

**As Reported by the Senate Judiciary Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. H. B. No. 191**

**Representatives Swearingen, Seitz**

**Cosponsors: Representatives Hillyer, Carruthers, White, Miller, K., Abrams, Williams, LaRe, Brennan, Brent, Brown, Claggett, Creech, Cutrona, Dobos, Forhan, Fowler Arthur, Galonski, Grim, Gross, Hall, Hoops, Humphrey, Isaacsohn, Jarrells, Jones, Lampton, Mathews, Miller, M., Mohamed, Oelslager, Patton, Pavliga, Ray, Robb Blasdel, Rogers, Schmidt, Stein, Thomas, C., Upchurch, Willis**

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**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 and to declare an 5  
emergency. 6

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

**Section 1.** That sections 2743.70, 2903.212, 2903.213, 7  
2907.41, 2919.251, 2937.40, 2949.02, 2949.04, 2949.093, 2953.03, 8  
and 2953.09 be amended and section 2937.011 of the Revised Code 9  
be enacted to read as follows: 10

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

offender:	16
(a) Thirty dollars, if the offense is a felony;	17
(b) Nine dollars, if the offense is a misdemeanor.	18
The court shall not waive the payment of the thirty- or	19
nine-dollar court cost. All such moneys shall be transmitted on	20
the first business day of each month by the clerk of the court	21
to the treasurer of state and deposited by the treasurer in the	22
reparations fund.	23
(2) The juvenile court in which a child is found to be a	24
delinquent child or a juvenile traffic offender for an act	25
which, if committed by an adult, would be an offense other than	26
a traffic offense that is not a moving violation, shall impose	27
the following sum as costs in the case in addition to any other	28
court costs that the court is required or permitted by law to	29
impose upon the delinquent child or juvenile traffic offender:	30
(a) Thirty dollars, if the act, if committed by an adult,	31
would be a felony;	32
(b) Nine dollars, if the act, if committed by an adult,	33
would be a misdemeanor.	34
The thirty- or nine-dollar court cost shall be collected	35
in all cases. All such moneys collected during a month shall be	36
transmitted on or before the twentieth day of the following	37
month by the clerk of the court to the treasurer of state and	38
deposited by the treasurer in the reparations fund.	39
(B) Whenever a person is charged with any offense other	40
than a traffic offense that is not a moving violation and posts	41
bail pursuant to <u>section 2937.011 or sections 2937.22 to 2937.46</u>	42
of the Revised Code, <del>Criminal Rule 46,</del> or Traffic Rule 4, the	43

court shall add to the amount of the bail the thirty or nine 44  
dollars required to be paid by division (A) (1) of this section. 45  
The thirty or nine dollars shall be retained by the clerk of the 46  
court until the person is convicted, pleads guilty, forfeits 47  
bail, is found not guilty, or has the charges dismissed. If the 48  
person is convicted, pleads guilty, or forfeits bail, the clerk 49  
shall transmit the thirty or nine dollars to the treasurer of 50  
state, who shall deposit it in the reparations fund. If the 51  
person is found not guilty or the charges are dismissed, the 52  
clerk shall return the thirty or nine dollars to the person. 53

(C) No person shall be placed or held in jail for failing 54  
to pay the additional thirty- or nine-dollar court cost or bail 55  
required to be paid by this section. 56

(D) As used in this section: 57

(1) "Moving violation" means any violation of any statute 58  
or ordinance, other than section 4513.263 of the Revised Code or 59  
an ordinance that is substantially equivalent to that section, 60  
that regulates the operation of vehicles, streetcars, or 61  
trackless trolleys on highways or streets or that regulates size 62  
or load limitations or fitness requirements of vehicles. "Moving 63  
violation" does not include the violation of any statute or 64  
ordinance that regulates pedestrians or the parking of vehicles. 65

(2) "Bail" means cash, a check, a money order, a credit 66  
card, or any other form of money that is posted by or for an 67  
offender pursuant to section 2937.011 or sections 2937.22 to 68  
2937.46 of the Revised Code, ~~Criminal Rule 46,~~ or Traffic Rule 4 69  
to prevent the offender from being placed or held in a detention 70  
facility, as defined in section 2921.01 of the Revised Code. 71

**Sec. 2903.212.** (A) Except when the complaint involves a 72

person who is a family or household member as defined in section 73  
2919.25 of the Revised Code, if a person is charged with a 74  
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 75  
the Revised Code, a violation of a municipal ordinance that is 76  
substantially similar to one of those sections, or a sexually 77  
oriented offense and if the person, at the time of the alleged 78  
violation, was subject to the terms of any order issued pursuant 79  
to section 2903.213, 2933.08, or 2945.04 of the Revised Code or 80  
previously had been convicted of or pleaded guilty to a 81  
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 82  
the Revised Code that involves the same complainant, a violation 83  
of a municipal ordinance that is substantially similar to one of 84  
those sections and that involves the same complainant, or a 85  
sexually oriented offense that involves the same complainant, 86  
the court shall consider all of the following, in addition to 87  
any other circumstances considered by the court and 88  
notwithstanding any provisions to the contrary contained in 89  
~~Criminal Rule 46~~section 2937.011 of the Revised Code, before 90  
setting the amount and conditions of the bail for the person: 91

(1) Whether the person has a history of violence toward 92  
the complainant or a history of other violent acts; 93

(2) The mental health of the person; 94

(3) Whether the person has a history of violating the 95  
orders of any court or governmental entity; 96

(4) Whether the person is potentially a threat to any 97  
other person; 98

(5) Whether setting bail at a high level will interfere 99  
with any treatment or counseling that the person is undergoing. 100

(B) Any court that has jurisdiction over violations of 101

section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, violations of a municipal ordinance that is substantially similar to one of those sections, or sexually oriented offenses may set a schedule for bail to be used in cases involving those violations. The schedule shall require that a judge consider all of the factors listed in division (A) of this section and may require judges to set bail at a certain level or impose other reasonable conditions related to a release on bail or on recognizance if the history of the alleged offender or the circumstances of the alleged offense meet certain criteria in the schedule.

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

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

pursuant to section 2919.26 of the Revised Code.	133
(B) A motion for a protection order under this section	134
shall be prepared on a form that is provided by the clerk of the	135
court, and the form shall be substantially as follows:	136
"Motion for Protection Order	137
_____	138
Name and address of court	139
State of Ohio	140
v. No. _____	141
_____	142
Name of Defendant	143
(Name of person), moves the court to issue a protection order	144
containing terms designed to ensure the safety and protection of	145
the complainant or the alleged victim in the above-captioned	146
case, in relation to the named defendant, pursuant to its	147
authority to issue a protection order under section 2903.213 of	148
the Revised Code.	149
A complaint, a copy of which has been attached to this	150
motion, has been filed in this court charging the named	151
defendant with a violation of section 2903.11, 2903.12, 2903.13,	152
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a	153
violation of a municipal ordinance substantially similar to	154
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the	155
Revised Code, or the commission of a sexually oriented offense.	156
I understand that I must appear before the court, at a	157
time set by the court not later than the next day that the court	158
is in session after the filing of this motion, for a hearing on	159

the motion, and that any protection order granted pursuant to 160  
this motion is a pretrial condition of release and is effective 161  
only until the disposition of the criminal proceeding arising 162  
out of the attached complaint or until the issuance under 163  
section 2903.214 of the Revised Code of a protection order 164  
arising out of the same activities as those that were the basis 165  
of the attached complaint. 166

\_\_\_\_\_  
Signature of person 167  
168

\_\_\_\_\_  
Address of person" 169  
170

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

remove, damage, hide, harm, or dispose of any companion animal 189  
owned or possessed by the complainant or the alleged victim, and 190  
may include within the order a term authorizing the complainant 191  
or the alleged victim to remove a companion animal owned by the 192  
complainant or the alleged victim from the possession of the 193  
alleged offender. 194

(2) (a) If the court issues a protection order under this 195  
section that includes a requirement that the alleged offender 196  
refrain from entering the residence, school, business, or place 197  
of employment of the complainant or the alleged victim, the 198  
order shall clearly state that the order cannot be waived or 199  
nullified by an invitation to the alleged offender from the 200  
complainant, the alleged victim, or a family or household member 201  
to enter the residence, school, business, or place of employment 202  
or by the alleged offender's entry into one of those places 203  
otherwise upon the consent of the complainant, the alleged 204  
victim, or a family or household member. 205

(b) Division (C) (2) (a) of this section does not limit any 206  
discretion of a court to determine that an alleged offender 207  
charged with a violation of section 2919.27 of the Revised Code, 208  
with a violation of a municipal ordinance substantially 209  
equivalent to that section, or with contempt of court, which 210  
charge is based on an alleged violation of a protection order 211  
issued under this section, did not commit the violation or was 212  
not in contempt of court. 213

(D) (1) Except when the complaint involves a person who is 214  
a family or household member as defined in section 2919.25 of 215  
the Revised Code, upon the filing of a complaint that alleges a 216  
violation specified in division (A) of this section, the court, 217  
upon its own motion, may issue a protection order under this 218



section as a pretrial condition of release of the alleged 219  
offender if it finds that the safety and protection of the 220  
complainant or the alleged victim may be impaired by the 221  
continued presence of the alleged offender. 222

(2) If the court issues a protection order under this 223  
section as an ex parte order, it shall conduct, as soon as 224  
possible after the issuance of the order but not later than the 225  
next day that the court is in session after its issuance, a 226  
hearing to determine whether the order should remain in effect, 227  
be modified, or be revoked. The hearing shall be conducted under 228  
the standards set forth in division (C) of this section. 229

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

alleged offender having been indicted for the felony, or in any 250  
other manner. 251

(E) A protection order that is issued as a pretrial 252  
condition of release under this section: 253

(1) Is in addition to, but shall not be construed as a 254  
part of, any bail set ~~under Criminal Rule 46~~ by the court; 255

(2) Is effective only until the disposition, by the court 256  
that issued the order or, in the circumstances described in 257  
division (D) (3) of this section, by the court of common pleas to 258  
which the alleged offender is bound over for prosecution, of the 259  
criminal proceeding arising out of the complaint upon which the 260  
order is based or until the issuance under section 2903.214 of 261  
the Revised Code of a protection order arising out of the same 262  
activities as those that were the basis of the complaint filed 263  
under this section; 264

(3) Shall not be construed as a finding that the alleged 265  
offender committed the alleged offense and shall not be 266  
introduced as evidence of the commission of the offense at the 267  
trial of the alleged offender on the complaint upon which the 268  
order is based. 269

(F) A person who meets the criteria for bail under 270  
~~Criminal Rule 46~~ section 2937.011 of the Revised Code and who, 271  
if required to do so pursuant to that ~~rule~~ section, executes or 272  
posts bond or deposits cash or securities as bail, shall not be 273  
held in custody pending a hearing before the court on a motion 274  
requesting a protection order under this section. 275

(G) (1) A copy of a protection order that is issued under 276  
this section shall be issued by the court to the complainant, to 277  
the alleged victim, to the person who requested the order, to 278

the defendant, and to all law enforcement agencies that have 279  
jurisdiction to enforce the order. The court shall direct that a 280  
copy of the order be delivered to the defendant on the same day 281  
that the order is entered. If a municipal court or a county 282  
court issues a protection order under this section and if, 283  
subsequent to the issuance of the order, the defendant who is 284  
the subject of the order is bound over to the court of common 285  
pleas for prosecution as described in division (D) (3) of this 286  
section, the municipal court or county court shall direct that a 287  
copy of the order be delivered to the court of common pleas to 288  
which the defendant is bound over. 289

(2) All law enforcement agencies shall establish and 290  
maintain an index for the protection orders delivered to the 291  
agencies pursuant to division (G) (1) of this section. With 292  
respect to each order delivered, each agency shall note on the 293  
index the date and time of the agency's receipt of the order. 294

(3) Regardless of whether the petitioner has registered 295  
the protection order in the county in which the officer's agency 296  
has jurisdiction, any officer of a law enforcement agency shall 297  
enforce a protection order issued pursuant to this section in 298  
accordance with the provisions of the order. 299

(H) Upon a violation of a protection order issued pursuant 300  
to this section, the court may issue another protection order 301  
under this section, as a pretrial condition of release, that 302  
modifies the terms of the order that was violated. 303

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

connection with the filing of a motion pursuant to this section, 309  
in connection with the filing, issuance, registration, 310  
modification, enforcement, dismissal, withdrawal, or service of 311  
a protection order, consent agreement, or witness subpoena or 312  
for obtaining certified copies of a protection order or consent 313  
agreement. 314

(2) Regardless of whether a protection order is issued or 315  
a consent agreement is approved pursuant to this section, if the 316  
defendant is convicted the court may assess costs against the 317  
defendant in connection with the filing, issuance, registration, 318  
modification, enforcement, dismissal, withdrawal, or service of 319  
a protection order, consent agreement, or witness subpoena or 320  
for obtaining a certified copy of a protection order or consent 321  
agreement. 322

(J) As used in this section: 323

(1) "Sexually oriented offense" has the same meaning as in 324  
section 2950.01 of the Revised Code. 325

(2) "Companion animal" has the same meaning as in section 326  
959.131 of the Revised Code. 327

**Sec. 2907.41.** (A) Subject to division (D) of this section, 328  
a person who is charged with the commission of any sexually 329  
oriented offense or with a violation of section 2907.09 of the 330  
Revised Code shall appear before the court for the setting of 331  
bail if the person charged previously was convicted of or 332  
pleaded guilty to a sexually oriented offense, a violation of 333  
section 2907.09 of the Revised Code, or a violation of an 334  
existing or former municipal ordinance or law of this or any 335  
other state or the United States that is substantially similar 336  
to section 2907.09 of the Revised Code. 337

(B) To the extent that information about any of the 338  
following is available to the court, the court, in addition to 339  
any other circumstances considered by the court and 340  
notwithstanding any provisions to the contrary contained in 341  
~~Criminal Rule 46~~section 2937.011 of the Revised Code, shall 342  
consider all of the following before setting bail for a person 343  
who appears before the court pursuant to division (A) of this 344  
section: 345

(1) Whether the person previously has been adjudicated a 346  
sexual predator or child-victim predator pursuant to Chapter 347  
2950. of the Revised Code, previously has been determined to be 348  
a habitual sex offender or habitual child-victim offender 349  
pursuant to that ~~Chapter~~chapter, has a history of committing 350  
sexually oriented offenses or child-victim oriented offenses, or 351  
has a history of committing violations of section 2907.09 of the 352  
Revised Code or violations of an existing or former municipal 353  
ordinance or law of this or any other state or the United States 354  
that is substantially similar to that section; 355

(2) The mental health of the person; 356

(3) Whether the person has a history of violating the 357  
orders of any court or governmental entity; 358

(4) Whether the person is potentially a threat to any 359  
other person; 360

(5) Whether the person has access to deadly weapons or a 361  
history of using deadly weapons; 362

(6) Whether the person has a history of abusing alcohol or 363  
any controlled substance; 364

(7) The severity of the alleged conduct of the person that 365  
is the basis of the offense, including but not limited to, the 366

duration of the alleged conduct, and whether the alleged conduct 367  
involved physical injury, assault, violence, or forcible entry 368  
to gain access to an alleged victim; 369

(8) Whether the person has exhibited obsessive or 370  
controlling behaviors toward another person, including, but not 371  
limited to, stalking, surveillance, or isolation of another 372  
person; 373

(9) Whether the person has expressed suicidal or homicidal 374  
ideations; 375

(10) Any information contained in the complaint and any 376  
police reports, affidavits, or other documents accompanying the 377  
complaint. 378

(C) Any court that has jurisdiction over charges alleging 379  
the commission of a sexually oriented offense or a violation of 380  
section 2907.09 of the Revised Code, in circumstances in which 381  
the person charged previously was convicted of or pleaded guilty 382  
to any of the offenses or violations described in division (A) 383  
of this section, may set a schedule for bail to be used in cases 384  
involving those offenses and violations. The schedule shall 385  
require that a judge consider all of the factors listed in 386  
division (B) of this section and may require judges to set bail 387  
at a certain level if the history of the alleged offender or the 388  
circumstances of the alleged offense meet certain criteria in 389  
the schedule. 390

(D) (1) Upon the court's own motion or the motion of a 391  
party and upon any terms that the court may direct, a court may 392  
permit a person who is required to appear before it by division 393  
(A) of this section to appear by video conferencing equipment. 394

(2) If, in the opinion of the court, the appearance in 395

person or by video conferencing equipment of a person who is 396  
charged with a misdemeanor and who is required to appear before 397  
the court by division (A) of this section is not practicable, 398  
the court may waive the appearance and release the person on 399  
bail in accordance with the court's schedule for bail set under 400  
division (C) of this section or, if the court has not set a 401  
schedule for bail under that division, on one or both of the 402  
following types of bail in an amount set by the court: 403

(a) A bail bond secured by a deposit of ten per cent of 404  
the amount of the bond in cash; 405

(b) A surety bond, a bond secured by real estate or 406  
securities as allowed by law, or the deposit of cash, at the 407  
option of the person. 408

(3) Division (A) of this section does not create a right 409  
in a person to appear before the court for the setting of bail 410  
or prohibit a court from requiring any person charged with a 411  
sexually oriented offense or a violation of section 2907.09 of 412  
the Revised Code who is not described in that division from 413  
appearing before the court for the setting of bail. 414

(E) As used in this section, "child-victim oriented 415  
offense," "child-victim predator," "habitual child-victim 416  
offender," "habitual sex offender," "sexually oriented offense," 417  
and "sexual predator" have the same meanings as in section 418  
2950.01 of the Revised Code. 419

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

any of the following applies: 425

(1) The person charged, at the time of the alleged 426  
offense, was subject to the terms of a protection order issued 427  
or consent agreement approved pursuant to section 2919.26 or 428  
3113.31 of the Revised Code or previously was convicted of or 429  
pleaded guilty to a violation of section 2919.25 of the Revised 430  
Code or a violation of section 2919.27 of the Revised Code 431  
involving a protection order or consent agreement of that type, 432  
a violation of an existing or former municipal ordinance or law 433  
of this or any other state or the United States that is 434  
substantially similar to either section, a violation of section 435  
2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if 436  
the victim of the violation was a family or household member at 437  
the time of the violation, a violation of an existing or former 438  
municipal ordinance or law of this or any other state or the 439  
United States that is substantially similar to any of those 440  
sections if the victim of the violation was a family or 441  
household member at the time of the commission of the violation, 442  
or any offense of violence if the victim of the offense was a 443  
family or household member at the time of the offense; 444

(2) The arresting officer indicates in a police report or 445  
other document accompanying the complaint any of the following: 446

(a) That the arresting officer observed on the alleged 447  
victim objective manifestations of physical harm that the 448  
arresting officer reasonably believes are a result of the 449  
alleged offense; 450

(b) That the arresting officer reasonably believes that 451  
the person had on the person's person at the time of the alleged 452  
offense a deadly weapon or dangerous ordnance; 453



(c) That the arresting officer reasonably believes that 454  
the person presents a credible threat of serious physical harm 455  
to the alleged victim or to any other person if released on bail 456  
before trial. 457

(B) To the extent that information about any of the 458  
following is available to the court, the court shall consider 459  
all of the following, in addition to any other circumstances 460  
considered by the court and notwithstanding any provisions to 461  
the contrary contained in ~~Criminal Rule 46~~section 2937.011 of  
the Revised Code, before setting bail for a person who appears 462  
before the court pursuant to division (A) of this section: 463  
464

(1) Whether the person has a history of domestic violence 465  
or a history of other violent acts; 466

(2) The mental health of the person; 467

(3) Whether the person has a history of violating the 468  
orders of any court or governmental entity; 469

(4) Whether the person is potentially a threat to any 470  
other person; 471

(5) Whether the person has access to deadly weapons or a 472  
history of using deadly weapons; 473

(6) Whether the person has a history of abusing alcohol or 474  
any controlled substance; 475

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

victim;	482
(8) Whether a separation of the person from the alleged	483
victim or a termination of the relationship between the person	484
and the alleged victim has recently occurred or is pending;	485
(9) Whether the person has exhibited obsessive or	486
controlling behaviors toward the alleged victim, including but	487
not limited to, stalking, surveillance, or isolation of the	488
alleged victim;	489
(10) Whether the person has expressed suicidal or	490
homicidal ideations;	491
(11) Any information contained in the complaint and any	492
police reports, affidavits, or other documents accompanying the	493
complaint.	494
(C) Any court that has jurisdiction over charges alleging	495
the commission of an offense of violence in circumstances in	496
which the alleged victim of the offense was a family or	497
household member at the time of the offense may set a schedule	498
for bail to be used in cases involving those offenses. The	499
schedule shall require that a judge consider all of the factors	500
listed in division (B) of this section and may require judges to	501
set bail at a certain level if the history of the alleged	502
offender or the circumstances of the alleged offense meet	503
certain criteria in the schedule.	504
(D) (1) Upon the court's own motion or the motion of a	505
party and upon any terms that the court may direct, a court may	506
permit a person who is required to appear before it by division	507
(A) of this section to appear by video conferencing equipment.	508
(2) If in the opinion of the court the appearance in	509
person or by video conferencing equipment of a person who is	510

charged with a misdemeanor and who is required to appear before 511  
the court by division (A) of this section is not practicable, 512  
the court may waive the appearance and release the person on 513  
bail in accordance with the court's schedule for bail set under 514  
division (C) of this section or, if the court has not set a 515  
schedule for bail under that division, on one or both of the 516  
following types of bail in an amount set by the court: 517

(a) A bail bond secured by a deposit of ten per cent of 518  
the amount of the bond in cash; 519

(b) A surety bond, a bond secured by real estate or 520  
securities as allowed by law, or the deposit of cash, at the 521  
option of the person. 522

(3) Division (A) of this section does not create a right 523  
in a person to appear before the court for the setting of bail 524  
or prohibit a court from requiring any person charged with an 525  
offense of violence who is not described in that division from 526  
appearing before the court for the setting of bail. 527

(E) As used in this section: 528

(1) "Controlled substance" has the same meaning as in 529  
section 3719.01 of the Revised Code. 530

(2) "Dangerous ordnance" and "deadly weapon" have the same 531  
meanings as in section 2923.11 of the Revised Code. 532

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

process. If the court orders financial conditions of release, 540  
those financial conditions shall be related to public safety, 541  
the defendant's risk of nonappearance in court, the seriousness 542  
of the offense, and the previous criminal record of the 543  
defendant. 544

(B) Any financial conditions shall be in an amount and 545  
type that are least costly to the defendant while also 546  
sufficient to reasonably assure the defendant's future 547  
appearance in court. 548

(C) Any defendant who is entitled to release may be 549  
released upon one or more of the following types of bail in the 550  
amount set by the court: 551

(1) An unsecured bail bond; 552

(2) A bail bond secured by the deposit of ten per cent of 553  
the amount of the bond in cash. The court shall return ninety 554  
per cent of the deposit upon compliance with all conditions of 555  
the bond. 556

(3) A surety bond, a bond secured by real estate or 557  
securities as allowed by law, or the deposit of cash, at the 558  
option of the defendant. 559

(D) The court may impose any of the following conditions 560  
of release: 561

(1) The personal recognizance of the defendant; 562

(2) Placing the defendant in the custody of a designated 563  
person or organization that agrees to supervise the defendant; 564

(3) Placing restrictions on the travel, association, or 565  
place of abode of the defendant during the period of release; 566

<u>(4) Placing the defendant under a house arrest, electronic</u>	567
<u>monitoring, or work release program;</u>	568
<u>(5) Regulating or prohibiting the defendant's contact with</u>	569
<u>the victim;</u>	570
<u>(6) Regulating the defendant's contact with witnesses or</u>	571
<u>others associated with the case upon proof of the likelihood</u>	572
<u>that the defendant will threaten, harass, cause injury, or seek</u>	573
<u>to intimidate those persons;</u>	574
<u>(7) For any defendant charged with an offense that is</u>	575
<u>alcohol or drug related, or where alcohol or drug influence or</u>	576
<u>addiction appears to be a contributing factor in the offense,</u>	577
<u>and who appears based upon an evaluation, prior treatment</u>	578
<u>history, or recent alcohol or drug use, to be in need of</u>	579
<u>treatment, requiring completion of a drug or alcohol assessment</u>	580
<u>and compliance with treatment recommendations;</u>	581
<u>(8) Requiring compliance with alternatives to pretrial</u>	582
<u>detention, including diversion programs, day reporting, or</u>	583
<u>comparable alternatives, to ensure the defendant's appearance at</u>	584
<u>future court proceedings;</u>	585
<u>(9) Any other constitutional condition considered</u>	586
<u>reasonably necessary to reasonably assure the defendant's</u>	587
<u>appearance or public safety.</u>	588
<u>(E) Subject to division (I)(2) of this section, in</u>	589
<u>determining the types, amounts, and conditions of bail, the</u>	590
<u>court shall consider all relevant information, including the</u>	591
<u>following:</u>	592
<u>(1) The nature and circumstances of the crime charged, and</u>	593
<u>specifically whether the defendant used or had access to a</u>	594
<u>weapon;</u>	595

<u>(2) The weight of the evidence against the defendant;</u>	596
<u>(3) The confirmation of the defendant's identity;</u>	597
<u>(4) The defendant's family ties, employment, financial</u>	598
<u>resources, character, mental condition, length of residence in</u>	599
<u>the community, jurisdiction of residence, record of convictions,</u>	600
<u>record of appearance at court proceedings or of flight to avoid</u>	601
<u>prosecution;</u>	602
<u>(5) Whether the defendant is on probation, a community</u>	603
<u>control sanction, parole, post-release control, bail, or under a</u>	604
<u>court protection order;</u>	605
<u>(6) The considerations required under Ohio Constitution,</u>	606
<u>Article I, Section 9.</u>	607
<u>(F) Absent good cause, there is a presumption of release</u>	608
<u>on personal recognizance when the defendant appears pursuant to</u>	609
<u>a summons issued by the court.</u>	610
<u>(G) When a judicial officer, either on motion of a party</u>	611
<u>or on the court's own motion, determines that the considerations</u>	612
<u>set forth in divisions (D) and (E) of this section require a</u>	613
<u>modification of the conditions of release, the judicial officer</u>	614
<u>may order additional or different types, amounts, or conditions</u>	615
<u>of bail, or may eliminate or lessen conditions of bail the court</u>	616
<u>determines to be no longer necessary. Unless the parties agree</u>	617
<u>to a modification, the court shall hold a hearing on the</u>	618
<u>modification of bond as promptly as possible. Unless modified by</u>	619
<u>the judicial officer, or if application is made by a surety for</u>	620
<u>discharge from a bond pursuant to section 2937.40 of the Revised</u>	621
<u>Code, conditions of release shall continue until the return of a</u>	622
<u>verdict or the entry of a guilty plea or a no-contest plea and</u>	623
<u>may continue thereafter pending sentence or disposition of the</u>	624

case on review. 625

(H) Information stated in or offered in connection with 626  
any order entered pursuant to this section does not need to 627  
conform to the rules pertaining to the admissibility of evidence 628  
in a court of law. The court shall not receive as substantive 629  
evidence in the trial of the case statements or admissions of 630  
the defendant made at a bail proceeding or in the course of 631  
compliance with a condition of bail. 632

(I) (1) In order to expedite the prompt release of a 633  
defendant prior to an initial appearance, each court shall 634  
establish a bail bond schedule covering all misdemeanors 635  
including traffic offenses, either specifically, by type, by 636  
potential penalty, or by some other reasonable method of 637  
classification. The court also may include requirements for 638  
release in consideration of divisions (D) and (E) (5) of this 639  
section. The sole purpose of a bail schedule is to allow for the 640  
consideration of release prior to the defendant's initial 641  
appearance. 642

(2) A bond schedule is not relevant information under 643  
division (E) of this section. 644

(3) Each municipal or county court shall, by rule, 645  
establish a method whereby a defendant may make bail by use of a 646  
credit card. 647

(4) Each court shall review its bail bond schedule 648  
biennially by the thirty-first day of January of each even- 649  
numbered year beginning in 2024, to ensure an appropriate bail 650  
bond schedule that does not result in the unnecessary detention 651  
of a defendant due to the defendant's inability to pay. 652

(J) (1) A person who has been arrested, either pursuant to 653

a warrant or without a warrant, and who has not been released on 654  
bail, shall be brought before a judicial officer for an initial 655  
bail hearing not later than the second court day following the 656  
person's arrest. That bail hearing may be combined with the 657  
initial appearance provided for in the Rules of Criminal 658  
Procedure. 659

(2) If, at the initial bail hearing before a judicial 660  
officer, the defendant was not represented by counsel, and if 661  
the defendant has not yet been released on bail, the court shall 662  
hold a second bail hearing on the second court day following the 663  
initial bail hearing. An indigent defendant shall be afforded 664  
representation by appointed counsel at the state's expense at 665  
this second bail hearing. 666

(K) Any person who fails to appear before any court as 667  
required is subject to the punishment provided by the law, and 668  
any bail given for the defendant's release may be forfeited. If 669  
there is a breach of a condition of release, the court may amend 670  
the bail. 671

(L) Every surety, except a corporate surety licensed as 672  
provided by law, shall justify by affidavit, and may be required 673  
to describe in the affidavit, the property that the surety 674  
proposes as security and the encumbrances on it, the number and 675  
amount of other bonds and undertakings for bail entered into by 676  
the surety and remaining undischarged, and all of the surety's 677  
other liabilities. The surety shall provide other evidence of 678  
financial responsibility as the court or clerk may require. The 679  
court shall not approve a bail bond unless the surety or 680  
sureties appear, in the opinion of the court or clerk, to be 681  
financially responsible in at least the amount of the bond. A 682  
licensed attorney at law may not be a surety. 683



**Sec. 2937.40.** (A) Bail of any type that is deposited under 684  
section 2937.011 or sections 2937.22 to 2937.45 of the Revised 685  
Code ~~or Criminal Rule 46~~ by a person other than the accused 686  
shall be discharged and released, and sureties on recognizances 687  
shall be released, in any of the following ways: 688

(1) When a surety on a recognizance or the depositor of 689  
cash or securities as bail for an accused desires to surrender 690  
the accused before the appearance date, the surety is discharged 691  
from further responsibility or the deposit is redeemed in either 692  
of the following ways: 693

(a) By delivery of the accused into open court; 694

(b) When, on the written request of the surety or 695  
depositor, the clerk of the court to which recognizance is 696  
returnable or in which deposit is made issues to the sheriff a 697  
warrant for the arrest of the accused and the sheriff indicates 698  
on the return that ~~he~~the sheriff holds the accused in ~~his~~the 699  
sheriff's jail. 700

(2) By appearance of the accused in accordance with the 701  
terms of the recognizance or deposit and the entry of judgment 702  
by the court or magistrate; 703

(3) By payment into court, after default, of the sum fixed 704  
in the recognizance or the sum fixed in the order of forfeiture, 705  
if it is less. 706

(B) When cash or securities have been deposited as bail by 707  
a person other than the accused and the bail is discharged and 708  
released pursuant to division (A) of this section, or when 709  
property has been pledged by a surety on recognizance and the 710  
surety on recognizance has been released pursuant to division 711  
(A) of this section, the court shall not deduct any amount from 712

the cash or securities or declare forfeited and levy or execute 713  
against pledged property. The court shall not apply any of the 714  
deposited cash or securities toward, or declare forfeited and 715  
levy or execute against property pledged for a recognizance for, 716  
the satisfaction of any penalty or fine, and court costs, 717  
assessed against the accused upon ~~his~~the accused's conviction or 718  
guilty plea, except upon express approval of the person who 719  
deposited the cash or securities or the surety. 720

(C) Bail of any type that is deposited under section 721  
2937.011 or sections 2937.22 to 2937.45 of the Revised Code ~~or~~ 722  
~~Criminal Rule 46~~ by an accused shall be discharged and released 723  
to the accused, and property pledged by an accused for a 724  
recognizance shall be discharged, upon the appearance of the 725  
accused in accordance with the terms of the recognizance or 726  
deposit and the entry of judgment by the court or magistrate, 727  
except that, if the defendant is not indigent, the court may 728  
apply deposited bail toward the satisfaction of a penalty or 729  
fine, and court costs, assessed against the accused upon ~~his~~the 730  
accused's conviction or guilty plea, and may declare forfeited 731  
and levy or execute against pledged property for the 732  
satisfaction of a penalty or fine, and court costs, assessed 733  
against the accused upon ~~his~~the accused's conviction or guilty 734  
plea. 735

(D) Notwithstanding any other provision of this section, 736  
an Ohio driver's or commercial driver's license that is 737  
deposited as bond may be forfeited and otherwise handled as 738  
provided in section 2937.221 of the Revised Code. 739

**Sec. 2949.02.** (A) If a person is convicted of anyailable 740  
offense, including, but not limited to, a violation of an 741  
ordinance of a municipal corporation, in a municipal or county 742

court or in a court of common pleas and if the person gives to 743  
the trial judge or magistrate a written notice of the person's 744  
intention to file or apply for leave to file an appeal to the 745  
court of appeals, the trial judge or magistrate may suspend, 746  
subject to division (A) (2) (b) of section 2953.09 of the Revised 747  
Code, execution of the sentence or judgment imposed for any 748  
fixed time that will give the person time either to prepare and 749  
file, or to apply for leave to file, the appeal. In all bailable 750  
cases, except as provided in division (B) of this section, the 751  
trial judge or magistrate may release the person on bail in 752  
accordance with ~~Criminal Rule 46~~section 2937.011 of the Revised 753  
Code, and the bail shall at least be conditioned that the person 754  
will appeal without delay and abide by the judgment and sentence 755  
of the court. 756

(B) Notwithstanding any provision of ~~Criminal Rule 46~~ 757  
section 2937.011 of the Revised Code to the contrary, a trial 758  
judge of a court of common pleas shall not release on bail 759  
pursuant to division (A) of this section a person who is 760  
convicted of a bailable offense if the person is sentenced to 761  
imprisonment for life or if that offense is a violation of 762  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 763  
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 764  
of the Revised Code or is felonious sexual penetration in 765  
violation of former section 2907.12 of the Revised Code. 766

(C) If a trial judge of a court of common pleas is 767  
prohibited by division (B) of this section from releasing on 768  
bail pursuant to division (A) of this section a person who is 769  
convicted of a bailable offense and not sentenced to 770  
imprisonment for life, the appropriate court of appeals or two 771  
judges of it, upon motion of such a person and for good cause 772  
shown, may release the person on bail in accordance with section 773

~~2937.011 of the Revised Code and Appellate Rule 8 and Criminal Rule 46,~~ and the bail shall at least be conditioned as described in division (A) of this section.

**Sec. 2949.04.** When bail is fixed pursuant to division (B) of section 2953.03 or section 2949.02 or 2953.09 of the Revised Code in connection with an appeal, a reduction or increase in the amount of that bail or other change in that bail shall not be required of the accused during the pendency of the appeal unless the trial judge or magistrate, or the court in which the appeal is being prosecuted, finds that there is good cause to reduce or increase the amount of that bail or good cause for any other change in that bail. If the court in which the appeal is being prosecuted finds there is good cause to reduce or increase the amount of that bail or good cause for any other change in that bail, it shall order the reduction, increase, or other change in accordance with ~~Criminal Rule 46~~section 2937.011 of the Revised Code, and the new bail shall be in the amount and form so ordered and otherwise be to the approval of and filed with the clerk of the court in which the appeal is being prosecuted.

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

(B) A county is not eligible to participate in any criminal justice regional information system unless it creates in its county treasury, pursuant to section 305.28 of the

Revised Code, a criminal justice regional information fund. 804

(C) A county that elects to participate in a criminal 805  
justice regional information system shall obtain revenues to 806  
fund its participation by establishing an additional court cost 807  
not exceeding five dollars to be imposed for moving violations 808  
that occur in that county. The board of county commissioners of 809  
that county shall establish the amount of the additional court 810  
cost by resolution. The board shall give written notice to all 811  
courts located in that county that adjudicate or otherwise 812  
process moving violations that occur in that county of the 813  
county's election to participate in the system and of the amount 814  
of the additional court cost. Upon receipt of such notice, each 815  
recipient court shall impose that amount as an additional court 816  
cost for all moving violations the court adjudicates or 817  
otherwise processes, in accordance with divisions (D) and (E) of 818  
this section. 819

(D) (1) The court in which any person is convicted of or 820  
pleads guilty to any moving violation that occurs in a county 821  
that has elected to participate in a criminal justice regional 822  
information system shall impose the sum established by the board 823  
pursuant to division (C) of this section as costs in the case in 824  
addition to any other court costs that the court is required by 825  
law to impose upon the offender. The court shall not waive the 826  
payment of the additional court cost established by the board 827  
pursuant to division (C) of this section unless the court 828  
determines that the offender is indigent and waives the payment 829  
of all court costs imposed upon the indigent offender. 830

All such money collected during a month shall be 831  
transmitted on the first business day of the following month by 832  
the clerk of the court to the county treasurer of the county in 833

which the court is located and thereafter the county treasurer 834  
shall deposit the money in that county's criminal justice 835  
regional information fund. 836

(2) The juvenile court in which a child is found to be a 837  
juvenile traffic offender for an act that is a moving violation 838  
occurring in a county participating in a criminal justice 839  
regional information system shall impose the sum established by 840  
the board pursuant to division (C) of this section as costs in 841  
the case in addition to any other court costs that the court is 842  
required by law to impose upon the juvenile traffic offender. 843  
The juvenile court shall not waive the payment of the additional 844  
court cost established by the board pursuant to division (C) of 845  
this section unless the court determines that the juvenile is 846  
indigent and waives the payment of all court costs imposed upon 847  
the indigent offender. 848

All such money collected during a month shall be 849  
transmitted on the first business day of the following month by 850  
the clerk of the court to the county treasurer of the county in 851  
which the juvenile court is located and thereafter the county 852  
treasurer shall deposit the money in that county's criminal 853  
justice regional information fund. 854

(E) Whenever a person is charged with any offense that is 855  
a moving violation and posts bail, the court shall add to the 856  
amount of the bail the set sum required to be paid by division 857  
(D) (1) of this section. The clerk of the court shall retain that 858  
set sum until the person is convicted, pleads guilty, forfeits 859  
bail, is found not guilty, or has the charges dismissed. If the 860  
person is convicted, pleads guilty, or forfeits bail, the clerk 861  
shall transmit the set sum to the county treasurer, who shall 862  
deposit it in the county criminal justice regional information 863

fund. If the person is found not guilty or the charges are 864  
dismissed, the clerk shall return the set sum to the person. 865

(F) No person shall be placed or held in a detention 866  
facility as defined in section 2921.01 of the Revised Code for 867  
failing to pay the court cost or bail that is required to be 868  
paid by this section. 869

(G) (1) Except as provided in division (G) (2) of this 870  
section, all funds collected by a county under this section 871  
shall be used by that county only to pay the costs it incurs in 872  
creating and maintaining a new criminal justice regional 873  
information system or to pay the costs it incurs in 874  
participating in an existing criminal justice regional 875  
information system. 876

(2) If the board of county commissioners of a county 877  
determines that the funds in that county's criminal justice 878  
regional information fund are more than sufficient to satisfy 879  
the purpose for which the additional court cost described in 880  
division (C) of this section was imposed, the board may declare 881  
a surplus in the fund. The county may expend the surplus only to 882  
pay the costs it incurs in improving the law enforcement 883  
computer technology of local law enforcement agencies located in 884  
that county. 885

(H) As used in this section: 886

(1) "Moving violation" means any violation of any statute 887  
or ordinance, other than section 4513.263 of the Revised Code or 888  
an ordinance that is substantially equivalent to that section, 889  
that regulates the operation of vehicles, streetcars, or 890  
trackless trolleys on highways or streets or that regulates size 891  
or load limitations or fitness requirements of vehicles. "Moving 892

violation" does not include the violation of any statute or 893  
ordinance that regulates pedestrians or the parking of vehicles. 894

(2) "Bail" means cash, a check, a money order, a credit 895  
card, or any other form of money that is posted by or for an 896  
offender pursuant to section 2937.011 or sections 2937.22 to 897  
2937.46 of the Revised Code, ~~Criminal Rule 46,~~ or Traffic Rule 898  
4 to prevent the offender from being placed or held in a 899  
detention facility, as defined in section 2921.01 of the Revised 900  
Code. 901

(3) "Criminal justice regional information system" means a 902  
governmental computer system that serves as a cooperative 903  
between political subdivisions in a particular region for the 904  
purpose of providing a consolidated computerized information 905  
system for criminal justice agencies in that region. 906

**Sec. 2953.03.** (A) If a motion for a new trial is filed 907  
pursuant to Criminal Rule 33 by a defendant who is convicted of 908  
a misdemeanor under the Revised Code or an ordinance of a 909  
municipal corporation, and if that defendant was on bail at the 910  
time of the conviction of that offense, the trial judge or 911  
magistrate shall suspend execution of the sentence or judgment 912  
imposed pending the determination on the motion for a new trial 913  
and shall determine the amount and nature of any bail that is 914  
required of the defendant in accordance with ~~Criminal Rule~~ 915  
~~46~~section 2937.011 of the Revised Code. 916

(B) If a notice of appeal is filed pursuant to the Rules 917  
of Appellate Procedure or Chapter 1905. of the Revised Code by a 918  
defendant who is convicted in a municipal, county, or mayor's 919  
court or a court of common pleas of a misdemeanor under the 920  
Revised Code or an ordinance of a municipal corporation, if that 921  
defendant was on bail at the time of the conviction of that 922



offense, and if execution of the sentence or judgment imposed is 923  
suspended, the trial court or magistrate or the court in which 924  
the appeal is being prosecuted shall determine the amount and 925  
nature of any bail that is required of the defendant as follows: 926

(1) In the case of an appeal to a court of appeals by a 927  
defendant who is convicted in a municipal or county court or a 928  
court of common pleas, in accordance with section 2937.011 of 929  
the Revised Code and Appellate Rule 8 ~~and Criminal Rule 46~~; 930

(2) In the case of an appeal to a municipal or county 931  
court by a defendant who is convicted in a mayor's court, in 932  
accordance with ~~Criminal Rule 46~~ section 2937.011 of the Revised 933  
Code. 934

**Sec. 2953.09.** (A) (1) Upon filing an appeal in the supreme 935  
court, the execution of the sentence or judgment imposed in 936  
cases of felony is suspended. 937

(2) (a) If a notice of appeal is filed pursuant to the 938  
Rules of Appellate Procedure by a defendant who is convicted in 939  
a municipal or county court or a court of common pleas of a 940  
felony or misdemeanor under the Revised Code or an ordinance of 941  
a municipal corporation, the filing of the notice of appeal does 942  
not suspend execution of the sentence or judgment imposed. 943  
However, consistent with divisions (A) (2) (b), (B), and (C) of 944  
this section, section 2937.011 of the Revised Code, and 945  
Appellate Rule 8, and Criminal Rule 46, the municipal or county 946  
court, court of common pleas, or court of appeals may suspend 947  
execution of the sentence or judgment imposed during the 948  
pendency of the appeal and shall determine whether that 949  
defendant is entitled to bail and the amount and nature of any 950  
bail that is required. The bail shall at least be conditioned 951  
that the defendant will prosecute the appeal without delay and 952

abide by the judgment and sentence of the court.	953
(b) (i) A court of common pleas or court of appeals may	954
suspend the execution of a sentence of death imposed for an	955
offense committed before January 1, 1995, only if no date for	956
execution has been set by the supreme court, good cause is shown	957
for the suspension, the defendant files a motion requesting the	958
suspension, and notice has been given to the prosecuting	959
attorney of the appropriate county.	960
(ii) A court of common pleas may suspend the execution of	961
a sentence of death imposed for an offense committed on or after	962
January 1, 1995, only if no date for execution has been set by	963
the supreme court, good cause is shown, the defendant files a	964
motion requesting the suspension, and notice has been given to	965
the prosecuting attorney of the appropriate county.	966
(iii) A court of common pleas or court of appeals may	967
suspend the execution of the sentence or judgment imposed for a	968
felony in a capital case in which a sentence of death is not	969
imposed only if no date for execution of the sentence has been	970
set by the supreme court, good cause is shown for the	971
suspension, the defendant files a motion requesting the	972
suspension, and only after notice has been given to the	973
prosecuting attorney of the appropriate county.	974
(B) Notwithstanding any provision of <del>Criminal Rule 46-</del>	975
<u>section 2937.011 of the Revised Code</u> to the contrary, a trial	976
judge of a court of common pleas shall not release on bail	977
pursuant to division (A) (2) (a) of this section a defendant who	978
is convicted of a bailable offense if the defendant is sentenced	979
to imprisonment for life or if that offense is a violation of	980
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01,	981
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11	982

of the Revised Code or is felonious sexual penetration in 983  
violation of former section 2907.12 of the Revised Code. 984

(C) If a trial judge of a court of common pleas is 985  
prohibited by division (B) of this section from releasing on 986  
bail pursuant to division (A)(2)(a) of this section a defendant 987  
who is convicted of a bailable offense and not sentenced to 988  
imprisonment for life, the appropriate court of appeals or two 989  
judges of it, upon motion of the defendant and for good cause 990  
shown, may release the defendant on bail in accordance with 991  
division (A)(2) of this section. 992

**Section 2.** That existing sections 2743.70, 2903.212, 993  
2903.213, 2907.41, 2919.251, 2937.40, 2949.02, 2949.04, 994  
2949.093, 2953.03, and 2953.09 of the Revised Code are hereby 995  
repealed. 996

**Section 3.** This act is hereby declared to be an emergency 997  
measure necessary for the immediate preservation of the public 998  
peace, health, and safety. The reason for such necessity is to 999  
codify Criminal Rule 46 prior to the Rule's anticipated repeal, 1000  
effective July 1, 2023. Therefore, this act shall go into 1001  
immediate effect. 1002