



**Senators Nathan H. Manning and Paula Hicks-Hudson
Sponsor Testimony: Senate Bill 122**

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for allowing us the opportunity to provide sponsor testimony on Senate Bill 122. This legislation will codify Criminal Rule 46, a rule that provides all state courts with instructions regarding bail-setting procedures. The rule has governed pre-trial release, detention, and bail procedures for decades.

Per Article IV, Section 5(B) of the Ohio Constitution, the Ohio Supreme Court can propose amendments for Rules of Procedure and share those proposals with members of the General Assembly no later than January 15th. Any amendments to the initial proposal must be filed no later than May 1st. The General Assembly will have till July 1st to adopt a concurrent resolution of disapproval of any proposed rule. If no action is taken, then the rule will take effect on July 1st.

At the end of April, the Ohio Supreme Court provided our offices with proposed amendments to the Ohio Rules of Criminal Procedure. Within those amendments was a full repeal of Criminal Rule 46. This proposal is a byproduct of the passage of Issue 1 last year, which granted the General Assembly authority to prescribe factors for courts when they set bail. We do not believe the repeal was a reflection of the rule's operation, but instead reflects questions regarding the judiciary and legislature's authority over bail procedures.

Instead of introducing a concurrent resolution, we have decided to introduce legislation to codify Criminal Rule 46 for a couple reasons. Codification of the rule will maintain consistent, uniform application of pre-trial release, detention, and bail by our state's courts by placing it in the Ohio Revised Code. Secondly, this legislation will allow the pretrial system to work in harmony with the changes to the Ohio Constitution rather than proceed in conflict. In addition, this legislation includes an emergency clause that, should this legislation be signed into law, would codify this crucial rule before July 1st. A failure to pass the emergency clause will cause chaos and uncertainty for stakeholders across the state.

Proponents of this codification effort include Chief Justice Sharon Kennedy, Attorney General Dave Yost, Ohio State Bar Association, Ohio Judicial Conference, Ohio Prosecuting Attorney's Association, Ohio Association of Criminal Defense Lawyers, Ohio Public Defender, and Buckeye State Sheriff's Association.

Thank you again for allowing us to deliver testimony on Senate Bill 122. We would be glad to answer questions at this time.