

Fourth Judicial District Procedure for requesting an Order Setting Bail

This procedure is for requesting an Order Setting Bail for an individual who is in-custody on a probable cause (PC) hold and no formal charges have been filed with the court. The process varies depending on when the request is sought, either on a Workday or a Weekend (Saturday, Sunday, or a court holiday).

Workday Requests:

1. The requesting attorney must eFile a proposed order¹ into court file 27-CR-CV-[2 digit Year]-3 “Order to Set Bail”
 - a. Proposed orders/requests cannot be accepted by paper or submitted to any judge other than the Signing Judge.
2. The proposed order will be routed to the Signing Judge for review.
3. If the request is granted,
 - a. Court administration will email the signed order to In Custody Records at the jail.
 - b. Court administration will e-file the signed order into the CR-CV case listed above and a courtesy copy will be e-mailed to the requesting attorney.
4. If the request is rejected, court administration will email the requesting attorney to inform of the rejection.

Weekend or Holiday Requests:

1. The requesting attorney must provide a proposed order² to jail staff at the window at In Custody Records.
2. Jail staff will route proposed order to the Weekend Duty Signing Judge.
 - a. Requests for setting bail are reviewed at 10am each day of the weekend/holiday. Any requests submitted after 10am will not be reviewed until the next day at 10am.
3. Jail staff will inform the requesting attorney of the judge’s decision.
4. If the request is granted, the paperwork will be used to update jail records to facilitate defendant posting bail.

¹ A template proposed order can be found at [Minnesota Judicial Branch - Hennepin County District Court \(mncourts.gov\)](https://mncourts.gov).

² *Id.*

State of Minnesota,

Plaintiff,

**Order Setting Bail
on Non-felony DWI**

vs.

Court File No. 27-CR-CV-__ -3

Defendant.

Defendant _____, DOB _____,

was arrested on or about _____ at approximately _____ in the

City of _____, County of Hennepin, on the suspicion of

_____, and is presently being held in the Hennepin County Jail.

Attorney _____ affirms the anticipated charges are¹:

1. Gross misdemeanor DWI or Misdemeanor DWI; AND
2. Defendant's license has not been canceled as inimical to public safety (DAC-IPS).

Attorney _____ has spoken with Attorney _____,

who represents the City of _____, at telephone number _____,

who does does not object to the following which is **HEREBY ORDERED**:

1. Gross Misdemeanor Bail: \$12,000 **OR** Misdemeanor Bail: \$4,000.

2. Bail is Without Conditions.

3. Defendant must attend all court appearances.

Date: _____

Judge of District Court

¹ If arrested for felony DWI (1st Deg. DWI) or license has been canceled as inimical to public safety (DAC-IPS), the person **must** be detained until their first court appearance. Minn. Stat. 169A.40, subd. 3(b).