

As Reported by the House Criminal Justice Committee

134th General Assembly

Regular Session

2021-2022

H. B. No. 607

Representatives LaRe, Swearingen

A BILL

To amend section 2937.23 of the Revised Code to add 1
public safety as a factor in setting bail. 2

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

Section 1. That section 2937.23 of the Revised Code be 3
amended to read as follows: 4

Sec. 2937.23. (A) (1) In a case involving a felony or a 5
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 6
Code when the victim of the offense is a peace officer, the 7
judge or magistrate shall fix the amount of bail. 8

(2) In a case involving a misdemeanor or a violation of a 9
municipal ordinance and not involving a felony or a violation of 10
section 2903.11, 2903.12, or 2903.13 of the Revised Code when 11
the victim of the offense is a peace officer, the judge, 12
magistrate, or clerk of the court may fix the amount of bail and 13
may do so in accordance with a schedule previously fixed by the 14
judge or magistrate. If the judge, magistrate, or clerk of the 15
court is not readily available, the sheriff, deputy sheriff, 16
marshal, deputy marshal, police officer, or jailer having 17
custody of the person charged may fix the amount of bail in 18
accordance with a schedule previously fixed by the judge or 19

magistrate and shall take the bail only in the county 20
courthouse, the municipal or township building, or the county or 21
municipal jail. 22

(3) In all cases, the bail shall be fixed with 23
consideration of all relevant information, including the risk to 24
public safety, the seriousness of the offense charged, the 25
previous criminal record of the defendant, and the probability 26
of the defendant appearing at the trial of the case. 27

(B) In any case involving an alleged violation of section 28
2903.211 of the Revised Code or of a municipal ordinance that is 29
substantially similar to that section, the court shall determine 30
whether it will order an evaluation of the mental condition of 31
the defendant pursuant to section 2919.271 of the Revised Code 32
and, if it decides to so order, shall issue the order requiring 33
the evaluation before it sets bail for the person charged with 34
the violation. In any case involving an alleged violation of 35
section 2919.27 of the Revised Code or of a municipal ordinance 36
that is substantially similar to that section and in which the 37
court finds that either of the following criteria applies, the 38
court shall determine whether it will order an evaluation of the 39
mental condition of the defendant pursuant to section 2919.271 40
of the Revised Code and, if it decides to so order, shall issue 41
the order requiring that evaluation before it sets bail for the 42
person charged with the violation: 43

(1) Regarding an alleged violation of a protection order 44
issued or consent agreement approved pursuant to section 2919.26 45
or 3113.31 of the Revised Code, that the violation allegedly 46
involves conduct by the defendant that caused physical harm to 47
the person or property of a family or household member covered 48
by the order or agreement or conduct by that defendant that 49

caused a family or household member to believe that the 50
defendant would cause physical harm to that member or that 51
member's property; 52

(2) Regarding an alleged violation of a protection order 53
issued pursuant to section 2903.213 or 2903.214 of the Revised 54
Code, or a protection order issued by a court of another state, 55
as defined in section 2919.27 of the Revised Code, that the 56
violation allegedly involves conduct by the defendant that 57
caused physical harm to the person or property of the person 58
covered by the order or conduct by that defendant that caused 59
the person covered by the order to believe that the defendant 60
would cause physical harm to that person or that person's 61
property. 62

(C) As used in this section, "peace officer" has the same 63
meaning as in section 2935.01 of the Revised Code. 64

(D) The General Assembly, in amending division (A) of this 65
section pursuant to this act, hereby declares its intent to 66
supersede the effect of the holding of the Ohio Supreme Court in 67
DuBose v. McGuffey, Slip Opinion No. 2022-Ohio-8. 68

Section 2. That existing section 2937.23 of the Revised 69
Code is hereby repealed. 70

Section 3. Section 2937.23 of the Revised Code is 71
presented in this act as a composite of the section as amended 72
by both H.B. 202 and S.B. 142 of the 123rd General Assembly. The 73
General Assembly, applying the principle stated in division (B) 74
of section 1.52 of the Revised Code that amendments are to be 75
harmonized if reasonably capable of simultaneous operation, 76
finds that the composite is the resulting version of the section 77
in effect prior to the effective date of the section as 78

presented in this act.