

## PART IV. ARRAIGNMENT

### Section 2.10.030 Arraignment [Rule 10]

- A. **Timing.** ~~Arrested persons~~ Persons arrested for all offenses except domestic violence or violations of domestic violence no contact orders shall be taken without unnecessary delay, but in no case later than three (3) ~~two (2)~~ business days, before a judge for arraignment. In the event a summons has been issued, the defendant shall appear at the time designated in the summons. A person who is arrested without a warrant shall have a judicial determination of probable cause at the arraignment. If probable cause is not found, the person shall be released immediately without conditions. The schedule for arraignments shall be determined by the court. If the defendant does not have counsel and desires to be represented, he shall be given a reasonable time to secure counsel before entering their plea or making any statement. Timing for arraignments for persons arrested for domestic violence or violations of domestic violence no contact orders shall be governed by 2.10.036 A.

## PART V. RELEASE FROM CONFINEMENT AND EXTRADITION

### Section 2.10.036 Bail or Release in Cases Involving Domestic Violence [Rules 21 (d) + 10a]

- A. **No Bail before Arraignment.** [Rule 21 (d)] Any person arrested for a crime involving domestic violence or a violation of a domestic violence no-contact order or protection order shall not be released on bail or their own recognizance prior to being arraigned. ~~Such arraignment shall not occur less than 48 business hours or more than 72 business hours following arrest.~~ Such arraignment shall not occur less than 2 business days or more than 3 business days following arrest.
- B. **Cash only bail.** [Rule 10a (c)] The bail for a crime involving domestic violence or a violation of a domestic violence no-contact order or protection order shall be a cash bail in an amount set by the court on the bail schedule.
- C. **Pre-Trial Release in cases involving domestic violence.** [Rule 10a]
1. In making a decision concerning the pre-trial release of a person who is arrested for or charged with a crime involving domestic violence or a violation of a domestic violence no-contact order or protection order, the court shall review the facts of arrest and detention of the person, considering factors in 5.70.024(A) to and determine whether the person:
    - a. Is a threat to the alleged victim;

- b. Is a threat to public safety; and
- c. Is reasonably likely to appear in court.

D. ~~[Insert cross-reference to DV chapter and victim notification requirements].~~  
Please refer to DV chapter 5.70 and victim notification requirements.