jurisdiction to adult court.
  - (2) All L6 domestic battery cases.
  - (3) All L6 strangulation cases.
  - (4) All felony neglect of a dependent cases.
  - (5) All L6 cases in which the Grant County Prosecutor initially determines that domestic violence may be involved, such as a residential entry or intimidation, even if a domestic violence charge is not filed.
- F. The following cases shall be filed in 27D03:
- (1) All OV cases, other than those assigned to 27H01 or 27H02.
  - (2) All trial de novo cases from 27H01 or 27H02.
  - (3) All cases transferred from 27H01 or 27H02 due to a timely jury trial demand.
  - (4) All cases transferred from 27H01 and 27H02 when the City Court Judge enters an order of disqualification or recusal or grants a motion for change of judge.
  - (5) All CM cases that include a charge under I.C. § 9-30-5 (Operating a Vehicle While Intoxicated).
  - (6) All L6 traffic cases and all L6 theft cases, even if the Defendant has a prior felony conviction unless an additional L6 felony is charged that calls for the case to be filed in 27C01 or 27D02 under C or E.
  - (7) All other L6 cases, except:
    - (a) L6 cases that are assigned to 27C01 or 27D02 pursuant to this Rule;
    - (b) And non-traffic L6 cases, whenever the Defendant already has a felony conviction.

## **II. Case Assignments When There Is a Pending Case or Probation**

- A. If charges are pending against an individual in 27C01, 27D01, or 27D02 or if an individual is on probation in 27C01, 27D01, or 27D02, and a new felony charge is filed, the new felony shall be filed in the Court with the pending charge or probation.
- B. If charges are pending against an individual in 27D03, or if an individual is on probation in 27D03, and a new L6 case is filed, it shall be filed in 27D03.
- C. Otherwise the felony cases shall be filed as shown in Section I and III of this Rule.

## **III. Ball Draw for All Other Criminal Cases**

All other felony cases, including those filed upon a grand jury indictment, shall be filed by random selection in 27C01, 27D01 and 27D02. Random selection shall be done as follows:



- A. The Clerk of the Grant Circuit Court (the Clerk) shall maintain a closed container with three (3) balls of the same size and weight. Each Court shall be represented by one (1) of the three (3) balls.
- B. The Clerk shall randomly select a ball from the closed container and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- C. If the case must be transferred from the Court selected on the first draw, the Clerk shall randomly select a ball for one (1) of the two (2) remaining Courts and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- D. If the case must be transferred from the Court selected on the second draw, the case shall be transferred to the remaining Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- E. If the case must be transferred from the third Court selected, the case shall be transferred to the 27D03. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court was selected.
- F. If a case filed in 27D03 must be transferred to another Court, the Clerk is to use the random selection process outlined above.
- G. If 27C01, 27D01, or 27D02 becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws in criminal cases upon majority vote of the three (3) Judges of those Courts for whatever length of time and upon such terms and conditions that those Judges agree.
- H. When a change of Judge has been granted, the successor Court shall be selected in accordance with the random selection process outlined above. If all Grant County Judges have declined to exercise jurisdiction or are unable to do so, a special judge will be assigned according to the provisions of Local Rule 79-3(E).

#### **IV. Miscellaneous Provisions**

- A. Multiple offenses against the same defendant arising from the same course of conduct shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- B. When multiple defendants are charged with crimes arising out of the same facts and circumstances, all of the charges shall be filed in the same Court, which shall be selected according to the highest class of the charges filed against any of the defendants.
- C. The Judge of one Court may transfer any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer and the receiving Court has jurisdiction over the subject matter of the case.

**LR-27 AR01-24**  
**Assignment of Civil Cases**

- A) Civil cases for the following case types shall be filed as follows:
- 1) All MH cases shall be filed in Circuit Court.
  - 2) All cases related to tax sales shall be filed in Superior Court 1
  - 3) All PO and AD cases shall be filed in Superior Court 2.
  - 4) All IV-D cases for the collection of support shall be filed in Superior Court 2.
  - 5) All JP, JC, JT, and JM cases shall be filed in Superior Court 2
  - 6) All IF and OV cases that are not designated to be filed in the Gas City City Court or the Marion City Court shall be filed in Superior Court 3.
  - 7) All SC cases shall be filed in Superior Court 3.
  - 8) All ES, EU, and EM cases shall be filed in Superior Court 3.
  - 9) ~~All GU cases involving the guardianship of minors shall be filed in Superior Court 2.~~ All CC cases shall be filed in Superior Court 3.
  - 10) All GU cases involving the guardianship of incapacitated adults and minors shall be filed in Superior Court 3.
- B) Except as set forth above, and any statutory limitations on subject matter jurisdiction, civil cases may be filed in any court.

*(Effective ~~January 1, 2016~~ August 1, 2017)*