



Ohio Prosecuting Attorneys Association

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Senate Bill 122
Proponent Testimony
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Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, I want to thank you for the opportunity to provide testimony in support of Senate Bill 122 and encourage this Committee's and the Senate's prompt action on this legislation.

Senate Bill 122 would enact what currently exists as Criminal Rule 46 in the Revised Code as section 2937.011. Criminal Rule 46 and proposed section 2937.011 govern pre-trial release, detention, and bail. The move to codify Criminal Rule 46 is precipitated by the recent recommendation of the Supreme Court of Ohio to repeal Criminal Rule 46 effective July 1 of this year. As we have noted in a joint letter on this issue that we signed on to along with Chief Justice Kennedy, the Ohio Judicial Conference, the Ohio State Bar Association, the Buckeye State Sheriffs Association, and the Ohio Association of Criminal Defense Lawyers the recommended repeal of Criminal Rule 46 has nothing to do with the substance of the Rule but rather reflects questions of authority over bail that exist after last year's passage of State Issue 1 and how that authority is divided between the judiciary and legislature. On the contrary, Criminal Rule 46 has worked well and has provided a good framework for bail and pretrial release decisions across the state.

Our organization along with the other above-mentioned organizations hope to relieve any uncertainty surrounding bail and pretrial release that may arguably exist after July 1. Senate Bill 122 provides stability for all of us who work most closely on these issues every single day. The language that would become R.C. 2937.011 is language that has been thoroughly vetted by practitioners, by judges, by law enforcement, by other stakeholders, by the Supreme Court of Ohio, and indeed by the Ohio General Assembly itself through the Rules process. It will enable us to continue to protect the public, to protect the victims of crime, and to protect the rights of the accused, all in a way that is both fair and efficient.

On behalf of our Association, we want to thank the sponsors Chairman Manning and Ranking Member Hicks-Hudson for their efforts to move quickly on this issue and encourage the Committee to take prompt action to codify Criminal Rule 46.