



Ohio House Criminal Justice Committee, Chair Jeff LaRe  
Opposition testimony to House Bill 315 from the Ohio Bail Agents Association (Woody Fox and  
Eddie Miller)  
Wednesday, May 25, 2022

Chair LaRe, Vice Chair White, Ranking Member Leland, and members of the Ohio House Criminal Justice Committee, thank you for the opportunity to appear before you today. My name is Woody Fox, and I am the owner of Woody Fox Bail Bonds here in Columbus. I am a retired 26-year veteran of the Columbus Police force and 13 years of that were spent as a court liaison. I have owned and operated Woody Fox Bail Bonds for the past 29 years, I employ 11 agents, and have proudly made sure that thousands of defendants showed up for their day in court. Professional bail agents are a critical component of the criminal justice system who take responsibility for defendants and help protect the right that every Ohioan has to a fair and speedy trial.

I am joined today by Eddie Miller, of Charles J. Miller Bonding, a nearly sixty-year business. Eddie and I lead the Ohio Bail Agents Association. The OBAA consists of Ohio licensed surety bond agents and in the early 2000s we helped to develop the regulatory and licensing structure of surety bond agents. We are regulated and licensed by the Ohio Department of Insurance. Our Association has represented the bail industry by participating on task forces, commissions, study committees, and of course in front of you all at hearings and meetings like today. This representation includes Justice Maureen O'Connor's task force on bail reform. We continue to proudly represent surety bond agents and are pleased to be before you today.

We are here in opposition to House Bill 315 and want to talk with you about the role we play in the criminal justice system. To be clear, House Bill 315 is problematic in its entirety, but we do not plan on going through the bill point by point. Frankly, the legislation's premise is flawed which makes "redlining" it very difficult. The legislation at hand makes changes and those changes are a huge gamble on justice. Our goal today is to simply discuss how surety works, and how bail ensures justice.

A surety bond is inherently a promise to show up to court. This is a contract that involves three or four parties – we guarantee the defendant sees his or her day in court, and we do this through a contract not with the defendant, but mom, dad, wife, husband, girlfriend, or anyone else who steps in to co-sign or "indemnify" the bond. Text messages and reminders to defendants to appear in court are not realistic, neither are conditions set forth in this legislation.

Below you will find a breakdown of 2020 and 2021 bonds posted at the Franklin County Municipal Court and fail to appear rates (FTAs). I would like to take a moment to explain these numbers. You can clearly see how responsible defendants are when they get a "notice"

without any enforcement. This is not a knock on other aspects of criminal justice, it's simply not feasible for the police, judges, or anyone else to do the job we do to ensure justice – not without tremendous taxpayer expense. We are in regular contact with the defendant, but also the co-signer. This is in part why our FTA rate is so much lower.

When the judge or magistrate sets a bond on a failure to appear, the prosecutor determines the distance or location that law enforcement can travel to apprehend the defendant. This distance is referred to as a “pickup radius” (which is a 1-5 scale: 1. Nationwide, 2. Within the state of Ohio, 3. A 100-mile radius, 4. Adjoining counties, 5. Within the county). Many Ohioans believe that when a warrant is issued that a defendant caught on another offense would be picked up and brought to justice - but that is not always the case. I think a lot of Ohioans probably think that just because a warrant is issued that the law enforcement is actively looking.

Often prosecutors make decisions on pickup radius that are not related to the offense committed by the defendant, but rather manpower and financial restrictions placed on law enforcement. Law enforcements’ job is to protect and serve the communities they are hired to protect. Bail agents do not have territorial restrictions. Our sole focus, regardless of location, is to bring back defendants to the bar of justice. In fact, we have the financial responsibility to safely make sure the defendant faces their day in court.

There has been a lot of talk recently about the importance of public safety in relation to the use of cash bail. And while many have pointed out the immediate public safety risks posed by violent offenders and the option for pretrial detention, it seems public accountability has gone by the wayside.

While repeat offenders who consistently commit minor crimes may not pose a direct public safety risk, society is worse when these offenders never face trial. Because their crimes are non-violent, no judge or law enforcement agency can justify keeping these low-level offenders in pre-trial detention. Bail agents play a key role ensuring these defendants face trial at no cost to the taxpayer. Without surety bail, it is a ‘game of catch me if you can.’

In summary, Ohio bail agents play a key but often unseen role in the criminal justice system. We provide an option to ensure those charged with crimes will return to families and employment. We also ensure that victims and accusers can face the defendants in court and agents have financial skin in the game to ensure the criminal justice process can play out. All this is done at no additional cost to the taxpayers.

Make no mistake if HB 315 is enacted, surety bail agents will be effectively eliminated from the criminal justice system. Thank you for the opportunity to voice our opposition to HB 315. We would be happy to answer your questions at this time.

**Break down of Bond posted in the Franklin County Municipal Court**

**January 01, 2020 through December 31, 2020**

Appearance bond's posted- 4,729

BFOI notice's sent when Defendant failed to appear- 2,015 (43%)

Bond Forfeiture Judgment notice's sent for balance of appearance bond- 137  
(7% after original bond posted taken and referred to Judge)

Surety Bond's posted- 2,855

BFOI notice's sent to Bonding Companies - 116 ( 4%)

Cases listed on Bonding Company's bill after the 60 day show cause date  
had expired- 26 ONLY 4 PAID

ROR (RELEASED ON OWN RECOGNIZANCE) granted by the Judges- 4,136

This is to certify that the  
following is a true copy of the  
original entry as the same appears  
upon the records of the court.

**LORI M. TYACK, CLERK**

By: Michael A. Case  
Date: 4-16-21

**Break down of Bond posted in the Franklin County Municipal Court**

**January 01, 2021 through December 31, 2021**

Appearance bond's posted- 5,597

BFOI notice's sent when Defendant failed to appear- 2,050 (37%)

Bond Forfeiture Judgment notice's sent for balance of appearance bond- 267  
(2% after original bond posted taken and referred to Judge)

Surety Bond's posted- 3,052

BFOI notice's sent to Bonding Companies - 139 (.04%)

Cases listed on Bonding Company's bill after the 60 day show cause date had expired- 58 (43% after notice sent)- ONLY 6 (.002%) HAD TO BE PAID BY BONDING COMPANIES.

ROR (RELEASED ON OWN RECOGNIZANCE) granted by the Judges- 5,939

**This is to certify that the following is a true copy of the original entry as the same appears upon the records of the court.**

**LORI M. TYACK, CLERK**

By: Michael A. Cherry  
Date: 2-22-2021