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H.J.R. 2
134th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsors: Reps. LaRe and Swearingen

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SUMMARY

- Proposes to amend the Ohio Constitution to eliminate the requirement that the amount and conditions of bail be established pursuant to a specified provision of the Ohio Constitution.
- Proposes to amend the Ohio Constitution to require courts to consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the General Assembly may prescribe when determining bail.

DETAILED ANALYSIS

Factors in setting bail

The resolution proposes to amend the Ohio Constitution to eliminate the requirement that the amount and conditions of bail be established by the Ohio Constitution and to instead require courts to consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the General Assembly may prescribe when determining the amount of bail.

Currently, all persons must be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. Excessive bail must not be required, excessive fines must not be imposed, and cruel and unusual punishments must not be inflicted.

Currently the General Assembly must fix by law standards to determine whether a person who is charged with a felony where the proof is evident or the presumption great poses

a substantial risk of serious physical harm to any person or to the community. Procedures for establishing the amount and conditions of bail must be established pursuant to the Ohio Constitution.¹

Election and effective date

The resolution specifies that the amendment will be submitted to the electors at the general election to be held on November 8, 2022. If adopted by a majority of electors voting on it, the amendment takes effect immediately.²

HISTORY

Action	Date
Introduced	03-28-22
Reported, H. Criminal Justice	05-12-22

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¹ Ohio Constitution, Article I, Section 9.

² Ohio Constitution, Article I, Section 9.