

**Rob McColley**

State Senator

1<sup>st</sup> Senate District



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State Senator

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**Sponsor Testimony**

Senate Bill 182

Ohio Senate Judiciary Committee

May 25th, 2021

Chairman Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee: Thank you for allowing us the opportunity to provide sponsor testimony on Senate Bill 182, which provides comprehensive reform to the bail process in the state of Ohio.

SB 182 is meant to correct many inequities in our bail process used to secure individuals' release from jail before trial. SB 182 puts in place a set of steps and procedures to make this system more equitable and reflective to the resources of the individuals who are being charged with these crimes. This operates under the legal assumption that everybody is presumed innocent until they are proved guilty in a court of law. The Eighth Amendment of the U.S. Constitution also goes on to state that, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

This legislation accomplishes this balance by requiring that a hearing be conducted within 48 hours for most offenses after detention to determine what the conditions of release should be for that individual. Before a court imposes cash bail, there would be a variety of less restrictive means than incarceration that could be imposed. However, if the court feels that that individual represents a potential flight risk or other risks to people or property, that individual can have bail enforced upon them. In such an instance, this bill does not remove the cash bail system. Rather, this bill allows for cash bail based upon a percentage, 25%, of what that individuals end of month net income after considering their total income and expenses.

Further, this bill strengthens our protection against truly dangerous individuals who are alleged to have committed serious or violent crimes. Courts will no longer be given the option to release individuals who are a legitimate threat to harm other people or property through a substantial bail amount. Instead, the Court would be given the option impose pretrial detention upon these individuals and keep them incarcerated without the possibility of release.

This bill will not only help reinforce the presumption of innocence, but it will also help alleviate the overcrowding of our jails. Unfortunately, on any given day, over 60% of the people in Ohio's jails are there not because they've been convicted of a crime, but due to the fact that they are unable to secure their release. The current system often results in people who remain in jail pretrial because they cannot afford bail. Those people are at risk of losing their jobs, homes and even custody of their children, which often leads to higher recidivism.

SB 182 will take a major step in restoring the presumption of innocence and respecting the 8<sup>th</sup> Amendment of our Constitution. We hope you will join us in supporting this balanced approach to address a major inequity in our justice system. We would be happy to answer any questions you may have.