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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 607  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. LaRe and Swearingen

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### SUMMARY

- Expands the factors that must be considered in setting bail to include all relevant information, including public safety.

### DETAILED ANALYSIS

#### Factors in setting bail

In all cases, bail must be fixed with consideration of the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of the defendant appearing at the trial of the case. The bill expands these factors to require that bail must be fixed with consideration of all relevant information, including the risk to public safety.<sup>1</sup>

The General Assembly declares in the bill that its intent is to supersede the effect of the holding of the Ohio Supreme Court in *DuBose v. McGuffey*.<sup>2</sup>

#### Background – who may set bail

Continuing law provides that in a case involving a felony or felonious assault, aggravated assault, or assault when the victim is a peace officer, the judge or magistrate must fix the amount of bail.<sup>3</sup>

Continuing law also provides that in a case involving a misdemeanor or a violation of a municipal ordinance and not involving a felony or felonious assault, aggravated assault, or assault when the victim is a peace officer, the judge, magistrate, or clerk of the court may fix

<sup>1</sup> R.C. 2937.23(A)(3).

<sup>2</sup> R.C. 2937.23(D) and *DuBose v. McGuffey*, Slip Opinion No. 2022-Ohio-8.

<sup>3</sup> R.C. 2937.23(A)(1).

the amount of bail and may do so in accordance with a schedule previously fixed by the judge or magistrate. If the judge, magistrate, or clerk of the court is not readily available, the sheriff, deputy sheriff, marshal, deputy marshal, police officer, or jailer having custody of the person charged may fix the amount of bail in accordance with a schedule previously fixed by the judge or magistrate and must take the bail only in the county courthouse, the municipal or township building, or the county or municipal jail.<sup>4</sup>

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## HISTORY

Action	Date
Introduced	03-28-22

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<sup>4</sup> R.C. 2937.23(A)(2).