

ARTICLE 31: ARREST, PRELIMINARY EXAMINATION AND BAIL

31.00 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008

31.01 WARRANT, SUMMONS, AND NOTICE TO APPEAR [RESERVED]

Gen. Order 08-16, eff. Sept. 17th, 2008

31.02 PROCESSING RETURNS ON BENCH WARRANTS

(a) After a defendant is taken into custody, the defendant should be taken before a Judge at the next available bond call when practicable, but in no case, more than 48 hours after arrest.

(b) The Bond Court Judge shall, if necessary, set a bond in accordance with the law. The Bond Call Judge shall set the case for status on the assigned Judge's calendar on the first available status call date.

Gen. Order 08-16, eff. Sept. 17th, 2008

31.03 – 31.05 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008

31.06 RELEASE ON INDIVIDUAL BOND WITHOUT POSTING CASH SECURITY

(a) Until further order by the court and pursuant to Supreme Court Rule 553, the Chief Judge may designate law enforcement officers, by Office, who are authorized to release on individual bond without posting cash security, persons 17 years of age or older arrested for or charged with an offense covered by Supreme Court Rules 526, 537, or 528.

(b) Pursuant to Supreme Court Rule 553(d), this type of release by the above designated law enforcement officers may be done except when:

- (1) The accused has previously been convicted of a criminal misdemeanor or felony;
- (2) The accused has previously been admitted to bail on one or more criminal charges and the charge or charges are currently pending;
- (3) The accused, at the time of arrest, is in possession of a dangerous weapon;

(4) The accused is on parole, probation, conditional discharge, or supervision for a misdemeanor or felony;

(5) There is an outstanding warrant, detainer or bond forfeiture against the accused;

(6) The accused is unable or unwilling to establish his identity or submit to being fingerprinted as required by law; or

(7) Detention is necessary to prevent imminent bodily harm to the accused or to another.

(c) In regards to persons under 17 years of age who cannot make bail, they may be released on individual bond as set by statute if the authorities cannot, within a reasonable time, locate a parent or adult standing in the place of a parent to execute the bond as surety.

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31.07 SCHEDULING PRELIMINARY EXAMINATIONS

(a) When a defendant is in custody on an arrest warrant issued due to his/her failure to appear on a felony case, and the issuing Judge has indicated that the defendant is not to receive a personal recognizance, the defendant shall be brought before the Judge who issued the warrant on the next regularly scheduled court call. If that Judge is unavailable, then the defendant shall be brought before the Judge covering the assigned Judge's court call.

Gen. Order 08-16, eff. Sept. 17th, 2008

31.08 RESERVED

Gen. Order 08-16, eff. Sept. 17th, 2008