

# A JOINT RESOLUTION

Proposing to amend Section 9 of Article I of the Constitution of the State of Ohio to eliminate the requirement that the amount and conditions of bail be established pursuant to Section 5(b) of Article IV of the Constitution of the State of Ohio, and instead allow the courts to use factors such as public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the General Assembly may prescribe.

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

## ARTICLE I

Section 9. All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted. When determining the amount of bail, the court shall consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the general assembly may prescribe.

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

## EFFECTIVE DATE

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

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Adopted \_\_\_\_\_, 20\_\_\_\_