

From the offices of



**LORI M. TYACK**  
*Franklin County Municipal Court Clerk*

MEMORANDUM

To: All Bondsmen approved to post bonds with the Clerk of Court for the Franklin County Municipal Court

From: Clerk Lori M. Tyack *LMT*

Date: January 23, 2017

Re: Release of Liability for Surety Bond (Not Release of Powers)

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Bondsmen:

Ohio Revised Code §2937.40 imposes mandatory duties on the Clerk when a defendant is "surrendered" before the next scheduled appearance date. O.R.C. §2937.40 states in pertinent part:

(A) Bail of any type that is deposited under [sections 2937.22 to 2937.45 of the Revised Code](#) or [Criminal Rule 46](#) by a person other than the accused shall be discharged and released, and sureties on recognizances shall be released, in any of the following ways:

(1) When a surety on a recognizance or the depositor of cash or securities as bail for an accused desires to surrender the accused **before the appearance date, the surety is discharged** from further responsibility or the deposit is redeemed in either of the following ways:

(a) By delivery of the accused into open court;

(b) When, on the **written request\*** of the surety or depositor, the clerk of the court to which recognizance is returnable or in which deposit is made issues to the sheriff a warrant for the arrest of the accused and the sheriff indicates on the return that he holds the accused in his jail.

Any request to be released from liability under circumstances other than R.C. 2937.40 (1)(b) (defendant is in the Franklin County jail) must be addressed to the appropriate judge by motion and through counsel. **The return of the power IS A SEPARATE MATTER AND is within the discretion of the judges NOT the Clerk's Office.**

\*See Attached: Notice of Surrender of the Accused

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