

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. J. R. No. 2**

**Representatives LaRe, Swearingen**

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**A JOINT RESOLUTION**

Proposing to amend Section 9 of Article I of the 1  
Constitution of the State of Ohio to eliminate the 2  
requirement that the amount and conditions of bail be 3  
established pursuant to Section 5(b) of Article IV of 4  
the Constitution of the State of Ohio, and instead 5  
allow the courts to use factors such as public safety, 6  
a person's criminal record, the likelihood a person 7  
will return to court, and the seriousness of a 8  
person's offense. 9

Be it resolved by the General Assembly of the State of 10  
Ohio, three-fifths of the members elected to each house 11  
concurring herein, that there shall be submitted to the electors 12  
of the state, in the manner prescribed by law at the general 13  
election to be held on November 8, 2022, a proposal to amend 14  
Section 9 of Article I of the Constitution of the State of Ohio 15  
to read as follows: 16

**ARTICLE I** 17

**Section 9.** All persons shall beailable by sufficient 18  
sureties, except for a person who is charged with a capital 19  
offense where the proof is evident or the presumption great, and 20

except for a person who is charged with a felony where the proof 21  
is evident or the presumption great and where the person poses a 22  
substantial risk of serious physical harm to any person or to 23  
the community. Where a person is charged with any offense for 24  
which the person may be incarcerated, the court may determine at 25  
any time the type, amount, and conditions of bail. Excessive 26  
bail shall not be required; nor excessive fines imposed; nor 27  
cruel and unusual punishments inflicted. When determining the 28  
amount of bail, the court shall consider public safety, a 29  
person's criminal record, the likelihood a person will return to 30  
court, and the seriousness of a person's offense. 31

The general assembly shall fix by law standards to 32  
determine whether a person who is charged with a felony where 33  
the proof is evident or the presumption great poses a 34  
substantial risk of serious physical harm to any person or to 35  
the community. ~~Procedures for establishing the amount and~~ 36  
~~conditions of bail shall be established pursuant to Article IV,~~ 37  
~~Section 5(B) of the Constitution of the State of Ohio.~~ 38

EFFECTIVE DATE 39

If adopted by a majority of the electors voting on this 40  
proposal, Section 9 of Article I of the Constitution of the 41  
State of Ohio amended by this proposal shall take effect 42  
immediately and the existing version of Section 9 of Article I 43  
of the Constitution of the State of Ohio shall be repealed 44  
effective immediately. 45