



Ohio Judicial Conference

The Voice of Ohio Judges

June 6, 2023

House Criminal Justice Committee

Proponent testimony – SB 122 and HB 191

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee:

I am here to testify on SB 122, which seeks to codify Criminal Rule 46. I am Paul Pfeifer, the Executive Director of the Ohio Judicial Conference and I am part of a larger group of signatories to the letter included with my testimony. This group of attorneys and judges is directly involved in decisions of pre-trial release, detention, and bail. The group includes the Ohio State Bar Association, the Ohio Prosecuting Attorneys Association, the Buckeye Sheriffs Association, and the Ohio Association of Criminal Defense Lawyers. I know I speak on behalf of everyone in expressing our appreciation for the sponsors of these bills for their swift attention to this matter, and to Chair Abrams for holding this hearing today.

Issue 1 passed by voters last November amended Article 1 Section 9 of the Ohio Constitution in two ways: It added language requiring courts to consider public safety when setting bail amounts, and it also removed language assigning to the Supreme Court the responsibility of establishing the amount and conditions of bail. I have included the exact language of that amendment with my testimony. As a result of Issue 1's passage, the Court recently voted to repeal Criminal Rule 46 in its entirety.

What we are asking today is that Criminal Rule 46 be placed, in its entirety into the Revised Code to provide an uninterrupted, consistent and uniform approach to pre-trial release, detention, and bail in Ohio. That said, the situation is more complex than that. For one thing, Issue 1 made public safety a factor that must be considered in making decisions about pre-trial release, detention, and bail – those words rightly belong in the Code as well. Further, some statutory language already exists relevant to pre-trial release, detention and bail; that language should be consistent with Criminal Rule 46 language and may need to be altered.

The Ohio Judicial Conference stands ready to help and we are here today to answer any questions you may have.