

House Criminal Justice Committee
Testimony in Opposition to HB 315
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Chairman LaRe, Vice Chair White, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to testify in opposition to House Bill 315.

My name is Jackson T. Harris, I am a graduate of the University of Findlay where I received a bachelor's degree in Criminal Justice. Since 2004, I have worked in the criminal justice system as a licensed bail agent, a corrections officer, a security officer and as a private investigator.

I stand today in opposition to HB 315. In my view, HB 315 eliminates judicial discretion and the right to personal surety in Ohio. In addition, I have read the testimony of the agencies and private companies that support HB 315, some of which I would like to address today. The proponents' key arguments are flawed when applied to real-life application. Unlike the proponents, I can speak to the issue with expertise in the field.

The Justice Action Network states the only way to detain a violent offender is with a high bond. This is not true. Judges in the state of Ohio have the authority to hold a defendant if there is a significant risk to the community. Section 2937.222 covers the issue on grounds for denying bail. This not only gives the person accused of a crime an opportunity to defend themselves, it also allows for the continued safety of the public by allowing both sides to gather evidence and witnesses in order to decide if bail or no bail is needed.

In addition, recognizance bonds are the primary choice for release when people who are not violent and who don't have a history of not showing up for court are released without bond. This method is used most of the time.

Arnold Ventures, the private advocacy arm of former hedge-fund millionaire John Arnold claims that their system of pretrial release would better inform judges to make decisions. Ohio already does these tasks efficiently through our current process. The clerk of courts keeps the record or history of the accused. The public defender's office gets relevant information and presents that information to the judge and prosecutors to present their case to the judge as well. In addition, information is gathered by law enforcement officers and bail agents investigate and perform risk management on the people who come to get the accused out of jail at no additional cost to the public taxpayer.

The ACLU supports this bill based on the claim that people should not be incarcerated because of the amount of money in their wallet. As I've stated, most defendants arrested are released on recognizance bonds already. Those who remain in jail are typically there because of a third-party decision to keep them in jail for a variety of reasons – history of failure to appear, multiple offenses or the safety of the community as an example. Judges are tasked with making the tough decision to release without bail or not – and I believe they do it well.

The Buckeye Institute argues bail does not keep the public safe. I would argue that any form of release does not guarantee to keep the community safe. What bail does do is add another crucial layer of accountability that is needed in many cases as determined by the judge. The purpose of bail is

appearance. The result of bail is justice and guaranteeing the victims day in court. Surety bail outperforms any other form of release. These are undisputed facts.

The public defender's office does the best job that they can. However, the reality is that given a choice, no one wants a public defender because they are understaffed and overworked. They need additional funding to have more qualified and experienced attorneys on staff. They need more funding so that they can investigate the accused side of the story. I agree with the public defender that not everyone in jail is not guilty, but they are not all innocent as well. The surety bail system has been a friend to the friendless long before it was a progressive talking point by championing the right to bail for those accused – all while making it affordable with no-interest payment plans for the premium. In turn, this allows full collateralization of the bond to the court, guarantees appearance and allows to the accused to seek council on their terms, not the states.

In conclusion, I would like to thank this committee for its time and attention. Our criminal Justice system is not the best nor is it the worst, but it works. It provides justice and closure for victims. It provides help and guidance to those accused. Surety bail is a part of that system. We have been a partner to the court and effective for decades.

In closing, I am reminded of the many ways surety bail has been a functioning part of our legal system. During the civil rights movement a bus full of heroes were arrested in Georgia while peacefully protesting. It was private financial institutions that paid for their release. Surety bail provides aid to both the accused and victims of crime by being a partner to the court.

Thank you,

Jackson T. Harris

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