

TO: House Criminal Justice Committee

FROM: Patrick Higgins, Policy Counsel, ACLU of Ohio

DATE: May 19, 2022

RE: Substitute House Bill 315

Chairman LaRe, Vice Chair White, Ranking Member Leland, and members of the House Criminal Justice Committee:

My name is Patrick Higgins and I have the pleasure of serving as Policy Counsel at the ACLU of Ohio. Thank you for the opportunity to present testimony in support of Substitute House Bill 315 which, as was the case with the as-introduced bill, the ACLU of Ohio supports enthusiastically.

I am here today to share our support for what this legislation does to flip the determining question for pretrial release from “does this person have enough money?” to “does this person pose a flight or community safety risk?” The substitute bill maintains this shift and provides courts with a toolkit for protecting their communities while ending wealth-based detention and maintaining a presumption of innocence as guaranteed by our Constitution.

With today’s opportunity to provide testimony in support of Substitute House Bill 315, I am sharing the reasons that the ACLU of Ohio continues to support this legislation:

- This is smart lawmaking. After years of efforts to review and reconsider how bail is used in Ohio, including lessons learned from other attempts around the country, we have model legislation for ending wealth-based detention that centers public safety.
- Simply put, a person should not be incarcerated because of the amount of money in their wallet. This bill makes evidence-based changes that make strides toward eliminating this facet of our two-tiered criminal legal system.
- We must put an end to the wealth extraction that results when individuals accused of crimes are forced to borrow from family and community members to purchase their freedom. Moreover, while legally innocent individuals remain behind bars before trial, they risk loss of income, housing, and many other critical elements of day-to-day life. This fallout certainly extends to children and other loved ones who depend on them. This practice is not necessary to prevent flight or risk to others.
- This legislation has the potential to save the state enormous amounts of money. We hired an expert economist who found \$199-264 million in *annual* savings that can result from bail reform.
- This is a unique opportunity in this moment of time, General Assembly, and Committee. A remarkably broad coalition of supporters endorsed the as-



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introduced version of House Bill 315. The substitute bill undoubtedly addresses the input shared by others. Moreover, a review of those offering supportive testimony today highlights how common sense these reforms really are. It's not often that we see such full-throated support from the full spectrum of interested parties and we get big things done when it happens. I urge you to embrace it.

While the ACLU of Ohio maintains its support for these important changes, I must point out one change in the substitute bill that we urge you to reconsider:

- In the section concerning the ability to pay determination for financial conditions of release, new language provides for the setting of cash bail even when a person “zeros out” under the ability to pay analysis. Because this language allows the resumption of wealth-based detention that the spirit and text of the as-introduced bill eliminate, I urge you to reject this change.

No legislation is perfect, but this bill takes leaps toward a fairer pretrial process. Together with the broad coalition of supporters, the ACLU of Ohio supports Substitute House Bill 315 enthusiastically. We reiterate our appreciation for the leadership of Representatives Leland and Hillyer and ask that you join them in supporting Substitute House Bill 315.