

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 191

Representatives Swearingen, Seitz

Cosponsors: Representatives Hillyer, Carruthers, White, Miller, K.

A BILL

To amend sections 2743.70, 2903.212, 2903.213, 1
2907.41, 2919.251, 2937.40, 2949.02, 2949.04, 2
2949.093, 2953.03, and 2953.09 and to enact 3
section 2937.011 of the Revised Code to make 4
changes regarding bail. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2743.70, 2903.212, 2903.213, 6
2907.41, 2919.251, 2937.40, 2949.02, 2949.04, 2949.093, 2953.03, 7
and 2953.09 be amended and section 2937.011 of the Revised Code 8
be enacted to read as follows: 9

Sec. 2743.70. (A) (1) The court, in which any person is 10
convicted of or pleads guilty to any offense other than a 11
traffic offense that is not a moving violation, shall impose the 12
following sum as costs in the case in addition to any other 13
court costs that the court is required by law to impose upon the 14
offender: 15

(a) Thirty dollars, if the offense is a felony; 16

(b) Nine dollars, if the offense is a misdemeanor. 17

The court shall not waive the payment of the thirty- or 18
nine-dollar court cost. All such moneys shall be transmitted on 19
the first business day of each month by the clerk of the court 20
to the treasurer of state and deposited by the treasurer in the 21
reparations fund. 22

(2) The juvenile court in which a child is found to be a 23
delinquent child or a juvenile traffic offender for an act 24
which, if committed by an adult, would be an offense other than 25
a traffic offense that is not a moving violation, shall impose 26
the following sum as costs in the case in addition to any other 27
court costs that the court is required or permitted by law to 28
impose upon the delinquent child or juvenile traffic offender: 29

(a) Thirty dollars, if the act, if committed by an adult, 30
would be a felony; 31

(b) Nine dollars, if the act, if committed by an adult, 32
would be a misdemeanor. 33

The thirty- or nine-dollar court cost shall be collected 34
in all cases. All such moneys collected during a month shall be 35
transmitted on or before the twentieth day of the following 36
month by the clerk of the court to the treasurer of state and 37
deposited by the treasurer in the reparations fund. 38

(B) Whenever a person is charged with any offense other 39
than a traffic offense that is not a moving violation and posts 40
bail pursuant to section 2937.011 or sections 2937.22 to 2937.46 41
of the Revised Code, ~~Criminal Rule 46,~~ or Traffic Rule 4, the 42
court shall add to the amount of the bail the thirty or nine 43
dollars required to be paid by division (A) (1) of this section. 44
The thirty or nine dollars shall be retained by the clerk of the 45
court until the person is convicted, pleads guilty, forfeits 46

bail, is found not guilty, or has the charges dismissed. If the 47
person is convicted, pleads guilty, or forfeits bail, the clerk 48
shall transmit the thirty or nine dollars to the treasurer of 49
state, who shall deposit it in the reparations fund. If the 50
person is found not guilty or the charges are dismissed, the 51
clerk shall return the thirty or nine dollars to the person. 52

(C) No person shall be placed or held in jail for failing 53
to pay the additional thirty- or nine-dollar court cost or bail 54
required to be paid by this section. 55

(D) As used in this section: 56

(1) "Moving violation" means any violation of any statute 57
or ordinance, other than section 4513.263 of the Revised Code or 58
an ordinance that is substantially equivalent to that section, 59
that regulates the operation of vehicles, streetcars, or 60
trackless trolleys on highways or streets or that regulates size 61
or load limitations or fitness requirements of vehicles. "Moving 62
violation" does not include the violation of any statute or 63
ordinance that regulates pedestrians or the parking of vehicles. 64

(2) "Bail" means cash, a check, a money order, a credit 65
card, or any other form of money that is posted by or for an 66
offender pursuant to section 2937.011 or sections 2937.22 to 67
2937.46 of the Revised Code, ~~Criminal Rule 46,~~ or Traffic Rule 4 68
to prevent the offender from being placed or held in a detention 69
facility, as defined in section 2921.01 of the Revised Code. 70

Sec. 2903.212. (A) Except when the complaint involves a 71
person who is a family or household member as defined in section 72
2919.25 of the Revised Code, if a person is charged with a 73
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 74
the Revised Code, a violation of a municipal ordinance that is 75

substantially similar to one of those sections, or a sexually 76
oriented offense and if the person, at the time of the alleged 77
violation, was subject to the terms of any order issued pursuant 78
to section 2903.213, 2933.08, or 2945.04 of the Revised Code or 79
previously had been convicted of or pleaded guilty to a 80
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 81
the Revised Code that involves the same complainant, a violation 82
of a municipal ordinance that is substantially similar to one of 83
those sections and that involves the same complainant, or a 84
sexually oriented offense that involves the same complainant, 85
the court shall consider all of the following, in addition to 86
any other circumstances considered by the court and 87
notwithstanding any provisions to the contrary contained in 88
~~Criminal Rule 46~~section 2937.011 of the Revised Code, before 89
setting the amount and conditions of the bail for the person: 90

(1) Whether the person has a history of violence toward 91
the complainant or a history of other violent acts; 92

(2) The mental health of the person; 93

(3) Whether the person has a history of violating the 94
orders of any court or governmental entity; 95

(4) Whether the person is potentially a threat to any 96
other person; 97

(5) Whether setting bail at a high level will interfere 98
with any treatment or counseling that the person is undergoing. 99

(B) Any court that has jurisdiction over violations of 100
section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised 101
Code, violations of a municipal ordinance that is substantially 102
similar to one of those sections, or sexually oriented offenses 103
may set a schedule for bail to be used in cases involving those 104

violations. The schedule shall require that a judge consider all 105
of the factors listed in division (A) of this section and may 106
require judges to set bail at a certain level or impose other 107
reasonable conditions related to a release on bail or on 108
recognizance if the history of the alleged offender or the 109
circumstances of the alleged offense meet certain criteria in 110
the schedule. 111

(C) As used in this section, "sexually oriented offense" 112
has the same meaning as in section 2950.01 of the Revised Code. 113

Sec. 2903.213. (A) Except when the complaint involves a 114
person who is a family or household member as defined in section 115
2919.25 of the Revised Code, upon the filing of a complaint that 116
alleges a violation of section 2903.11, 2903.12, 2903.13, 117
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 118
violation of a municipal ordinance substantially similar to 119
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 120
Revised Code, or the commission of a sexually oriented offense, 121
the complainant, the alleged victim, or a family or household 122
member of an alleged victim may file a motion that requests the 123
issuance of a protection order as a pretrial condition of 124
release of the alleged offender, in addition to any bail set 125
~~under Criminal Rule 46~~ by the court. The motion shall be filed 126
with the clerk of the court that has jurisdiction of the case at 127
any time after the filing of the complaint. If the complaint 128
involves a person who is a family or household member, the 129
complainant, the alleged victim, or the family or household 130
member may file a motion for a temporary protection order 131
pursuant to section 2919.26 of the Revised Code. 132

(B) A motion for a protection order under this section 133
shall be prepared on a form that is provided by the clerk of the 134

out of the attached complaint or until the issuance under 162
section 2903.214 of the Revised Code of a protection order 163
arising out of the same activities as those that were the basis 164
of the attached complaint. 165

_____ 166

Signature of person 167

_____ 168

Address of person" 169

(C) (1) As soon as possible after the filing of a motion 170
that requests the issuance of a protection order under this 171
section, but not later than the next day that the court is in 172
session after the filing of the motion, the court shall conduct 173
a hearing to determine whether to issue the order. The person 174
who requested the order shall appear before the court and 175
provide the court with the information that it requests 176
concerning the basis of the motion. If the court finds that the 177
safety and protection of the complainant or the alleged victim 178
may be impaired by the continued presence of the alleged 179
offender, the court may issue a protection order under this 180
section, as a pretrial condition of release, that contains terms 181
designed to ensure the safety and protection of the complainant 182
or the alleged victim, including a requirement that the alleged 183
offender refrain from entering the residence, school, business, 184
or place of employment of the complainant or the alleged victim. 185
The court may include within a protection order issued under 186
this section a term requiring that the alleged offender not 187
remove, damage, hide, harm, or dispose of any companion animal 188
owned or possessed by the complainant or the alleged victim, and 189
may include within the order a term authorizing the complainant 190

or the alleged victim to remove a companion animal owned by the 191
complainant or the alleged victim from the possession of the 192
alleged offender. 193

(2) (a) If the court issues a protection order under this 194
section that includes a requirement that the alleged offender 195
refrain from entering the residence, school, business, or place 196
of employment of the complainant or the alleged victim, the 197
order shall clearly state that the order cannot be waived or 198
nullified by an invitation to the alleged offender from the 199
complainant, the alleged victim, or a family or household member 200
to enter the residence, school, business, or place of employment 201
or by the alleged offender's entry into one of those places 202
otherwise upon the consent of the complainant, the alleged 203
victim, or a family or household member. 204

(b) Division (C) (2) (a) of this section does not limit any 205
discretion of a court to determine that an alleged offender 206
charged with a violation of section 2919.27 of the Revised Code, 207
with a violation of a municipal ordinance substantially 208
equivalent to that section, or with contempt of court, which 209
charge is based on an alleged violation of a protection order 210
issued under this section, did not commit the violation or was 211
not in contempt of court. 212

(D) (1) Except when the complaint involves a person who is 213
a family or household member as defined in section 2919.25 of 214
the Revised Code, upon the filing of a complaint that alleges a 215
violation specified in division (A) of this section, the court, 216
upon its own motion, may issue a protection order under this 217
section as a pretrial condition of release of the alleged 218
offender if it finds that the safety and protection of the 219
complainant or the alleged victim may be impaired by the 220

continued presence of the alleged offender. 221

(2) If the court issues a protection order under this 222
section as an ex parte order, it shall conduct, as soon as 223
possible after the issuance of the order but not later than the 224
next day that the court is in session after its issuance, a 225
hearing to determine whether the order should remain in effect, 226
be modified, or be revoked. The hearing shall be conducted under 227
the standards set forth in division (C) of this section. 228

(3) If a municipal court or a county court issues a 229
protection order under this section and if, subsequent to the 230
issuance of the order, the alleged offender who is the subject 231
of the order is bound over to the court of common pleas for 232
prosecution of a felony arising out of the same activities as 233
those that were the basis of the complaint upon which the order 234
is based, notwithstanding the fact that the order was issued by 235
a municipal court or county court, the order shall remain in 236
effect, as though it were an order of the court of common pleas, 237
while the charges against the alleged offender are pending in 238
the court of common pleas, for the period of time described in 239
division (E)(2) of this section, and the court of common pleas 240
has exclusive jurisdiction to modify the order issued by the 241
municipal court or county court. This division applies when the 242
alleged offender is bound over to the court of common pleas as a 243
result of the person waiving a preliminary hearing on the felony 244
charge, as a result of the municipal court or county court 245
having determined at a preliminary hearing that there is 246
probable cause to believe that the felony has been committed and 247
that the alleged offender committed it, as a result of the 248
alleged offender having been indicted for the felony, or in any 249
other manner. 250

(E) A protection order that is issued as a pretrial condition of release under this section:	251 252
(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46 by the court;	253 254
(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;	255 256 257 258 259 260 261 262 263
(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.	264 265 266 267 268
(F) A person who meets the criteria for bail under Criminal Rule 46 <u>section 2937.011 of the Revised Code</u> and who, if required to do so pursuant to that rule <u>section</u> , executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a protection order under this section.	269 270 271 272 273 274
(G) (1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a	275 276 277 278 279

copy of the order be delivered to the defendant on the same day 280
that the order is entered. If a municipal court or a county 281
court issues a protection order under this section and if, 282
subsequent to the issuance of the order, the defendant who is 283
the subject of the order is bound over to the court of common 284
pleas for prosecution as described in division (D) (3) of this 285
section, the municipal court or county court shall direct that a 286
copy of the order be delivered to the court of common pleas to 287
which the defendant is bound over. 288

(2) All law enforcement agencies shall establish and 289
maintain an index for the protection orders delivered to the 290
agencies pursuant to division (G) (1) of this section. With 291
respect to each order delivered, each agency shall note on the 292
index the date and time of the agency's receipt of the order. 293

(3) Regardless of whether the petitioner has registered 294
the protection order in the county in which the officer's agency 295
has jurisdiction, any officer of a law enforcement agency shall 296
enforce a protection order issued pursuant to this section in 297
accordance with the provisions of the order. 298

(H) Upon a violation of a protection order issued pursuant 299
to this section, the court may issue another protection order 300
under this section, as a pretrial condition of release, that 301
modifies the terms of the order that was violated. 302

(I) (1) Subject to division (I) (2) of this section and 303
regardless of whether a protection order is issued or a consent 304
agreement is approved by a court of another county or by a court 305
of another state, no court or unit of state or local government 306
shall charge the movant any fee, cost, deposit, or money in 307
connection with the filing of a motion pursuant to this section, 308
in connection with the filing, issuance, registration, 309

modification, enforcement, dismissal, withdrawal, or service of 310
a protection order, consent agreement, or witness subpoena or 311
for obtaining certified copies of a protection order or consent 312
agreement. 313

(2) Regardless of whether a protection order is issued or 314
a consent agreement is approved pursuant to this section, if the 315
defendant is convicted the court may assess costs against the 316
defendant in connection with the filing, issuance, registration, 317
modification, enforcement, dismissal, withdrawal, or service of 318
a protection order, consent agreement, or witness subpoena or 319
for obtaining a certified copy of a protection order or consent 320
agreement. 321

(J) As used in this section: 322

(1) "Sexually oriented offense" has the same meaning as in 323
section 2950.01 of the Revised Code. 324

(2) "Companion animal" has the same meaning as in section 325
959.131 of the Revised Code. 326

Sec. 2907.41. (A) Subject to division (D) of this section, 327
a person who is charged with the commission of any sexually 328
oriented offense or with a violation of section 2907.09 of the 329
Revised Code shall appear before the court for the setting of 330
bail if the person charged previously was convicted of or 331
pleaded guilty to a sexually oriented offense, a violation of 332
section 2907.09 of the Revised Code, or a violation of an 333
existing or former municipal ordinance or law of this or any 334
other state or the United States that is substantially similar 335
to section 2907.09 of the Revised Code. 336

(B) To the extent that information about any of the 337
following is available to the court, the court, in addition to 338

any other circumstances considered by the court and 339
notwithstanding any provisions to the contrary contained in 340
~~Criminal Rule 46~~section 2937.011 of the Revised Code, shall 341
consider all of the following before setting bail for a person 342
who appears before the court pursuant to division (A) of this 343
section: 344

(1) Whether the person previously has been adjudicated a 345
sexual predator or child-victim predator pursuant to Chapter 346
2950. of the Revised Code, previously has been determined to be 347
a habitual sex offender or habitual child-victim offender 348
pursuant to that ~~Chapter~~chapter, has a history of committing 349
sexually oriented offenses or child-victim oriented offenses, or 350
has a history of committing violations of section 2907.09 of the 351
Revised Code or violations of an existing or former municipal 352
ordinance or law of this or any other state or the United States 353
that is substantially similar to that section; 354

(2) The mental health of the person; 355

(3) Whether the person has a history of violating the 356
orders of any court or governmental entity; 357

(4) Whether the person is potentially a threat to any 358
other person; 359

(5) Whether the person has access to deadly weapons or a 360
history of using deadly weapons; 361

(6) Whether the person has a history of abusing alcohol or 362
any controlled substance; 363

(7) The severity of the alleged conduct of the person that 364
is the basis of the offense, including but not limited to, the 365
duration of the alleged conduct, and whether the alleged conduct 366
involved physical injury, assault, violence, or forcible entry 367

to gain access to an alleged victim;	368
(8) Whether the person has exhibited obsessive or	369
controlling behaviors toward another person, including, but not	370
limited to, stalking, surveillance, or isolation of another	371
person;	372
(9) Whether the person has expressed suicidal or homicidal	373
ideations;	374
(10) Any information contained in the complaint and any	375
police reports, affidavits, or other documents accompanying the	376
complaint.	377
(C) Any court that has jurisdiction over charges alleging	378
the commission of a sexually oriented offense or a violation of	379
section 2907.09 of the Revised Code, in circumstances in which	380
the person charged previously was convicted of or pleaded guilty	381
to any of the offenses or violations described in division (A)	382
of this section, may set a schedule for bail to be used in cases	383
involving those offenses and violations. The schedule shall	384
require that a judge consider all of the factors listed in	385
division (B) of this section and may require judges to set bail	386
at a certain level if the history of the alleged offender or the	387
circumstances of the alleged offense meet certain criteria in	388
the schedule.	389
(D) (1) Upon the court's own motion or the motion of a	390
party and upon any terms that the court may direct, a court may	391
permit a person who is required to appear before it by division	392
(A) of this section to appear by video conferencing equipment.	393
(2) If, in the opinion of the court, the appearance in	394
person or by video conferencing equipment of a person who is	395
charged with a misdemeanor and who is required to appear before	396

the court by division (A) of this section is not practicable, 397
the court may waive the appearance and release the person on 398
bail in accordance with the court's schedule for bail set under 399
division (C) of this section or, if the court has not set a 400
schedule for bail under that division, on one or both of the 401
following types of bail in an amount set by the court: 402

(a) A bail bond secured by a deposit of ten per cent of 403
the amount of the bond in cash; 404

(b) A surety bond, a bond secured by real estate or 405
securities as allowed by law, or the deposit of cash, at the 406
option of the person. 407

(3) Division (A) of this section does not create a right 408
in a person to appear before the court for the setting of bail 409
or prohibit a court from requiring any person charged with a 410
sexually oriented offense or a violation of section 2907.09 of 411
the Revised Code who is not described in that division from 412
appearing before the court for the setting of bail. 413

(E) As used in this section, "child-victim oriented 414
offense," "child-victim predator," "habitual child-victim 415
offender," "habitual sex offender," "sexually oriented offense," 416
and "sexual predator" have the same meanings as in section 417
2950.01 of the Revised Code. 418

Sec. 2919.251. (A) Subject to division (D) of this 419
section, a person who is charged with the commission of any 420
offense of violence shall appear before the court for the 421
setting of bail if the alleged victim of the offense charged was 422
a family or household member at the time of the offense and if 423
any of the following applies: 424

(1) The person charged, at the time of the alleged 425

offense, was subject to the terms of a protection order issued 426
or consent agreement approved pursuant to section 2919.26 or 427
3113.31 of the Revised Code or previously was convicted of or 428
pleaded guilty to a violation of section 2919.25 of the Revised 429
Code or a violation of section 2919.27 of the Revised Code 430
involving a protection order or consent agreement of that type, 431
a violation of an existing or former municipal ordinance or law 432
of this or any other state or the United States that is 433
substantially similar to either section, a violation of section 434
2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if 435
the victim of the violation was a family or household member at 436
the time of the violation, a violation of an existing or former 437
municipal ordinance or law of this or any other state or the 438
United States that is substantially similar to any of those 439
sections if the victim of the violation was a family or 440
household member at the time of the commission of the violation, 441
or any offense of violence if the victim of the offense was a 442
family or household member at the time of the offense; 443

(2) The arresting officer indicates in a police report or 444
other document accompanying the complaint any of the following: 445

(a) That the arresting officer observed on the alleged 446
victim objective manifestations of physical harm that the 447
arresting officer reasonably believes are a result of the 448
alleged offense; 449

(b) That the arresting officer reasonably believes that 450
the person had on the person's person at the time of the alleged 451
offense a deadly weapon or dangerous ordnance; 452

(c) That the arresting officer reasonably believes that 453
the person presents a credible threat of serious physical harm 454
to the alleged victim or to any other person if released on bail 455

before trial. 456

(B) To the extent that information about any of the 457
following is available to the court, the court shall consider 458
all of the following, in addition to any other circumstances 459
considered by the court and notwithstanding any provisions to 460
the contrary contained in ~~Criminal Rule 46~~section 2937.011 of 461
the Revised Code, before setting bail for a person who appears 462
before the court pursuant to division (A) of this section: 463

(1) Whether the person has a history of domestic violence 464
or a history of other violent acts; 465

(2) The mental health of the person; 466

(3) Whether the person has a history of violating the 467
orders of any court or governmental entity; 468

(4) Whether the person is potentially a threat to any 469
other person; 470

(5) Whether the person has access to deadly weapons or a 471
history of using deadly weapons; 472

(6) Whether the person has a history of abusing alcohol or 473
any controlled substance; 474

(7) The severity of the alleged violence that is the basis 475
of the offense, including but not limited to, the duration of 476
the alleged violent incident, and whether the alleged violent 477
incident involved serious physical injury, sexual assault, 478
strangulation, abuse during the alleged victim's pregnancy, 479
abuse of pets, or forcible entry to gain access to the alleged 480
victim; 481

(8) Whether a separation of the person from the alleged 482
victim or a termination of the relationship between the person 483

and the alleged victim has recently occurred or is pending; 484

(9) Whether the person has exhibited obsessive or 485
controlling behaviors toward the alleged victim, including but 486
not limited to, stalking, surveillance, or isolation of the 487
alleged victim; 488

(10) Whether the person has expressed suicidal or 489
homicidal ideations; 490

(11) Any information contained in the complaint and any 491
police reports, affidavits, or other documents accompanying the 492
complaint. 493

(C) Any court that has jurisdiction over charges alleging 494
the commission of an offense of violence in circumstances in 495
which the alleged victim of the offense was a family or 496
household member at the time of the offense may set a schedule 497
for bail to be used in cases involving those offenses. The 498
schedule shall require that a judge consider all of the factors 499
listed in division (B) of this section and may require judges to 500
set bail at a certain level if the history of the alleged 501
offender or the circumstances of the alleged offense meet 502
certain criteria in the schedule. 503

(D) (1) Upon the court's own motion or the motion of a 504
party and upon any terms that the court may direct, a court may 505
permit a person who is required to appear before it by division 506
(A) of this section to appear by video conferencing equipment. 507

(2) If in the opinion of the court the appearance in 508
person or by video conferencing equipment of a person who is 509
charged with a misdemeanor and who is required to appear before 510
the court by division (A) of this section is not practicable, 511
the court may waive the appearance and release the person on 512

bail in accordance with the court's schedule for bail set under 513
division (C) of this section or, if the court has not set a 514
schedule for bail under that division, on one or both of the 515
following types of bail in an amount set by the court: 516

(a) A bail bond secured by a deposit of ten per cent of 517
the amount of the bond in cash; 518

(b) A surety bond, a bond secured by real estate or 519
securities as allowed by law, or the deposit of cash, at the 520
option of the person. 521

(3) Division (A) of this section does not create a right 522
in a person to appear before the court for the setting of bail 523
or prohibit a court from requiring any person charged with an 524
offense of violence who is not described in that division from 525
appearing before the court for the setting of bail. 526

(E) As used in this section: 527

(1) "Controlled substance" has the same meaning as in 528
section 3719.01 of the Revised Code. 529

(2) "Dangerous ordnance" and "deadly weapon" have the same 530
meanings as in section 2923.11 of the Revised Code. 531

Sec. 2937.011. (A) Unless the court orders the defendant 532
detained pursuant to section 2937.222 of the Revised Code or 533
other applicable law, the court shall release the defendant on 534
the least restrictive conditions that, in the discretion of the 535
court, will reasonably assure the defendant's appearance in 536
court, the protection or safety of any person or the community, 537
and that the defendant will not obstruct the criminal justice 538
process. If the court orders financial conditions of release, 539
those financial conditions shall be related to public safety, 540
the defendant's risk of nonappearance in court, the seriousness 541

of the offense, and the previous criminal record of the 542
defendant. 543

(B) Any financial conditions shall be in an amount and 544
type that are least costly to the defendant while also 545
sufficient to reasonably assure the defendant's future 546
appearance in court. 547

(C) Any defendant who is entitled to release may be 548
released upon one or more of the following types of bail in the 549
amount set by the court: 550

(1) An unsecured bail bond; 551

(2) A bail bond secured by the deposit of ten per cent of 552
the amount of the bond in cash. The court shall return ninety 553
per cent of the deposit upon compliance with all conditions of 554
the bond. 555

(3) A surety bond, a bond secured by real estate or 556
securities as allowed by law, or the deposit of cash, at the 557
option of the defendant. 558

(D) The court may impose any of the following conditions 559
of release: 560

(1) The personal recognizance of the defendant; 561

(2) Placing the defendant in the custody of a designated 562
person or organization that agrees to supervise the defendant; 563

(3) Placing restrictions on the travel, association, or 564
place of abode of the defendant during the period of release; 565

(4) Placing the defendant under a house arrest, electronic 566
monitoring, or work release program; 567

(5) Regulating or prohibiting the defendant's contact with 568

<u>the victim;</u>	569
<u>(6) Regulating the defendant's contact with witnesses or</u>	570
<u>others associated with the case upon proof of the likelihood</u>	571
<u>that the defendant will threaten, harass, cause injury, or seek</u>	572
<u>to intimidate those persons;</u>	573
<u>(7) For any defendant charged with an offense that is</u>	574
<u>alcohol or drug related, or where alcohol or drug influence or</u>	575
<u>addiction appears to be a contributing factor in the offense,</u>	576
<u>and who appears based upon an evaluation, prior treatment</u>	577
<u>history, or recent alcohol or drug use, to be in need of</u>	578
<u>treatment, requiring completion of a drug or alcohol assessment</u>	579
<u>and compliance with treatment recommendations;</u>	580
<u>(8) Requiring compliance with alternatives to pretrial</u>	581
<u>detention, including diversion programs, day reporting, or</u>	582
<u>comparable alternatives, to ensure the defendant's appearance at</u>	583
<u>future court proceedings;</u>	584
<u>(9) Any other constitutional condition considered</u>	585
<u>reasonably necessary to reasonably assure the defendant's</u>	586
<u>appearance or public safety.</u>	587
<u>(E) Subject to division (I)(2) of this section, in</u>	588
<u>determining the types, amounts, and conditions of bail, the</u>	589
<u>court shall consider all relevant information, including the</u>	590
<u>following:</u>	591
<u>(1) The nature and circumstances of the crime charged, and</u>	592
<u>specifically whether the defendant used or had access to a</u>	593
<u>weapon;</u>	594
<u>(2) The weight of the evidence against the defendant;</u>	595
<u>(3) The confirmation of the defendant's identity;</u>	596

(4) The defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, record of convictions, record of appearance at court proceedings or of flight to avoid prosecution; 597
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(5) Whether the defendant is on probation, a community control sanction, parole, post-release control, bail, or under a court protection order. 602
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(F) Absent good cause, there is a presumption of release on personal recognizance when the defendant appears pursuant to a summons issued by the court. 605
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(G) When a judicial officer, either on motion of a party or on the court's own motion, determines that the considerations set forth in divisions (D) and (E) of this section require a modification of the conditions of release, the judicial officer may order additional or different types, amounts, or conditions of bail, or may eliminate or lessen conditions of bail the court determines to be no longer necessary. Unless the parties agree to a modification, the court shall hold a hearing on the modification of bond as promptly as possible. Unless modified by the judicial officer, or if application is made by a surety for discharge from a bond pursuant to section 2937.40 of the Revised Code, conditions of release shall continue until the return of a verdict or the entry of a guilty plea or a no-contest plea and may continue thereafter pending sentence or disposition of the case on review. 608
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(H) Information stated in or offered in connection with any order entered pursuant to this section does not need to conform to the rules pertaining to the admissibility of evidence in a court of law. The court shall not receive as substantive 623
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evidence in the trial of the case statements or admissions of 627
the defendant made at a bail proceeding or in the course of 628
compliance with a condition of bail. 629

(I)(1) In order to expedite the prompt release of a 630
defendant prior to an initial appearance, each court shall 631
establish a bail bond schedule covering all misdemeanors 632
including traffic offenses, either specifically, by type, by 633
potential penalty, or by some other reasonable method of 634
classification. The court also may include requirements for 635
release in consideration of divisions (D) and (E)(5) of this 636
section. The sole purpose of a bail schedule is to allow for the 637
consideration of release prior to the defendant's initial 638
appearance. 639

(2) A bond schedule is not relevant information under 640
division (E) of this section. 641

(3) Each municipal or county court shall, by rule, 642
establish a method whereby a defendant may make bail by use of a 643
credit card. 644

(4) Each court shall review its bail bond schedule 645
biennially by the thirty-first day of January of each even- 646
numbered year beginning in 2024, to ensure an appropriate bail 647
bond schedule that does not result in the unnecessary detention 648
of a defendant due to the defendant's inability to pay. 649

(J)(1) A person who has been arrested, either pursuant to 650
a warrant or without a warrant, and who has not been released on 651
bail, shall be brought before a judicial officer for an initial 652
bail hearing not later than the second court day following the 653
person's arrest. That bail hearing may be combined with the 654
initial appearance provided for in the Rules of Criminal 655

Procedure. 656

(2) If, at the initial bail hearing before a judicial officer, the defendant was not represented by counsel, and if the defendant has not yet been released on bail, the court shall hold a second bail hearing on the second court day following the initial bail hearing. An indigent defendant shall be afforded representation by appointed counsel at the state's expense at this second bail hearing. 657
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(K) Any person who fails to appear before any court as required is subject to the punishment provided by the law, and any bail given for the defendant's release may be forfeited. If there is a breach of a condition of release, the court may amend the bail. 664
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(L) Every surety, except a corporate surety licensed as provided by law, shall justify by affidavit, and may be required to describe in the affidavit, the property that the surety proposes as security and the encumbrances on it, the number and amount of other bonds and undertakings for bail entered into by the surety and remaining undischarged, and all of the surety's other liabilities. The surety shall provide other evidence of financial responsibility as the court or clerk may require. The court shall not approve a bail bond unless the surety or sureties appear, in the opinion of the court or clerk, to be financially responsible in at least the amount of the bond. A licensed attorney at law may not be a surety. 669
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Sec. 2937.40. (A) Bail of any type that is deposited under section 2937.011 or sections 2937.22 to 2937.45 of the Revised Code or Criminal Rule 46 by a person other than the accused shall be discharged and released, and sureties on recognizances shall be released, in any of the following ways: 681
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(1) When a surety on a recognizance or the depositor of
cash or securities as bail for an accused desires to surrender
the accused before the appearance date, the surety is discharged
from further responsibility or the deposit is redeemed in either
of the following ways:

(a) By delivery of the accused into open court;

(b) When, on the written request of the surety or
depositor, the clerk of the court to which recognizance is
returnable or in which deposit is made issues to the sheriff a
warrant for the arrest of the accused and the sheriff indicates
on the return that ~~he~~the sheriff holds the accused in ~~his~~the
sheriff's jail.

(2) By appearance of the accused in accordance with the
terms of the recognizance or deposit and the entry of judgment
by the court or magistrate;

(3) By payment into court, after default, of the sum fixed
in the recognizance or the sum fixed in the order of forfeiture,
if it is less.

(B) When cash or securities have been deposited as bail by
a person other than the accused and the bail is discharged and
released pursuant to division (A) of this section, or when
property has been pledged by a surety on recognizance and the
surety on recognizance has been released pursuant to division
(A) of this section, the court shall not deduct any amount from
the cash or securities or declare forfeited and levy or execute
against pledged property. The court shall not apply any of the
deposited cash or securities toward, or declare forfeited and
levy or execute against property pledged for a recognizance for,
the satisfaction of any penalty or fine, and court costs,

assessed against the accused upon ~~his~~the accused's conviction or 715
guilty plea, except upon express approval of the person who 716
deposited the cash or securities or the surety. 717

(C) Bail of any type that is deposited under section 718
2937.011 or sections 2937.22 to 2937.45 of the Revised Code ~~or~~ 719
~~Criminal Rule 46~~ by an accused shall be discharged and released 720
to the accused, and property pledged by an accused for a 721
recognizance shall be discharged, upon the appearance of the 722
accused in accordance with the terms of the recognizance or 723
deposit and the entry of judgment by the court or magistrate, 724
except that, if the defendant is not indigent, the court may 725
apply deposited bail toward the satisfaction of a penalty or 726
fine, and court costs, assessed against the accused upon ~~his~~the 727
accused's conviction or guilty plea, and may declare forfeited 728
and levy or execute against pledged property for the 729
satisfaction of a penalty or fine, and court costs, assessed 730
against the accused upon ~~his~~the accused's conviction or guilty 731
plea. 732

(D) Notwithstanding any other provision of this section, 733
an Ohio driver's or commercial driver's license that is 734
deposited as bond may be forfeited and otherwise handled as 735
provided in section 2937.221 of the Revised Code. 736

Sec. 2949.02. (A) If a person is convicted of anyailable 737
offense, including, but not limited to, a violation of an 738
ordinance of a municipal corporation, in a municipal or county 739
court or in a court of common pleas and if the person gives to 740
the trial judge or magistrate a written notice of the person's 741
intention to file or apply for leave to file an appeal to the 742
court of appeals, the trial judge or magistrate may suspend, 743
subject to division (A) (2) (b) of section 2953.09 of the Revised 744

Code, execution of the sentence or judgment imposed for any 745
fixed time that will give the person time either to prepare and 746
file, or to apply for leave to file, the appeal. In allailable 747
cases, except as provided in division (B) of this section, the 748
trial judge or magistrate may release the person on bail in 749
accordance with ~~Criminal Rule 46~~section 2937.011 of the Revised 750
Code, and the bail shall at least be conditioned that the person 751
will appeal without delay and abide by the judgment and sentence 752
of the court. 753

(B) Notwithstanding any provision of ~~Criminal Rule 46~~ 754
section 2937.011 of the Revised Code to the contrary, a trial 755
judge of a court of common pleas shall not release on bail 756
pursuant to division (A) of this section a person who is 757
convicted of aailable offense if the person is sentenced to 758
imprisonment for life or if that offense is a violation of 759
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 760
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 761
of the Revised Code or is felonious sexual penetration in 762
violation of former section 2907.12 of the Revised Code. 763

(C) If a trial judge of a court of common pleas is 764
prohibited by division (B) of this section from releasing on 765
bail pursuant to division (A) of this section a person who is 766
convicted of aailable offense and not sentenced to 767
imprisonment for life, the appropriate court of appeals or two 768
judges of it, upon motion of such a person and for good cause 769
shown, may release the person on bail in accordance with section 770
2937.011 of the Revised Code and Appellate Rule 8 ~~and Criminal~~ 771
~~Rule 46~~, and the bail shall at least be conditioned as described 772
in division (A) of this section. 773

Sec. 2949.04. When bail is fixed pursuant to division (B) 774

of section 2953.03 or section 2949.02 or 2953.09 of the Revised 775
Code in connection with an appeal, a reduction or increase in 776
the amount of that bail or other change in that bail shall not 777
be required of the accused during the pendency of the appeal 778
unless the trial judge or magistrate, or the court in which the 779
appeal is being prosecuted, finds that there is good cause to 780
reduce or increase the amount of that bail or good cause for any 781
other change in that bail. If the court in which the appeal is 782
being prosecuted finds there is good cause to reduce or increase 783
the amount of that bail or good cause for any other change in 784
that bail, it shall order the reduction, increase, or other 785
change in accordance with ~~Criminal Rule 46~~section 2937.011 of 786
the Revised Code, and the new bail shall be in the amount and 787
form so ordered and otherwise be to the approval of and filed 788
with the clerk of the court in which the appeal is being 789
prosecuted. 790

Sec. 2949.093. (A) A board of county commissioners of any 791
county containing fifty-five or more law enforcement agencies by 792
resolution may elect to participate in a criminal justice 793
regional information system, either by creating and maintaining 794
a new criminal justice regional information system or by 795
participating in an existing criminal justice regional 796
information system. 797

(B) A county is not eligible to participate in any 798
criminal justice regional information system unless it creates 799
in its county treasury, pursuant to section 305.28 of the 800
Revised Code, a criminal justice regional information fund. 801

(C) A county that elects to participate in a criminal 802
justice regional information system shall obtain revenues to 803
fund its participation by establishing an additional court cost 804

not exceeding five dollars to be imposed for moving violations 805
that occur in that county. The board of county commissioners of 806
that county shall establish the amount of the additional court 807
cost by resolution. The board shall give written notice to all 808
courts located in that county that adjudicate or otherwise 809
process moving violations that occur in that county of the 810
county's election to participate in the system and of the amount 811
of the additional court cost. Upon receipt of such notice, each 812
recipient court shall impose that amount as an additional court 813
cost for all moving violations the court adjudicates or 814
otherwise processes, in accordance with divisions (D) and (E) of 815
this section. 816

(D) (1) The court in which any person is convicted of or 817
pleads guilty to any moving violation that occurs in a county 818
that has elected to participate in a criminal justice regional 819
information system shall impose the sum established by the board 820
pursuant to division (C) of this section as costs in the case in 821
addition to any other court costs that the court is required by 822
law to impose upon the offender. The court shall not waive the 823
payment of the additional court cost established by the board 824
pursuant to division (C) of this section unless the court 825
determines that the offender is indigent and waives the payment 826
of all court costs imposed upon the indigent offender. 827

All such money collected during a month shall be 828
transmitted on the first business day of the following month by 829
the clerk of the court to the county treasurer of the county in 830
which the court is located and thereafter the county treasurer 831
shall deposit the money in that county's criminal justice 832
regional information fund. 833

(2) The juvenile court in which a child is found to be a 834

juvenile traffic offender for an act that is a moving violation 835
occurring in a county participating in a criminal justice 836
regional information system shall impose the sum established by 837
the board pursuant to division (C) of this section as costs in 838
the case in addition to any other court costs that the court is 839
required by law to impose upon the juvenile traffic offender. 840
The juvenile court shall not waive the payment of the additional 841
court cost established by the board pursuant to division (C) of 842
this section unless the court determines that the juvenile is 843
indigent and waives the payment of all court costs imposed upon 844
the indigent offender. 845

All such money collected during a month shall be 846
transmitted on the first business day of the following month by 847
the clerk of the court to the county treasurer of the county in 848
which the juvenile court is located and thereafter the county 849
treasurer shall deposit the money in that county's criminal 850
justice regional information fund. 851

(E) Whenever a person is charged with any offense that is 852
a moving violation and posts bail, the court shall add to the 853
amount of the bail the set sum required to be paid by division 854
(D) (1) of this section. The clerk of the court shall retain that 855
set sum until the person is convicted, pleads guilty, forfeits 856
bail, is found not guilty, or has the charges dismissed. If the 857
person is convicted, pleads guilty, or forfeits bail, the clerk 858
shall transmit the set sum to the county treasurer, who shall 859
deposit it in the county criminal justice regional information 860
fund. If the person is found not guilty or the charges are 861
dismissed, the clerk shall return the set sum to the person. 862

(F) No person shall be placed or held in a detention 863
facility as defined in section 2921.01 of the Revised Code for 864

failing to pay the court cost or bail that is required to be 865
paid by this section. 866

(G) (1) Except as provided in division (G) (2) of this 867
section, all funds collected by a county under this section 868
shall be used by that county only to pay the costs it incurs in 869
creating and maintaining a new criminal justice regional 870
information system or to pay the costs it incurs in 871
participating in an existing criminal justice regional 872
information system. 873

(2) If the board of county commissioners of a county 874
determines that the funds in that county's criminal justice 875
regional information fund are more than sufficient to satisfy 876
the purpose for which the additional court cost described in 877
division (C) of this section was imposed, the board may declare 878
a surplus in the fund. The county may expend the surplus only to 879
pay the costs it incurs in improving the law enforcement 880
computer technology of local law enforcement agencies located in 881
that county. 882

(H) As used in this section: 883

(1) "Moving violation" means any violation of any statute 884
or ordinance, other than section 4513.263 of the Revised Code or 885
an ordinance that is substantially equivalent to that section, 886
that regulates the operation of vehicles, streetcars, or 887
trackless trolleys on highways or streets or that regulates size 888
or load limitations or fitness requirements of vehicles. "Moving 889
violation" does not include the violation of any statute or 890
ordinance that regulates pedestrians or the parking of vehicles. 891

(2) "Bail" means cash, a check, a money order, a credit 892
card, or any other form of money that is posted by or for an 893

offender pursuant to section 2937.011 or sections 2937.22 to 894
2937.46 of the Revised Code, ~~Criminal Rule 46,~~ or Traffic Rule 895
4 to prevent the offender from being placed or held in a 896
detention facility, as defined in section 2921.01 of the Revised 897
Code. 898

(3) "Criminal justice regional information system" means a 899
governmental computer system that serves as a cooperative 900
between political subdivisions in a particular region for the 901
purpose of providing a consolidated computerized information 902
system for criminal justice agencies in that region. 903

Sec. 2953.03. (A) If a motion for a new trial is filed 904
pursuant to Criminal Rule 33 by a defendant who is convicted of 905
a misdemeanor under the Revised Code or an ordinance of a 906
municipal corporation, and if that defendant was on bail at the 907
time of the conviction of that offense, the trial judge or 908
magistrate shall suspend execution of the sentence or judgment 909
imposed pending the determination on the motion for a new trial 910
and shall determine the amount and nature of any bail that is 911
required of the defendant in accordance with ~~Criminal Rule~~ 912
46section 2937.011 of the Revised Code. 913

(B) If a notice of appeal is filed pursuant to the Rules 914
of Appellate Procedure or Chapter 1905. of the Revised Code by a 915
defendant who is convicted in a municipal, county, or mayor's 916
court or a court of common pleas of a misdemeanor under the 917
Revised Code or an ordinance of a municipal corporation, if that 918
defendant was on bail at the time of the conviction of that 919
offense, and if execution of the sentence or judgment imposed is 920
suspended, the trial court or magistrate or the court in which 921
the appeal is being prosecuted shall determine the amount and 922
nature of any bail that is required of the defendant as follows: 923

(1) In the case of an appeal to a court of appeals by a defendant who is convicted in a municipal or county court or a court of common pleas, in accordance with section 2937.011 of the Revised Code and Appellate Rule 8 ~~and Criminal Rule 46~~; 924
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(2) In the case of an appeal to a municipal or county court by a defendant who is convicted in a mayor's court, in accordance with ~~Criminal Rule 46~~section 2937.011 of the Revised Code. 928
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Sec. 2953.09. (A) (1) Upon filing an appeal in the supreme court, the execution of the sentence or judgment imposed in cases of felony is suspended. 932
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(2) (a) If a notice of appeal is filed pursuant to the Rules of Appellate Procedure by a defendant who is convicted in a municipal or county court or a court of common pleas of a felony or misdemeanor under the Revised Code or an ordinance of a municipal corporation, the filing of the notice of appeal does not suspend execution of the sentence or judgment imposed. However, consistent with divisions (A) (2) (b), (B), and (C) of this section, section 2937.011 of the Revised Code, and Appellate Rule 8, and Criminal Rule 46, the municipal or county court, court of common pleas, or court of appeals may suspend execution of the sentence or judgment imposed during the pendency of the appeal and shall determine whether that defendant is entitled to bail and the amount and nature of any bail that is required. The bail shall at least be conditioned that the defendant will prosecute the appeal without delay and abide by the judgment and sentence of the court. 935
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(b) (i) A court of common pleas or court of appeals may suspend the execution of a sentence of death imposed for an offense committed before January 1, 1995, only if no date for 951
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execution has been set by the supreme court, good cause is shown 954
for the suspension, the defendant files a motion requesting the 955
suspension, and notice has been given to the prosecuting 956
attorney of the appropriate county. 957

(ii) A court of common pleas may suspend the execution of 958
a sentence of death imposed for an offense committed on or after 959
January 1, 1995, only if no date for execution has been set by 960
the supreme court, good cause is shown, the defendant files a 961
motion requesting the suspension, and notice has been given to 962
the prosecuting attorney of the appropriate county. 963

(iii) A court of common pleas or court of appeals may 964
suspend the execution of the sentence or judgment imposed for a 965
felony in a capital case in which a sentence of death is not 966
imposed only if no date for execution of the sentence has been 967
set by the supreme court, good cause is shown for the 968
suspension, the defendant files a motion requesting the 969
suspension, and only after notice has been given to the 970
prosecuting attorney of the appropriate county. 971

(B) Notwithstanding any provision of ~~Criminal Rule 46-~~ 972
section 2937.011 of the Revised Code to the contrary, a trial 973
judge of a court of common pleas shall not release on bail 974
pursuant to division (A)(2)(a) of this section a defendant who 975
is convicted of a bailable offense if the defendant is sentenced 976
to imprisonment for life or if that offense is a violation of 977
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 978
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 979
of the Revised Code or is felonious sexual penetration in 980
violation of former section 2907.12 of the Revised Code. 981

(C) If a trial judge of a court of common pleas is 982
prohibited by division (B) of this section from releasing on 983

bail pursuant to division (A)(2)(a) of this section a defendant 984
who is convicted of a bailable offense and not sentenced to 985
imprisonment for life, the appropriate court of appeals or two 986
judges of it, upon motion of the defendant and for good cause 987
shown, may release the defendant on bail in accordance with 988
division (A)(2) of this section. 989

Section 2. That existing sections 2743.70, 2903.212, 990
2903.213, 2907.41, 2919.251, 2937.40, 2949.02, 2949.04, 991
2949.093, 2953.03, and 2953.09 of the Revised Code are hereby 992
repealed. 993