

Rule 6: Appearance Bonds

- 6.1** Any person arrested while operating or attempting to operate a motor vehicle while under the influence of alcohol or drugs must be held by the Shawnee County Department of Corrections up to a maximum of six (6) hours (unless a responsible bonding party/agent receives a DUI release form from the Topeka Police Department) from the time of such offense before being eligible for bond to allow such individual sufficient time to become sober enough not to be a danger to himself or others and to be capable of understanding the obligations he or she has to the Court upon release from custody upon such charge.
- 6.2** Any person charged with any violation under the domestic battery and/or domestic violence ordinances released pursuant to any appearance bond by the Shawnee County Department of Corrections or by the Municipal Court must have included in the conditions of any appearance bond for his or her release a specific provision advising the accused to have no contact with the alleged victim(s) in such case.
- 6.3** Except as otherwise provided in these Rules, and in addition to the provisions of Topeka Municipal Code §2.40.290, the following procedures shall apply to the release of a person upon his own recognizance charged with a violation of a municipal ordinance:
- An accused person shall be allowed to be released upon his own recognizance, except:
1. When serving a sentence;
 2. When there is an outstanding Warrant;
 3. When the accused has previously failed to meet the specific obligations of a bail or bond set by a Municipal Court Judge;
 4. The accused has been returned to the custody of the Shawnee County Department of Corrections on a "bond recall" by a surety financially responsible on a previously set bond in order to be relieved of such obligation by the Court;
 5. Upon a bond amount being set by the Municipal Court Judge;
 6. The accused has insufficient identification to confirm his/her identity and address.
- 6.4** Instructions to the Shawnee County Department of Corrections pertaining to the release of a prisoner serving a sentence or otherwise in custody pursuant to any Municipal Court warrant or bail set will be designated upon an order or custody document signed by a Municipal Court Judge and issued by the Judge directly to the facility.
- 6.5** In the event it is necessary for the defendant to post an appearance bond, the provisions of Topeka Municipal Code sections 2.40.270, 2.40.290 and 2.40.300 shall be followed. In setting, modifying, or revoking bonds the Court shall consider the aforementioned ordinances and may consider the factors and guidelines found in K.S.A. Chapter 22, Article. 28, particularly the provisions of K.S.A. 22-2802(5).
- 6.6** A cash bond may be returned to the defendant at the discretion of a Municipal Court judge. The Court may order that the amount of any outstanding fines, costs and restitution owed by the defendant be deducted from the cash bond by the Clerk of the Municipal Court prior to returning the balance of such cash bond to the defendant. If

the case is appealed, then the cash bond cannot be returned until final disposition of the case in District Court, except by the specific approval of a Municipal Court Judge upon proof of proper identification and the cash bond receipt. The cash bond will be forfeited if the defendant fails to appear in Court as directed, and a bench warrant for such defendant's arrest will be issued.

- 6.7** Whenever any bond is permitted or required to be taken without being approved by the Court, it shall be sufficient if the surety thereon is a surety company currently admitted to do business within the State of Kansas. No corporation other than a surety company may be accepted as a surety unless so ordered and approved by the Administrative Judge. No attorney may act as a surety on a bond in any case in which the attorney is counsel. The principal on any bond may at his option, in lieu of providing a surety, deposit with the Clerk of the Municipal Court money in the full amount of the bond. The Clerk shall retain the deposit until the bond is fully discharged and released or the Court orders the disposition of the deposit.