



## **Ohio House Bill 315/ Senate Bill 182**

May 23, 2022

Dear Members of the Ohio State Legislature,

New York State legislators spent a vast amount of time, resources, and political momentum on shifting the bail system. The truth is that the notion of legislating out the power of the Judicial branch served to be egg on the face of the entire legislature that supported these changes.

A timeline looking back at “bail reform” in NYS speaks volumes. In April 2019 former Governor Cuomo signed sweeping bail reform measures into effect in a budget omnibus bill. This massive shift to the arraignment and release process went into effect on January 1, 2020. The amount of blatant criminal behavior quickly became national news. Bank robbery (a non-violent crime) became increasingly popular, the NYPD initiated arrest time and time again, only to have offenders laughing and making public statements about the fun of it all. Legislators quickly went back to the drawing board, and on April 1, 2020 Cuomo added more “bailable offense” charges, again slipping them into the NYS Budget.

The word on the street spread rather quickly that NYS would set you free after arrest without bail, or prosecution.

The irony of it all is that nowhere in the language of amending the bail system in Ohio or NY is there any language that we can see that protects the law abiding. Legislators become overly concerned with offenders’ rights and seem to dismiss the rights of their own law abiding constituents.

Victims’ Rights should always be a primary consideration before amending Criminal Justice Policy.

NYS does not have a “citizens right to know” policy. Our understanding is that Ohio is similar in that regard. The question that each and every one of you should be asking yourselves prior to the amendment

of any change in bail law is: “Do my constituents want this change, and how will such measures affect our communities”? It is our strong suggestion to consider public safety before passing such a bill.

The reason “secured bail” has worked for hundreds of years is simple, “sufficient surety”. The bail profession is deeply connected to the “circle of love” (family) of the accused and insures appearance at zero cost to any municipality or state government. The monitoring of the accused by secured bail agents has proven to serve the great people of the Buckeye State.

We are reasonably certain that there isn't one legislator that would want to take credit for turning Ohio into the newest version of New York.

As a profession we truly believe in services for the indigent, however, as in any working government model, there should always be a system of checks and balances that quantifies indigence. There is a vast difference between stealing food so that one can eat and running shoplifting rings. Non- Violent crime has victims, many of which are your constituents. We urge you to continue a dialogue with industry professionals before making the same mistakes NY made.

Our new Governor, Kathy Hochul, just amended the amendments to bail reform in the April 2022 NYS Budget, adding in more crimes, addressing recidivism, and harm against humans. Governor Hochul inherited a State riddled with booming crime rates from Niagara to New York City, she had to make changes to quell this issue to some degree.

Ohio legislators have a unique opportunity to move away from the political nightmare that bail reform has inflicted on legislators who supported these policies.

Legislating away Judicial Discretion has served to create an environment of chaos in New York State. A quick glance across our river into New Jersey proves to be another nightmare of bail reform gone awry. In NJ one is either released to a massive taxpayer funded bureaucratic system, or an accused is held without any chance of bail. New Jersey practices a system of preventative detention, where an accused is held without any option of bail release through trial. Some of the Countries that use this system currently are China and Iraq. The “Right to Bail” enshrined in the 8th amendment is a serious one. If ones Son or Daughter were to attend College in NJ, and come to be accused of a violent crime, like Rape for example, he or she would undoubtedly be remanded to custody without an option of bail.

Additionally, the income restrictions in your bill are unattainable. Criminal recidivists do not report income, many do not work on the books, and many avoid banking institutions altogether. This language is overarching and will serve to release the majority of offenders back into your communities without any sufficient surety whatsoever. This policy will severely impact your constituents and pose great risk to public safety. We strongly urge you to reconsider.

---

Michelle Esquenazi  
[CEOsquenazi@gmail.com](mailto:CEOsquenazi@gmail.com)  
Executive Vice President  
New York State Bail Association