



Ohio General Assembly
House of Representatives
Columbus

Sponsor Testimony of Representatives Jonathan Dever and Tim Ginter
Regarding House Bill 439
Before the House Criminal Justice Committee
Tuesday, January 16, 2018

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to offer sponsor testimony on behalf of House Bill 439, which reforms Ohio's bail system to provide for greater fairness and equality in our criminal justice system.

I would like to begin with a brief story, one many of you are likely familiar. On May 25, 2017 a gentleman by the name of Marckus Brown was arrested at the Dayton Regional Transit Authority (RTA) Hub on a misdemeanor trespassing charge. Mr. Brown, who was 21 years old at the time, was wearing a hoody and saggy pants. According to the police report, it was "in direct violation of the policy and the regulations that RTA has set forth." Mr. Brown's bail was set at \$150. Mr. Brown sat in jail for nine days. It took his mother the nine days to arrange for a car title loan to cover his \$150 bail.

Currently in Ohio, bail schedules are exclusively based on the nature of the offense. As a result, our entire system is predicated upon one's financial position as to whether or not that individual is released on bond.

During the course of the Ohio Criminal Sentencing Commission's work, the Commission formed a special committee to examine bail statewide – the Ad Hoc Committee on Bail and Pretrial Services. After nearly a year of meetings, the committee recommended several reforms, including the use of a risk assessment tool. HB 439 aims to implement some of the recommendations made by the Commission and special committee to reform Ohio's bail system.

HB 439 would establish a bail system based in part on validated risk assessment tools. These tools take into account a person's threat to society and the risk that a person will fail to appear in court. Additionally, the legislation allows the court to set nonmonetary bail. This will refocus our criminal justice system to make decisions based on evidence and not the size of one's pocketbook.

In the legislation, the Ohio Criminal Sentencing Commission is charged with compiling the list of risk assessment tools that would be used to determine proper bail procedures. Similar tools have had great success in certain areas of our state, as well as across the county, in reducing the percentages of pretrial defendant who skipped trial and defendants arrested while on release.

If validated risk assessment tools were used last May when Marckus Brown was arrested, it is likely that the police department would have processed and released him, as he had no prior criminal history and was an unlikely danger to society. According to the Montgomery County



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Office of Management and Budget, the cost of pretrial incarceration is \$56.69 per person per day. Not only was Mr. Brown forced to spend time in jail accused of a nonviolent crime, he did so at an estimated cost of \$510.21 to the taxpayers of our state. There are countless other cases similar to Mr. Brown's. As we continue through the hearing process, these stories will be shared with you and it will become clear how our bail system is skewed to reward those with financial means, even if they may pose a greater threat to society than other offenders who cannot afford bail.

Thank you, again, for allowing us the opportunity to offer sponsor testimony on House Bill 439. We would be happy to answer any questions at this time.