



Ohio Prosecuting Attorneys Association

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House Bill 439
Interested Party Testimony
March 20, 2018

Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to provide interested party testimony on House Bill 439, a bill to require courts to use a risk assessment tool in making bail determinations and to consider setting conditions for bail. While the substitute version of the bill did address a couple of the concerns that our Association raised with the bill sponsors, and is an improvement over the As Introduced version, we do have some remaining concerns that were not addressed.

Our primary concern relates to the lack of funding in the bill to ensure that counties can provide pretrial supervision safely and effectively. The Ohio Criminal Sentencing Commission's Ad Hoc Committee on Bail and Pretrial Services stated in the Executive Summary of the report upon which this legislation is based that the recommendations in the report "should not be read or considered independently" because "each recommendation is necessary to create a fair and effective bail system with robust pretrial services." House Bill 439 nevertheless selects for enactment only a couple of the ad hoc committee's recommendations.

While House Bill 439 seeks to establish a risk-based pretrial system and improve monitoring of pre-trial services it provides no funding to ensure that these goals can be accomplished safely and effectively. As Hoc Committee recommendations (A)(1) of the on the use of a pre-trial tool and (B)(1) on the provision of pre-trial services both state that the General Assembly should dedicate statewide funding and support in order to accomplish these goals. Without such funding the safe pre-trial supervision of the accused, could prove difficult in many counties. Without fulfilling the Ad Hoc Committee's recommendations regarding funding for these measures, fair and effective bail reform that ensures the defendant's appearance at trial and protects the safety of the community cannot be realized.

Second, we are aware of a practice whereby some bail bondsmen will establish a payment plan for offenders to make payments in lieu of a lump sum. For example, they will allow an accused to pay \$500 per month, rather than \$5,000 up front, on bail set at \$50,000. This practice frustrates judicial determinations regarding bail, undermines the purposes of our bail system, and should be addressed with or without House Bill 439. With a risk based bail system, however, addressing this becomes even more important because the individuals who will be utilizing bail bonds will presumably be individuals who pose a higher risk to take flight or present a

greater danger to the public. As such, we felt that this practice must be regulated as part of any bail reform effort.

Both of these additional changes to House Bill 439 are critical to ensuring that Ohio's bail system operates safely and effectively and we urge the Committee's consideration as discussions on this bill continue. Thank you, again for the opportunity to testify on House Bill 439. I would be happy to answer any questions you might have.