

As Introduced

132nd General Assembly

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S. B. No. 274

Senator McColley

Cosponsors: Senators Lehner, Hoagland, Beagle, Sykes

A BILL

To amend sections 2903.212, 2907.41, 2919.251, 1
2935.15, 2937.22, 2937.222, 2937.23, and 2941.58 2
and to enact sections 2937.223, 2937.231, and 3
2937.47 of the Revised Code to require courts to 4
use the results of a validated risk assessment 5
tool in bail determinations; to allow 6
nonmonetary bail to be set; to require courts to 7
collect certain data on bail, pretrial release, 8
and sentencing; and to require the Supreme Court 9
to create a list of validated risk assessment 10
tools and monitor the policies and procedures of 11
courts in setting bail and utilizing pretrial 12
supervision services. 13

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

Section 1. That sections 2903.212, 2907.41, 2919.251, 14
2935.15, 2937.22, 2937.222, 2937.23, and 2941.58 be amended and 15
sections 2937.223, 2937.231, and 2937.47 of the Revised Code be 16
enacted to read as follows: 17

Sec. 2903.212. (A) Except when the complaint involves a 18

person who is a family or household member as defined in section 19
2919.25 of the Revised Code, if a person is charged with a 20
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 21
the Revised Code, a violation of a municipal ordinance that is 22
substantially similar to one of those sections, or a sexually 23
oriented offense and if the person, at the time of the alleged 24
violation, was subject to the terms of any order issued pursuant 25
to section 2903.213, 2933.08, or 2945.04 of the Revised Code or 26
previously had been convicted of or pleaded guilty to a 27
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 28
the Revised Code that involves the same complainant, a violation 29
of a municipal ordinance that is substantially similar to one of 30
those sections and that involves the same complainant, or a 31
sexually oriented offense that involves the same complainant, 32
the court shall consider all of the following, in addition to 33
any other circumstances considered by the court including the 34
results of a validated risk assessment tool and notwithstanding 35
any provisions to the contrary contained in Criminal Rule 46, 36
before setting ~~the amount and conditions of the~~ bail for the 37
person: 38

(1) Whether the person has a history of violence toward 39
the complainant or a history of other violent acts; 40

(2) The mental health of the person; 41

(3) Whether the person has a history of violating the 42
orders of any court or governmental entity; 43

(4) Whether the person is potentially a threat to any 44
other person; 45

(5) Whether setting bail at a high level will interfere 46
with any treatment or counseling that the person is undergoing. 47

~~(B) Any court that has jurisdiction over violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, violations of a municipal ordinance that is substantially similar to one of those sections, or sexually oriented offenses may set a schedule for bail to be used in cases involving those violations. The schedule shall require that a judge consider all of the factors listed in division (A) of this section and may require judges to set bail at a certain level or impose other reasonable conditions related to a release on bail or on recognizance if the history of the alleged offender or the circumstances of the alleged offense meet certain criteria in the schedule.~~

~~(C)~~ As used in this section, "sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

Sec. 2907.41. (A) Subject to division ~~(D)~~ (C) 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 validated risk assessment tool and notwithstanding any provisions to the contrary contained in Criminal Rule 46, shall consider all of the following before setting bail for a

person who appears before the court pursuant to division (A) of	78
this section:	79
(1) Whether the person previously has been adjudicated a	80
sexual predator or child-victim predator pursuant to Chapter	81
2950. of the Revised Code, previously has been determined to be	82
a habitual sex offender or habitual child-victim offender	83
pursuant to that Chapter <u>chapter</u> , has a history of committing	84
sexually oriented offenses or child-victim oriented offenses, or	85
has a history of committing violations of section 2907.09 of the	86
Revised Code or violations of an existing or former municipal	87
ordinance or law of this or any other state or the United States	88
that is substantially similar to that section;	89
(2) The mental health of the person;	90
(3) Whether the person has a history of violating the	91
orders of any court or governmental entity;	92
(4) Whether the person is potentially a threat to any	93
other person;	94
(5) Whether the person has access to deadly weapons or a	95
history of using deadly weapons;	96
(6) Whether the person has a history of abusing alcohol or	97
any controlled substance;	98
(7) The severity of the alleged conduct of the person that	99
is the basis of the offense, including but not limited to, the	100
duration of the alleged conduct, and whether the alleged conduct	101
involved physical injury, assault, violence, or forcible entry	102
to gain access to an alleged victim;	103
(8) Whether the person has exhibited obsessive or	104
controlling behaviors toward another person, including, but not	105

limited to, stalking, surveillance, or isolation of another 106
person; 107

(9) Whether the person has expressed suicidal or homicidal 108
ideations; 109

(10) Any information contained in the complaint and any 110
police reports, affidavits, or other documents accompanying the 111
complaint. 112

~~(C) Any court that has jurisdiction over charges alleging 113
the commission of a sexually oriented offense or a violation of 114
section 2907.09 of the Revised Code, in circumstances in which 115
the person charged previously was convicted of or pleaded guilty 116
to any of the offenses or violations described in division (A) 117
of this section, may set a schedule for bail to be used in cases 118
involving those offenses and violations. The schedule shall 119
require that a judge consider all of the factors listed in 120
division (B) of this section and may require judges to set bail 121
at a certain level if the history of the alleged offender or the 122
circumstances of the alleged offense meet certain criteria in 123
the schedule. 124~~

~~(D)~~ (1) Upon the court's own motion or the motion of a 125
party and upon any terms that the court may direct, a court may 126
permit a person who is required to appear before it by division 127
(A) of this section to appear by video conferencing equipment. 128

(2) If, in the opinion of the court, the appearance in 129
person or by video conferencing equipment of a person who is 130
charged with a misdemeanor and who is required to appear before 131
the court by division (A) of this section is not practicable, 132
the court may waive the appearance and release the person on 133
bail in accordance with the court's schedule for bail set under 134

~~division (C) of this section or, if the court has not set a~~ 135
~~schedule for bail under that division, on one or both of the~~ 136
~~following types of bail in an amount set by the court:~~ 137

~~(a) A bail bond secured by a deposit of ten per cent of~~ 138
~~the amount of the bond in cash;~~ 139

~~(b) A surety bond, a bond secured by real estate or~~ 140
~~securities as allowed by law, or the deposit of cash, at the~~ 141
~~option of the person set after considering all of the factors~~ 142
~~listed in division (B) of this section. Every court other than a~~ 143
~~juvenile court shall consider the results of a validated risk~~ 144
~~assessment tool before setting bail under this section. A~~ 145
~~juvenile court setting bail under this section may, but is not~~ 146
~~required to, consider the results of a validated risk assessment~~ 147
~~tool.~~ 148

(3) Division (A) of this section does not create a right 149
in a person to appear before the court for the setting of bail 150
or prohibit a court from requiring any person charged with a 151
sexually oriented offense or a violation of section 2907.09 of 152
the Revised Code who is not described in that division from 153
appearing before the court for the setting of bail. 154

~~(E) (D) As used in this section, "child-victim":~~ 155

(1) "Child-victim oriented offense," "child-victim 156
predator," "habitual child-victim offender," "habitual sex 157
offender," "sexually oriented offense," and "sexual predator" 158
have the same meanings as in section 2950.01 of the Revised 159
Code. 160

(2) "Validated risk assessment tool" means a risk 161
assessment tool that has been included in a list of validated 162
risk assessment tools by the supreme court, or any board, 163

commission, or other state government entity designated by the 164
supreme court, pursuant to section 2937.47 of the Revised Code. 165

Sec. 2919.251. (A) Subject to division ~~(D)~~ (C) of this 166
section, a person who is charged with the commission of any 167
offense of violence shall appear before the court for the 168
setting of bail if the alleged victim of the offense charged was 169
a family or household member at the time of the offense and if 170
any of the following applies: 171

(1) The person charged, at the time of the alleged 172
offense, was subject to the terms of a protection order issued 173
or consent agreement approved pursuant to section 2919.26 or 174
3113.31 of the Revised Code or previously was convicted of or 175
pleaded guilty to a violation of section 2919.25 of the Revised 176
Code or a violation of section 2919.27 of the Revised Code 177
involving a protection order or consent agreement of that type, 178
a violation of an existing or former municipal ordinance or law 179
of this or any other state or the United States that is 180
substantially similar to either section, a violation of section 181
2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if 182
the victim of the violation was a family or household member at 183
the time of the violation, a violation of an existing or former 184
municipal ordinance or law of this or any other state or the 185
United States that is substantially similar to any of those 186
sections if the victim of the violation was a family or 187
household member at the time of the commission of the violation, 188
or any offense of violence if the victim of the offense was a 189
family or household member at the time of the offense; 190

(2) The arresting officer indicates in a police report or 191
other document accompanying the complaint any of the following: 192

(a) That the arresting officer observed on the alleged 193

victim objective manifestations of physical harm that the 194
arresting officer reasonably believes are a result of the 195
alleged offense; 196

(b) That the arresting officer reasonably believes that 197
the person had on the person's person at the time of the alleged 198
offense a deadly weapon or dangerous ordnance; 199

(c) That the arresting officer reasonably believes that 200
the person presents a credible threat of serious physical harm 201
to the alleged victim or to any other person if released on bail 202
before trial. 203

(B) To the extent that information about any of the 204
following is available to the court, the court shall consider 205
all of the following, in addition to any other circumstances 206
considered by the court including the results of a validated 207
risk assessment tool and notwithstanding any provisions to the 208
contrary contained in Criminal Rule 46, before setting bail for 209
a person who appears before the court pursuant to division (A) 210
of this section: 211

(1) Whether the person has a history of domestic violence 212
or a history of other violent acts; 213

(2) The mental health of the person; 214

(3) Whether the person has a history of violating the 215
orders of any court or governmental entity; 216

(4) Whether the person is potentially a threat to any 217
other person; 218

(5) Whether the person has access to deadly weapons or a 219
history of using deadly weapons; 220

(6) Whether the person has a history of abusing alcohol or 221

any controlled substance;	222
(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;	223 224 225 226 227 228 229
(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;	230 231 232
(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;	233 234 235 236
(10) Whether the person has expressed suicidal or homicidal ideations;	237 238
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	239 240 241
(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	242 243 244 245 246 247 248 249 250

certain criteria in the schedule.	251
(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.	252 253 254 255
(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:	256 257 258 259 260 261 262 263 264
(a) A bail bond secured by a deposit of ten per cent of the amount of the bond in cash;	265 266
(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, set after considering all of the factors listed in division (B) of this section. Every court other than a juvenile court shall consider the results of a validated risk assessment tool before setting bail under this section. A juvenile court setting bail under this section may, but is not required to, consider the results of a validated risk assessment tool.	267 268 269 270 271 272 273 274 275
(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	276 277 278 279

appearing before the court for the setting of bail.	280
(E) <u>(D)</u> As used in this section:	281
(1) "Controlled substance" has the same meaning as in	282
section 3719.01 of the Revised Code.	283
(2) "Dangerous ordnance" and "deadly weapon" have the same	284
meanings as in section 2923.11 of the Revised Code.	285
<u>(3) "Validated risk assessment tool" means a risk</u>	286
<u>assessment tool that has been included in a list of validated</u>	287
<u>risk assessment tools by the supreme court, or any board,</u>	288
<u>commission, or other state government entity designated by the</u>	289
<u>supreme court, pursuant to section 2937.47 of the Revised Code.</u>	290
Sec. 2935.15. Amount of bail, and nature of security	291
therefor set or conditions required as bail in misdemeanor cases	292
may be set by a schedule fixed by the court or magistrate, or it	293
may be endorsed on the warrant by the magistrate or clerk of the	294
issuing court. If the amount be not endorsed on the warrant, the	295
schedule set by the court or magistrate before whom bail is	296
taken shall prevail. All recognizances taken, or cash received	297
shall be promptly transmitted to the court issuing the warrant,	298
and further proceedings thereon on that warrant shall be the	299
same as if taken by the issuing court.	300
Sec. 2937.22. (A) Bail is <u>the security or conditions</u>	301
<u>required</u> for the appearance of an accused to appear and answer	302
to a specific criminal or quasi-criminal charge in any court or	303
before any magistrate at a specific time or at any time to which	304
a case may be continued, and not depart without leave. It may	305
take any of the following forms:	306
(1) <u>Any condition that the judge or magistrate determines</u>	307
<u>is appropriate to reasonably ensure public safety and to ensure</u>	308

that the accused appears in court as required and does not 309
depart without leave; 310

(2) The deposit of cash by the accused or by some other 311
person for the accused; 312

~~(2)~~(3) The deposit by the accused or by some other person 313
for the accused in form of bonds of the United States, this 314
state, or any political subdivision thereof in a face amount 315
equal to the sum set by the court or magistrate. In case of 316
bonds not negotiable by delivery such bonds shall be properly 317
endorsed for transfer. 318

~~(3)~~(4) The written undertaking by one or more persons to 319
forfeit the sum of money set by the court or magistrate, if the 320
accused is in default for appearance, which shall be known as a 321
recognizance. 322

(B) Whenever a person is charged with any offense other 323
than a traffic offense that is not a moving violation and posts 324
bail, other than bail described in division (A) (1) of this 325
section, the person shall pay a surcharge of twenty-five 326
dollars. The clerk of the court shall retain the twenty-five 327
dollars until the person is convicted, pleads guilty, forfeits 328
bail, is found not guilty, or has the charges dismissed. If the 329
person is convicted, pleads guilty, or forfeits bail, the clerk 330
shall transmit the twenty-five dollars on or before the 331
twentieth day of the month following the month in which the 332
person was convicted, pleaded guilty, or forfeited bail to the 333
treasurer of state, and the treasurer of state shall deposit it 334
into the indigent defense support fund created under section 335
120.08 of the Revised Code. If the person is found not guilty or 336
the charges are dismissed, the clerk shall return the twenty- 337
five dollars to the person. 338

(C) All bail shall be received by the clerk of the court, 339
deputy clerk of court, or by the magistrate, or by a special 340
referee appointed by the supreme court pursuant to section 341
2937.46 of the Revised Code, and, except in cases of 342
recognizances and conditions, receipt shall be given therefor. 343

(D) As used in this section, "moving violation" has the 344
same meaning as in section 2743.70 of the Revised Code. 345

Sec. 2937.222. (A) On the motion of the prosecuting 346
attorney or on the judge's own motion, the judge shall hold a 347
hearing to determine whether an accused person charged with 348
aggravated murder when it is not a capital offense, murder, or a 349
~~felony of the first or second degree, a violation of section~~ 350
~~2903.06 of the Revised Code, a violation of section 2903.211 of~~ 351
~~the Revised Code that is a felony, or a felony OVI offense~~ shall 352
be denied bail. The judge shall order that the accused be 353
detained until the conclusion of the hearing. Except for good 354
cause, a continuance on the motion of the state shall not exceed 355
three court days. Except for good cause, a continuance on the 356
motion of the accused shall not exceed five court days unless 357
the motion of the accused waives in writing the five-day limit 358
and states in writing a specific period for which the accused 359
requests a continuance. A continuance granted upon a motion of 360
the accused that waives in writing the five-day limit shall not 361
exceed five court days after the period of continuance requested 362
in the motion. 363

At the hearing, the accused has the right to be 364
represented by counsel and, if the accused is indigent, to have 365
counsel appointed. The judge shall afford the accused an 366
opportunity to testify, to present witnesses and other 367
information, and to cross-examine witnesses who appear at the 368

hearing. The rules concerning admissibility of evidence in 369
criminal trials do not apply to the presentation and 370
consideration of information at the hearing. Regardless of 371
whether the hearing is being held on the motion of the 372
prosecuting attorney or on the court's own motion, the state has 373
the burden of proving that the proof is evident or the 374
presumption great that the accused committed the offense with 375
which the accused is charged, of proving that the accused poses 376
a substantial risk of serious physical harm to any person or to 377
the community, and of proving that no release conditions will 378
reasonably assure the safety of that person and the community. 379

The judge may reopen the hearing at any time before trial 380
if the judge finds that information exists that was not known to 381
the movant at the time of the hearing and that that information 382
has a material bearing on whether bail should be denied. If a 383
municipal court or county court enters an order denying bail, a 384
judge of the court of common pleas having jurisdiction over the 385
case may continue that order or may hold a hearing pursuant to 386
this section to determine whether to continue that order. 387

(B) No accused person shall be denied bail pursuant to 388
this section unless the judge finds by clear and convincing 389
evidence that the proof is evident or the presumption great that 390
the accused committed the offense described in division (A) of 391
this section with which the accused is charged, finds by clear 392
and convincing evidence that the accused poses a substantial 393
risk of serious physical harm to any person or to the community, 394
and finds by clear and convincing evidence that no release 395
conditions will reasonably assure the safety of that person and 396
the community. 397

(C) The judge, in determining whether the accused person 398

described in division (A) of this section poses a substantial 399
risk of serious physical harm to any person or to the community 400
and whether there are conditions of release that will reasonably 401
assure the safety of that person and the community, shall 402
consider all available information regarding all of the 403
following: 404

(1) Subject to division (E) of this section, the results 405
of a validated risk assessment tool; 406

(2) The nature and circumstances of the offense charged, 407
including whether the offense is an offense of violence or 408
involves alcohol or a drug of abuse; 409

~~(2)~~-(3) The weight of the evidence against the accused; 410

~~(3)~~-(4) The history and characteristics of the accused, 411
including, but not limited to, both of the following: 412

(a) The character, physical and mental condition, family 413
ties, employment, financial resources, length of residence in 414
the community, community ties, past conduct, history relating to 415
drug or alcohol abuse, and criminal history of the accused; 416

(b) Whether, at the time of the current alleged offense or 417
at the time of the arrest of the accused, the accused was on 418
probation, parole, post-release control, or other release 419
pending trial, sentencing, appeal, or completion of sentence for 420
the commission of an offense under the laws of this state, 421
another state, or the United States or under a municipal 422
ordinance. 423

~~(4)~~-(5) The nature and seriousness of the danger to any 424
person or the community that would be posed by the person's 425
release; 426

(6) The likelihood that the accused would appear when 427
required by the court if released. 428

(D) (1) An order of the court of common pleas denying bail 429
pursuant to this section is a final appealable order. In an 430
appeal pursuant to division (D) of this section, the court of 431
appeals shall do all of the following: 432

(a) Give the appeal priority on its calendar; 433

(b) Liberally modify or dispense with formal requirements 434
in the interest of a speedy and just resolution of the appeal; 435

(c) Decide the appeal expeditiously; 436

(d) Promptly enter its judgment affirming or reversing the 437
order denying bail. 438

(2) The pendency of an appeal under this section does not 439
deprive the court of common pleas of jurisdiction to conduct 440
further proceedings in the case or to further consider the order 441
denying bail in accordance with this section. If, during the 442
pendency of an appeal under division (D) of this section, the 443
court of common pleas sets aside or terminates the order denying 444
bail, the court of appeals shall dismiss the appeal. 445

(E) In determining whether an accused person described in 446
division (A) of this section poses a substantial risk of serious 447
physical harm to any person or to the community and whether 448
there are conditions of release that will reasonably assure the 449
safety of that person and the community, a juvenile court judge 450
may, but is not required to, consider the results of a validated 451
risk assessment tool. 452

(F) As used in this section: 453

(1) "Court day" has the same meaning as in section 5122.01 454

of the Revised Code. 455

(2) ~~"Felony OVI offense" means a third degree felony OVI-~~ 456
~~offense and a fourth degree felony OVI offense.~~ 457

~~(3) "Fourth degree felony OVI offense" and "third degree-~~ 458
~~felony OVI offense" have the same meanings as in section 2929.01-~~ 459
~~of the Revised Code. "Validated risk assessment tool" means a~~ 460
risk assessment tool that has been included in a list of 461
validated risk assessment tools by the supreme court, or any 462
board, commission, or other state government entity designated 463
by the supreme court, pursuant to section 2937.47 of the Revised 464
Code. 465

Sec. 2937.223. A municipal court, county court, or court 466
of common pleas may contract with the department of 467
rehabilitation and correction for pretrial supervision services 468
if there is no other pretrial services agency available within 469
the court's territorial jurisdiction. 470

Sec. 2937.23. (A) (1) In a case involving a felony or a 471
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 472
Code when the victim of the offense is a peace officer, the 473
judge or magistrate, except as provided in section 2937.222 of 474
the Revised Code, shall fix the amount of set bail. 475

(2) In a case involving a misdemeanor or a violation of a 476
municipal ordinance and not involving a felony or a violation of 477
section 2903.11, 2903.12, or 2903.13 of the Revised Code when 478
the victim of the offense is a peace officer, the judge, 479
magistrate, or clerk of the court may ~~fix the amount of set~~ bail 480
~~and may do so in accordance with a schedule previously fixed by-~~ 481
~~the judge or magistrate upon consideration of all relevant~~ 482
factors, including the results of a validated risk assessment 483

tool. If the judge, magistrate, or clerk of the court is not 484
readily available, the sheriff, deputy sheriff, marshal, deputy 485
marshal, police officer, or jailer having custody of the person 486
charged may ~~fix the amount of~~ set bail in accordance with a 487
schedule previously fixed by the judge or magistrate and shall 488
take the bail only in the county courthouse, the municipal or 489
township building, or the county or municipal jail. 490

(3) In any case in which the accused is held in lieu of 491
bond and in which bail was set in accordance with a schedule, 492
the judge, magistrate, or clerk shall set bail for the accused 493
upon consideration of all relevant factors, including the 494
results of a validated risk assessment tool, as soon as the 495
judge, magistrate, or clerk is readily available. Every court 496
other than a juvenile court shall consider the results of a 497
validated risk assessment tool before setting bail. A juvenile 498
court setting bail under this section may, but is not required, 499
to consider the results of a validated risk assessment tool. 500
Bail set under division (A)(3) of this section shall supersede 501
any bail set previously in accordance with a schedule. 502

(4) In all cases, the bail shall be ~~fixed~~ set with 503
consideration of the seriousness of the offense charged, the 504
previous criminal record of the defendant, and the probability 505
of the defendant appearing at the trial of the case. A judge, 506
magistrate, or clerk who sets bail shall first consider setting 507
conditions for bail, as described in division (A)(1) of section 508
2937.22 of the Revised Code. 509

(B) In any case involving an alleged violation of section 510
2903.211 of the Revised Code or of a municipal ordinance that is 511
substantially similar to that section, the court shall determine 512
whether it will order an evaluation of the mental condition of 513

the defendant pursuant to section 2919.271 of the Revised Code 514
and, if it decides to so order, shall issue the order requiring 515
the evaluation before it sets bail for the person charged with 516
the violation. In any case involving an alleged violation of 517
section 2919.27 of the Revised Code or of a municipal ordinance 518
that is substantially similar to that section and in which the 519
court finds that either of the following criteria applies, the 520
court shall determine whether it will order an evaluation of the 521
mental condition of the defendant pursuant to section 2919.271 522
of the Revised Code and, if it decides to so order, shall issue 523
the order requiring that evaluation before it sets bail for the 524
person charged with the violation: 525

(1) Regarding an alleged violation of a protection order 526
issued or consent agreement approved pursuant to section 2919.26 527
or 3113.31 of the Revised Code, that the violation allegedly 528
involves conduct by the defendant that caused physical harm to 529
the person or property of a family or household member covered 530
by the order or agreement or conduct by that defendant that 531
caused a family or household member to believe that the 532
defendant would cause physical harm to that member or that 533
member's property; 534

(2) Regarding an alleged violation of a protection order 535
issued pursuant to section 2903.213 or 2903.214 of the Revised 536
Code, or a protection order issued by a court of another state, 537
as defined in section 2919.27 of the Revised Code, that the 538
violation allegedly involves conduct by the defendant that 539
caused physical harm to the person or property of the person 540
covered by the order or conduct by that defendant that caused 541
the person covered by the order to believe that the defendant 542
would cause physical harm to that person or that person's 543
property. 544

(C) As used in this section, "peace ;	545
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	546 547
(2) "Validated risk assessment tool" means a risk assessment tool that has been included in a list of validated risk assessment tools by the supreme court, or any board, commission, or other state government entity designated by the supreme court, pursuant to section 2937.47 of the Revised Code.	548 549 550 551 552
Sec. 2937.231. (A) Every court, except a juvenile court, shall collect all of the following information about each criminal case handled by the court:	553 554 555
(1) Whether the defendant caused physical harm to persons or property while released on bail or under pretrial supervision;	556 557 558
(2) Whether the defendant failed to appear before the court as required after being released on bail or under pretrial supervision;	559 560 561
(3) Whether the court accepted the recommendation of a pretrial service agency in setting bail.	562 563
(B) Every court, except a juvenile court, shall collect the following information about each criminal case handled by the court:	564 565 566
(1) The date of the defendant's arrest;	567
(2) The date of the defendant's final release if the defendant was found not guilty in the case, or the complaint, indictment, or information in the case was dismissed, or the sentence was suspended at the time of sentencing;	568 569 570 571

<u>(3) The case number;</u>	572
<u>(4) The name of the court;</u>	573
<u>(5) The name of the judge;</u>	574
<u>(6) The name of the offender;</u>	575
<u>(7) All of the following for any offense that the offender is charged with committing:</u>	576 577
<u>(a) The name of the offense;</u>	578
<u>(b) The section of the Revised Code that specifies the offense;</u>	579 580
<u>(c) The degree of the offense;</u>	581
<u>(d) The validated risk assessment tool used to set bail;</u>	582
<u>(e) The risk score assigned to the offender;</u>	583
<u>(f) Release recommendations;</u>	584
<u>(g) Monetary bail amount set;</u>	585
<u>(h) Whether a bail schedule was used.</u>	586
<u>(8) Any other information the supreme court requests for the purposes described in section 2937.47 of the Revised Code.</u>	587 588
<u>(C) The information described in divisions (A) and (B) of this section shall be made available to the supreme court, or any board, commission, or other state government entity designated by the supreme court, for the purposes described in section 2937.47 of the Revised Code.</u>	589 590 591 592 593
<u>Sec. 2937.47. (A) The supreme court, or any board, commission, or other state government entity designated by the supreme court, shall do all of the following:</u>	594 595 596

(1) Within one year after the effective date of this 597
section, create a list of validated risk assessment tools that 598
courts may use for the purpose of setting bail under sections 599
2937.222 and 2937.23 of the Revised Code; 600

(2) Collect the information described in section 2937.231 601
of the Revised Code from every court, other than a juvenile 602
court, and maintain a centralized database of that information; 603

(3) Report to the general assembly a summary of the 604
policies and procedures of courts in setting bail and using 605
pretrial supervision services, including a summary of the 606
information described in section 2937.231 collected from the 607
courts. The report shall be delivered by the thirty-first day of 608
December of each even-numbered year. 609

(B) Any board, commission, or other state government 610
entity designated under division (A) of this section is hereby 611
designated a criminal justice agency as defined in section 612
109.571 of the Revised Code. As such, it is authorized by this 613
state to access computerized and other databases administered by 614
state and local agencies or jurisdictions for the administration 615
of criminal justice and the maintenance of a centralized 616
database of the information described in section 2937.231 of the 617
Revised Code. The supreme court may also apply for access to 618
such databases for the limited purposes described in this 619
section. 620

Sec. 2941.58. When a motion to quash or a plea in 621
abatement is adjudged in favor of the accused, the trial court 622
may order the case to be resubmitted to the grand jury, if then 623
pending, or to the next succeeding grand jury. The accused then 624
may be committed to jail or ~~held to bail set in such sum as the~~ 625
manner the trial court requires for ~~his~~ the accused's appearance 626

to answer at a time to be fixed by the court. 627

Section 2. That existing sections 2903.212, 2907.41, 628
2919.251, 2935.15, 2937.22, 2937.222, 2937.23, and 2941.58 of 629
the Revised Code are hereby repealed. 630

Section 3. (A) The General Assembly, in enacting this act, 631
respectfully requests that the Supreme Court of Ohio do all of 632
the following within one year of the effective date of this act: 633

(1) Provide, in the Rules of Superintendence for the 634
Courts of Ohio, a model policy for the supervision of defendants 635
released prior to trial and a model judgment entry that includes 636
entries for the findings of fact required by section 2937.231 of 637
the Revised Code; 638

(2) Update the Rules of Criminal Procedure to conform the 639
rules to sections 2907.41, 2919.251, 2935.15, 2937.22, 2937.222, 640
2937.23, and 2941.58 of the Revised Code, as amended by this 641
act; 642

(3) Promulgate a Rule of Superintendence regarding the 643
procedure for setting bail when a judge, magistrate, or clerk of 644
the court is not readily available within a seventy-two hour 645
period; 646

(4) Work with a representative of the surety bail bond 647
agents of this state and other interested parties to select the 648
validated risk assessment tools that courts may use for the 649
purpose of setting bail. 650

(B) The municipal courts, county courts, and courts of 651
common pleas shall be compliant with the provisions amended or 652
enacted by this act and any changes to the Rules of 653
Superintendence and Rules of Criminal Procedure resulting from 654
this act not later than January 1, 2021. 655

Section 4. Section 2937.23 of the Revised Code is 656
presented in this act as a composite of the section as amended 657
by both Sub. H.B. 202 and Am. S.B. 142 of the 123rd General 658
Assembly. The General Assembly, applying the principle stated in 659
division (B) of section 1.52 of the Revised Code that amendments 660
are to be harmonized if reasonably capable of simultaneous 661
operation, finds that the composite is the resulting version of 662
the section in effect prior to the effective date of the section 663
as presented in this act. 664