



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

Vice Chair Reynolds and members of the Senate Judiciary 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 15<sup>th</sup>. Any amendments to the initial proposal must be filed no later than May 1<sup>st</sup>. The General Assembly will have till July 1<sup>st</sup> to adopt a concurrent resolution of disapproval of any proposed rule. If no action is taken, then the rule will take effect on July 1<sup>st</sup>.

Last month, 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 provide consistent application of pre-trial release, detention, and bail by our state's courts by placing it in the Ohio Revised Code. In addition, this legislation includes an emergency clause that, should this legislation be signed into law, would codify this crucial rule before July 1<sup>st</sup>.

This codification effort has the support of Chief Justice Sharon Kennedy, Ohio State Bar Association, Ohio Judicial Conference, Ohio Prosecuting Attorney's Association, Ohio Association of Criminal Defense Lawyers, 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.