As Introduced

136th General Assembly
Regular Session **H. B. No. 741**
2025-2026

Representatives Swearingen, LaRe

To amend sections 2907.41, 2919.251, 2937.011, 2937.222, 2937.23, 2937.35, 2937.36, 2937.39, 3905.83, 3905.84, and 3905.99 of the Revised Code to enact the Ohio Holly Act to prohibit charitable bail organizations from engaging in specified conduct and to make changes to the determination and forfeiture of bail.

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

Section 1. That sections 2907.41, 2919.251, 2937.011, 2937.222, 2937.23, 2937.35, 2937.36, 2937.39, 3905.83, 3905.84, and 3905.99 of the Revised Code be amended to read as follows:

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

(B) To the extent that information about any of the following is available to the court, the court, in addition to any other circumstances considered by the court, including the results of a risk assessment of the offender conducted through use of the single validated risk assessment tool established under section 5120.114 of the Revised Code, and notwithstanding any provisions to the contrary contained in section 2937.011 of the Revised Code, shall consider all of the following before setting bail for a person who appears before the court pursuant to division (A) of this section:

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

(2) The mental health of the person;

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

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

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

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

(7) The severity of the alleged conduct of the person that is the basis of the offense, including but not limited to, the duration of the alleged conduct, and whether the alleged conduct involved physical injury, assault, violence, or forcible entry to gain access to an alleged victim;

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

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

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

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

(D)(1) Upon the court's own motion or the motion of a party and upon any terms that the court may direct, a court may permit a person who is required to appear before it by division

(A) of this section to appear by video conferencing equipment.

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

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

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

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

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

Sec. 2919.251. (A) Subject to division (D) of this section, a person who is charged with the commission of any offense of violence shall appear before the court for the

setting of bail if the alleged victim of the offense charged was a family or household member at the time of the offense and if any of the following applies:

(1) The person charged, at the time of the alleged offense, was subject to the terms of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code or previously was convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a violation of section 2919.27 of the Revised Code involving a protection order or consent agreement of that type, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to either section, a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the offense;

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

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

(b) That the arresting officer reasonably believes that the person had on the person's person at the time of the alleged

offense a deadly weapon or dangerous ordnance;

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

(B) To the extent that information about any of the following is available to the court, the court shall consider all of the following, in addition to any other circumstances considered by the court, including the results of a risk assessment of the offender conducted through use of the single validated risk assessment tool established under section 5120.114 of the Revised Code, and notwithstanding any provisions to the contrary contained in section 2937.011 of the Revised Code, before setting bail for a person who appears before the court pursuant to division (A) of this section:

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

(2) The mental health of the person;

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

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

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

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

(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of

the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;

(8) Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;

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

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

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

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

(D)(1) Upon the court's own motion or the motion of a party and upon any terms that the court may direct, a court may

permit a person who is required to appear before it by division (A) of this section to appear by video conferencing equipment.

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

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

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

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

(E) As used in this section:

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

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

Sec. 2937.011. (A) Unless the court orders the defendant detained pursuant to section 2937.222 of the Revised Code or

other applicable law, the court shall release the defendant on the least restrictive conditions that, in the discretion of the court, will reasonably assure the defendant's appearance in court, the protection or safety of any person or the community, and that the defendant will not obstruct the criminal justice process. If the court orders financial conditions of release, those financial conditions shall be related to public safety, the defendant's risk of nonappearance in court, the seriousness of the offense, and the previous criminal record of the defendant.

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

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

(1) An unsecured bail bond;

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

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

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

(1) The personal recognizance of the defendant;

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

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

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

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

(6) Regulating the defendant's contact with witnesses or others associated with the case upon proof of the likelihood that the defendant will threaten, harass, cause injury, or seek to intimidate those persons;

(7) For any defendant charged with an offense that is alcohol or drug related, or where alcohol or drug influence or addiction appears to be a contributing factor in the offense, and who appears based upon an evaluation, prior treatment history, or recent alcohol or drug use, to be in need of treatment, requiring completion of a drug or alcohol assessment and compliance with treatment recommendations;

(8) Requiring compliance with alternatives to pretrial detention, including diversion programs, day reporting, or comparable alternatives, to ensure the defendant's appearance at future court proceedings;

(9) Any other constitutional condition considered reasonably necessary to reasonably assure the defendant's appearance or public safety.

(E) Subject to division (I)(2) of this section, in determining the types, amounts, and conditions of bail, the

court shall consider all relevant information, including the following:

(1) The nature and circumstances of the crime charged, and specifically whether the defendant used or had access to a weapon;

(2) The weight of the evidence against the defendant;

(3) The confirmation of the defendant's identity;

(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;

(5) Whether the defendant is on probation, a community control sanction, parole, post-release control, bail, or under a court protection order;

(6) The considerations required under Ohio Constitution, Article I, Section 9.

(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.

(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.

(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 evidence in the trial of the case statements or admissions of the defendant made at a bail proceeding or in the course of compliance with a condition of bail.

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

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

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

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

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

(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.

(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.

(L) Every surety, except a corporate surety licensed as provided by law, shall justify by affidavit, and ~~may~~ shall 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~~ shall 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.

Sec. 2937.222. (A) On the motion of the prosecuting attorney or on the judge's own motion, the judge shall hold a hearing to determine whether an accused person charged with aggravated murder when it is not a capital offense, murder, a felony of the first or second degree, a violation of section 2903.06 of the Revised Code, a violation of section 2903.211 of the Revised Code that is a felony, or a felony OVI offense shall be denied bail. The judge shall order that the accused be detained until the conclusion of the hearing. Except for good cause, a continuance on the motion of the state shall not exceed three court days. Except for good cause, a continuance on the motion of the accused shall not exceed five court days unless the motion of the accused waives in writing the five-day limit and states in writing a specific period for which the accused requests a continuance. A continuance granted upon a motion of the accused that waives in writing the five-day limit shall not exceed five court days after the period of continuance requested in the motion.

At the hearing, the accused has the right to be represented by counsel and, if the accused is indigent, to have counsel appointed. The judge shall afford the accused an opportunity to testify, to present witnesses and other information, and to cross-examine witnesses who appear at the hearing. The rules concerning admissibility of evidence in

criminal trials do not apply to the presentation and consideration of information at the hearing. Regardless of whether the hearing is being held on the motion of the prosecuting attorney or on the court's own motion, the state has the burden of proving that the proof is evident or the presumption great that the accused committed the offense with which the accused is charged, of proving that the accused poses a substantial risk of serious physical harm to any person or to the community, and of proving that no release conditions will reasonably assure the safety of that person and the community.

The judge may reopen the hearing at any time before trial if the judge finds that information exists that was not known to the movant at the time of the hearing and that that information has a material bearing on whether bail should be denied. If a municipal court or county court enters an order denying bail, a judge of the court of common pleas having jurisdiction over the case may continue that order or may hold a hearing pursuant to this section to determine whether to continue that order.

(B) No accused person shall be denied bail pursuant to this section unless the judge finds by clear and convincing evidence that the proof is evident or the presumption great that the accused committed the offense described in division (A) of this section with which the accused is charged, finds by clear and convincing evidence that the accused poses a substantial risk of serious physical harm to any person or to the community, and finds by clear and convincing evidence that no release conditions will reasonably assure the safety of that person and the community.

(C) The judge, in determining whether the accused person described in division (A) of this section poses a substantial

risk of serious physical harm to any person or to the community and whether there are conditions of release that will reasonably assure the safety of that person and the community, shall consider all available information, including the results of a risk assessment of the offender conducted through use of the single validated risk assessment tool established under section 5120.114 of the Revised Code, regarding all of the following:

(1) The nature and circumstances of the offense charged, including whether the offense is an offense of violence or involves alcohol or a drug of abuse;

(2) The weight of the evidence against the accused;

(3) The history and characteristics of the accused, including, but not limited to, both of the following:

(a) The character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, and criminal history of the accused;

(b) Whether, at the time of the current alleged offense or at the time of the arrest of the accused, the accused was on probation, parole, post-release control, or other release pending trial, sentencing, appeal, or completion of sentence for the commission of an offense under the laws of this state, another state, or the United States or under a municipal ordinance.

(4) The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

(D)(1) An order of the court of common pleas denying bail pursuant to this section or not denying bail pursuant to division (E) of this section, is a final appealable order. In an

appeal pursuant to division (D) of this section, the court of appeals shall do all of the following:

(a) Give the appeal priority on its calendar;

(b) Liberally modify or dispense with formal requirements in the interest of a speedy and just resolution of the appeal;

(c) Decide the appeal expeditiously;

(d) Promptly enter its judgment affirming or reversing the order ~~denying bail~~.

(2) The pendency of an appeal under this section does not deprive the court of common pleas of jurisdiction to conduct further proceedings in the case ~~or to further consider the order denying bail in accordance with this section. If, during the pendency of an appeal under division (D) of this section, the court of common pleas sets aside or terminates the order denying bail, the court of appeals shall dismiss the appeal~~.

(3) The court of appeals having jurisdiction over the case may stay the order of the court of common pleas made pursuant to this section during the pendency of the appeal if the court of appeals determines, by a preponderance of the evidence, that the accused committed the offense with which the accused is charged, that the accused poses a substantial risk of serious physical harm to any person or to the community, and that no release conditions will reasonably assure the safety of that person and the community.

(E) A judge that considers the denial of bail in accordance with this section and does not deny bail shall prepare a written order that includes findings of fact and a statement explaining the justification for the decision and the determinations made under this section.

(F) The attorney general may intervene in an appeal under division (D) of this section if the attorney general determines that bail was not properly denied and that the prosecuting attorney in the case will not appeal the order of the court of common pleas. When the attorney general files an appeal under this section, the attorney general and any assistant or special counsel designated by the attorney general may exercise all rights, privileges, and powers of prosecuting attorneys in such cases.

(G) As used in this section:

(1) "Court day" has the same meaning as in section 5122.01 of the Revised Code.

(2) "Felony OVI offense" means a third degree felony OVI offense and a fourth degree felony OVI offense.

(3) "Fourth degree felony OVI offense" and "third degree felony OVI offense" have the same meanings as in section 2929.01 of the Revised Code.

Sec. 2937.23. (A)(1) In a case involving a felony or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code when the victim of the offense is a peace officer, the judge or magistrate shall fix the amount of bail.

(2) In a case involving a misdemeanor or a violation of a municipal ordinance and not involving a felony or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code when the victim of the offense is a peace officer, the judge, magistrate, or clerk of the court may fix the amount of bail and may do so in accordance with a schedule previously fixed by the judge or magistrate. If the judge, magistrate, or clerk of the court is not readily available, the sheriff, deputy sheriff,

marshal, deputy marshal, police officer, or jailer having custody of the person charged may fix the amount of bail in accordance with a schedule previously fixed by the judge or magistrate and shall take the bail only in the county courthouse, the municipal or township building, or the county or municipal jail.

(3) In all cases, the bail shall be fixed with consideration of the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of the defendant appearing at the trial of the case.

(4) If a defendant has failed to appear in the current case or has failed to appear in response to two or more summons issued by the court within the five-year period preceding the current charge, the court shall not permit the defendant to be released upon a bail bond secured by the deposit of less than twenty-five per cent of the amount of the bond in cash or upon a personal recognizance bond.

(5) If the defendant has previously been convicted of a felony, the court shall consider the results of a risk assessment of the offender conducted through use of the single validated risk assessment tool established under section 5120.114 of the Revised Code when setting bail.

(B) In any case involving an alleged violation of section 2903.211 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court shall determine whether it will order an evaluation of the mental condition of the defendant pursuant to section 2919.271 of the Revised Code and, if it decides to so order, shall issue the order requiring the evaluation before it sets bail for the person charged with the violation. In any case involving an alleged violation of

section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section and in which the court finds that either of the following criteria applies, the court shall determine whether it will order an evaluation of the mental condition of the defendant pursuant to section 2919.271 of the Revised Code and, if it decides to so order, shall issue the order requiring that evaluation before it sets bail for the person charged with the violation:

(1) Regarding an alleged violation of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of a family or household member covered by the order or agreement or conduct by that defendant that caused a family or household member to believe that the defendant would cause physical harm to that member or that member's property;

(2) Regarding an alleged violation of a protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code, or a protection order issued by a court of another state, as defined in section 2919.27 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of the person covered by the order or conduct by that defendant that caused the person covered by the order to believe that the defendant would cause physical harm to that person or that person's property.

(C) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.

Sec. 2937.35. Bail may not be declared forfeit based only

upon a breach of a condition of bail. Upon the failure of the accused or witness to appear in accordance with its terms the bail may in open court be adjudged forfeit, in whole or in part by the court or magistrate before whom ~~he~~the accused or witness is to appear. But such court or magistrate may, in ~~its~~the court's or magistrate's discretion, continue the cause to a later date certain, giving notice of such date to ~~him~~the accused or witness and the bail depositor or sureties, and adjudge the bail forfeit upon failure to appear at such later date.

Upon a declaration of forfeiture, a court may not reinstate a surety upon the bond that has been declared forfeit and shall set a new bond when the accused returns to court. Forfeiture proceedings shall be commenced within one year of the failure of the accused to appear.

Sec. 2937.36. Upon declaration of forfeiture, the magistrate or clerk of the court adjudging forfeiture shall proceed as follows:

(A) As to each bail, the magistrate or clerk shall proceed forthwith to deal with the sum deposited as if the same were imposed as a fine for the offense charged and distribute and account for the same accordingly provided that prior to so doing, the magistrate or clerk may satisfy accrued costs in the case out of the fund.

(B) As to any securities deposited, the magistrate or clerk shall proceed to sell the same, either at public sale advertised in the same manner as sale on chattel execution, or through any state or national bank performing such service upon the over the counter securities market and shall apply proceeds of sale, less costs or brokerage thereof as in cases of forfeited cash bail. Prior to such sale, the clerk shall give

notices by ordinary mail to the depositor, at the depositor's address listed of record, if any, of the intention so to do, and such sale shall not proceed if the depositor, within ten days of mailing of such notice appears, and redeems said securities by either producing the body of the defendant in open court or posting the amount set in the recognizance in cash, to be dealt with as forfeited cash bail.

(C) As to recognizances the magistrate or clerk shall notify the accused and each surety within fifteen days after the declaration of the forfeiture by ordinary mail at the address shown by them in their affidavits of qualification or on the record of the case, of the default of the accused and the adjudication of forfeiture and require each of them to show cause on or before a date certain to be stated in the notice, and which shall be not less than forty-five nor more than sixty days from the date of mailing notice, why judgment should not be entered against each of them for the penalty stated in the recognizance. If good cause by production of the body of the accused or otherwise is not shown, the court or magistrate shall thereupon enter judgment against the sureties or either of them, so notified, in such amount, not exceeding the penalty of the bond, as has been set in the adjudication of forfeiture, and shall award execution therefor as in civil cases. The proceeds of sale shall be received by the clerk or magistrate and distributed as on forfeiture of cash bail. Good cause to avoid forfeiture and judgment is shown by the sureties whenever the accused is held on the process of another court in this state or another state and available to the forfeiting court by means of a detainer, holder, extradition, or other means, and the sureties will be entitled to exoneration and release.

Sec. 2937.39. After judgment has been rendered against

surety or after securities sold or cash bail applied, the court or magistrate, on the appearance, surrender, or re-arrest of the accused on the charge, ~~may~~ shall remit all or such portion of the penalty as it deems just and in the case of previous application and transfer of cash or proceeds, the magistrate or clerk may deduct an amount equal to the amount so transferred from subsequent payments to the agencies receiving such proceeds of forfeiture until the amount is recouped for the benefit of the person or persons entitled thereto under order or remission.

A motion for remission may be made at any time subsequent to the return of the accused to the forfeiting court, and res judicata, laches, or similar doctrine is not a defense to the motion.

If the accused is returned to the forfeiting court within one year of the order of forfeiture, the court shall remit all of any amount paid upon the forfeiture judgment. If the accused is returned to the forfeiting court within two years of the order of forfeiture, the court shall remit eighty per cent of any amount paid upon the forfeiture judgment. If the accused is not returned to the forfeiting court for three or more years after forfeiture and the surety has paid upon the forfeiture judgment, the court shall hold a hearing regarding remission and apply the factors enunciated in *State v. Delgado,* 2004-Ohio-69 (2d Dist.).

Sec. 3905.83. As used in sections 3905.83 to 3905.95 of the Revised Code:

(A) "Charitable bail organization" means an organization, including a charitable organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code, that solicits or accepts donations from the public for

either of the following purposes:

(1) Furnishing bail, making bonds, or entering into undertakings, as surety, whether through direct payment or by payment through a third party, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death before any of the courts of this state;

(2) Securing the payment of fines or costs assessed by a court upon conviction of a felony or misdemeanor.

(B) "Insurer" means any domestic, foreign, or alien insurance company that has been issued a certificate of authority by the superintendent of insurance to transact surety business in this state.

~~(B)~~ (C) "Managing general agent" means any person that is appointed or employed by an insurer to supervise or otherwise manage the bail bond business written in this state by surety bail bond agents appointed by the insurer.

~~(C)~~ (D) "Surety" means an insurer that agrees to be responsible for the fulfillment of the obligation of a principal if the principal fails to fulfill that obligation.

Sec. 3905.84. (A) No person shall act in the capacity of a surety bail bond agent, or perform any of the functions, duties, or powers prescribed for surety bail bond agents under sections 3905.83 to 3905.95 of the Revised Code, unless that person is qualified, licensed, and appointed as provided in those sections.

(B) No charitable bail organization shall purposely do either of the following for the appearance of a person charged with a criminal offense or to secure payment of fines and costs

imposed by a court upon conviction of a felony or misdemeanor:

(1) Furnish bail or funds or property to serve as bail in an amount of five thousand dollars or more;

(2) Make bonds or enter into undertakings as surety in an amount of five thousand dollars or more.

(C) No charitable bail organization shall purposely furnish bail or funds or property to serve as bail or make bonds or enter into undertakings as surety, regardless of amount, for any of the following:

(1) A person alleged to have committed domestic violence in violation of section 2919.25 of the Revised Code;

(2) A person alleged to have committed an act that constitutes dating violence, as defined in section 2930.20 of the Revised Code;

(3) A person alleged to have committed an offense of violence, as defined in section 2901.01 of the Revised Code;

(4) A person who has previously received bail or funds or property to serve as bail from a charitable bail organization.

(D)(1) Each charitable bail organization shall maintain and annually report the following information to the legislative service commission for referral to the standing committee of the house of representatives and the senate with primary responsibility for criminal justice issues, not later than October 31 of each year, and shall make publicly available on the organization's web site, or by publishing in a newspaper of general circulation if the organization does not maintain a web site, all of the following:

(a) The expenditures of the organization, including a

separate reporting of the amount furnished for bail, or funds or property to serve as bail;

(b) The number of individuals and classification of offenses for those individuals for which any bail, or funds or property to serve as bail, has been provided.

(2) No charitable bail organization shall purposely fail to comply with division (D)(1) of this section.

(E) Any bond posted by a charitable organization under this section that is ordered forfeited as a result of the commission of a new criminal offense shall be distributed to the victim of the new criminal offense, if a victim is identified.

Sec. 3905.99. (A) Whoever violates section 3905.182 of the Revised Code shall be fined not less than twenty-five nor more than five hundred dollars or imprisoned not more than six months, or both.

(B) Whoever violates section 3905.31 or 3905.33 of the Revised Code shall be fined not less than twenty-five nor more than five hundred dollars or imprisoned not more than one year, or both.

(C) Whoever violates section 3905.37 or 3905.43 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars.

(D) Whoever violates section 3905.02, division (F) of section 3905.92, or division (A) of section 3905.931 of the Revised Code is guilty of a misdemeanor of the first degree.

~~(E)~~ (E)(1) Whoever violates division (A) of section 3905.84 of the Revised Code is guilty of a misdemeanor of the first degree on a first or second offense and of a felony of the third

degree on each subsequent offense.

(2) Whoever violates division (B), (C), or (D) of section 3905.84 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree of each subsequent offense.

Section 2. That existing sections 2907.41, 2919.251, 2937.011, 2937.222, 2937.23, 2937.35, 2937.36, 2937.39, 3905.83, 3905.84, and 3905.99 of the Revised Code are hereby repealed.

Section 3. This act shall be known as the Ohio Holly Act.

Section 4. Section 2937.23 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 202 and S.B. 142 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.