



Fact Sheet Series for the 134th General Assembly

House Bill 315

Companion Bill to Senate Bill 182

Ohio Bail Reform

Sponsors: Rep. Leland & Rep. Hillyer, Introduced 5/18/2021

Under Current Law:

- Ohio uses bail schedules, which predetermines the amount of money an accused individual must pay to be released from pretrial detention based on the crime charged.
- If a bail amount is not predetermined by the schedule, defendants must wait for a hearing in front of a judge, which may take up to 3 days.
- Based on suggestions made by the Task Force to Examine the Ohio Bail System, the Ohio Supreme Court amended Criminal Rule 46 in July, 2020 which requires:
 - Personal recognizance must be the first option for release unless a person poses a risk of flight or danger to the community.
 - The 28 Ohio counties with multiple municipal and county courts must use a uniform bail schedule for individuals who are held in pre-trial detention.

This Bill Would:

- Require that a preliminary pretrial release decision for the accused occur within 24 hours of the arrest.
 - The pretrial release decision will order 1) release on personal recognizance, 2) a conditions of release hearing, or 3) a detention hearing depending on the circumstances.
- Require that release based on personal recognizance be the first option.
 - Courts may only order a secured bond if there is evidence that the accused is a flight risk or poses a danger to the community.
- Eliminate predetermined bond schedules.
 - If the court decides to set a secured bond, they must inquire as to the accused's ability to pay.
- Prevent secured bonds from exceeding 25% of a person's monthly income less monthly expenses.

Why This Bill is Important Generally:

- Each day up to 12,000 Ohioans are held in jail because they cannot afford to pay bail.¹
- Persons kept in jail for inability to pay cash bail risk losing jobs, homes, cars, and child custody.
- Cash bail does not make citizens safer, rather it allows wealthier people to buy their freedom, potentially allowing them to commit new and more dangerous crimes.

How This Bill would Impact Sexual and Domestic Violence Survivors if not Amended:

- Marsy's Law passed in 2017, amending the Ohio Constitution to include crime victim rights to notification rights and the right to be heard at proceedings and be protected from the accused.
- The bill creates new processes that do not protect these rights. For example, the bill provides victims no opportunity to give input or make requests on conditions of release, nor does it provide an opportunity to be heard in response to offender requests for modification of release conditions.
- The bill limits existing protections for victims, particularly those of sexual and domestic violence. Specifically, the bill creates a clear and convincing evidence standard for the issuance of no contact orders as a bail condition, and does not include temporary protection orders on the list of options.

*Prepared by Kate George, Law & Policy Intern, OAESV

¹ Sponsor Testimony, Ohio House Bill 315