

Ohio Attorney General Dave Yost
Proponent Testimony on HB 607 and House Joint Resolution 2
House Criminal Justice Committee
March 30, 2022

Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee – thank you for allowing me the opportunity to offer proponent testimony on HB 607 and House Joint Resolution 2, necessary legislative enactments to ensure public safety remains an integral part of setting bail.

Earlier this year, the Ohio Supreme court in *Dubose v. McGuffey* found that the *sole* purpose of bail is to ensure an accused person’s attendance in court and that public safety is **not** a consideration with respect to the financial conditions of bail. The consequences of this ruling were predictable and immediate.

Only a week ago the Columbus Dispatch published a story on behalf of the family of a slain child victim calling the \$45,000 bond set by the court in that case a “slap in the face.” I fear many other victims and families will also be surprised to learn of the harsh new realities created for them after the *Dubose* decision.

The Ohio Supreme Court has effectively created a binary choice for judges and prosecutors: either the offender is so dangerous that the prosecution should seek an outright denial of bail, or failing to reach this high standard, bail must be set irrespective of the possible harm the offender may cause in the community. Forcing every offender through this scheme – each with a myriad of unique circumstances – inevitably leads to wasted judicial resources and a public that is less safe.

HB 607 and HJR 2 seek to address the very real public safety concerns caused by the *Dubose* decision by telling the court that public safety must be considered when bail is set.

HB 607 makes abundantly clear that public safety must be considered when setting bail under Ohio law, and also expressly states that the intent of the bill is to supersede the effect and holding of the *Dubose* decision.

HJR 2 is also a necessary component of this overall legislative effort. Because the majority in *DuBose* based their decision on an interpretation of the Ohio Constitution, only the people of Ohio can make changes to that foundational document. By sending unambiguous language to Ohioans that public safety and other considerations must be included when determining bail, Ohioans can definitively instruct the court with their votes about their desire for public safety to be restored to the bail analysis.

The presumption of innocence in court does not require the pretense that a career criminal is harmless on the streets. We can, and must, honor both.

I would be remiss not to mention the collaboration between my office and the Ohio Prosecuting Attorneys Association on this issue. This issue is affecting communities all over Ohio, and the prosecutors are hearing from victims, their families and neighbors. I am especially grateful to the wise counsel I received from my good friend, prosecutor Joe Deters in Hamilton County.

I also would not be standing before you today without the tremendous support on this topic from both the House and Senate. I am grateful for the leadership of Chairman LaRe and Vice Chairman Swearingen for sponsoring these measures, and for their lengthy work and diligence to bring this legislation forward.

Thank you for a few moments to speak about this matter today, and I would be happy to take any questions if it pleases the committee.