

Rule 39

BOND FORFEITURES

(A) When a bench warrant is issued for the non-appearance of a defendant, the clerk of court shall determine if there is a bond posted by the defendant, a bailor, or a surety which is forfeitable. If there is a bond posted by the defendant, bailor or surety which is forfeitable, the bond shall be forfeited and the clerk shall set a forfeiture hearing before the judge issuing the bench warrant pursuant to Ohio Revised Code §2937.35. A date for the hearing may be set any day on the judge's docket except the individual judge's civil and jury days.

(B) If the bench warrant is issued by a magistrate, the clerk shall set the bond forfeiture hearing in Courtroom 4 at 1:00 p.m. regardless of which magistrate is sitting in that courtroom on any particular day.

(C) The notice for hearing must be sent out 48 hours after the issuance of the bench warrant, weekends and court holidays excluded. Bond forfeiture hearings will be set no less than 45 days and no more than 60 days from the date that the notice was sent. Notice may be sent by ordinary mail. Notice must be sent to the defendant, the bailor and/or the surety. Notice must state the full amount of the bond for which judgment could be entered.

(D) At the bond forfeiture hearing, the judge will make a determination of the release of bond, a judgment of forfeiture, or a remission of the penalty. Also, a judge may, at the request of the surety, continue the case for the appearance of the defendant.

(E) If the surety returns the defendant to the custody of the court before the judge issues a judgment, that surety should take the defendant before the duties judge. If the court is closed, the surety should return the defendant to the Lucas County Correction Center and appear at the bond hearing to report the defendant's arrest and custody status to the judge and request discharge. It is the surety's responsibility upon receiving information that the defendant is in custody to request discharge or remission from the judgment of bond forfeiture.

(F) Upon declaration and judgment of a forfeiture of a cash bond, the court will enter judgment for the entire bond, unless a lesser amount is specifically stated. The unpaid portion of that bond will be processed in accordance with O.R.C. § 2937.36(A).

(G) The clerk shall process an order of forfeiture of securities pursuant to O.R.C. § 2937.36 (B).

(H) The clerk may refer bond forfeiture judgments to the authorized collections bureau for further action.

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