

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. J. R. No. 5**

**Senator Gavarone**

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**A JOINT RESOLUTION**

Proposing to amend Section 9 of Article I of the Constitution 1  
of the State of Ohio to eliminate the requirement that the 2  
amount and conditions of bail be established pursuant to 3  
Section 5(b) of Article IV of the Constitution of the State 4  
of Ohio, and instead allow the courts to use factors such 5  
as public safety, a person's criminal record, the 6  
likelihood a person will return to court, and the 7  
seriousness of a person's offense. 8

Be it resolved by the General Assembly of the State of 9  
Ohio, three-fifths of the members elected to each house 10  
concurring herein, that there shall be submitted to the electors 11  
of the state, in the manner prescribed by law at the general 12  
election to be held on November 8, 2022, a proposal to amend 13  
Section 9 of Article I of the Constitution of the State of Ohio 14  
to read as follows: 15

**ARTICLE I** 16

**Section 9.** All persons shall beailable by sufficient 17  
sureties, except for a person who is charged with a capital 18  
offense where the proof is evident or the presumption great, and 19  
except for a person who is charged with a felony where the proof 20

is evident or the presumption great and where the person poses a 21  
substantial risk of serious physical harm to any person or to 22  
the community. Where a person is charged with any offense for 23  
which the person may be incarcerated, the court may determine at 24  
any time the type, amount, and conditions of bail. Excessive 25  
bail shall not be required; nor excessive fines imposed; nor 26  
cruel and unusual punishments inflicted. When determining the 27  
amount of bail, the court shall consider public safety, a 28  
person's criminal record, the likelihood a person will return to 29  
court, and the seriousness of a person's offense. 30

The general assembly shall fix by law standards to 31  
determine whether a person who is charged with a felony where 32  
the proof is evident or the presumption great poses a 33  
substantial risk of serious physical harm to any person or to 34  
the community. ~~Procedures for establishing the amount and 35  
conditions of bail shall be established pursuant to Article IV, 36  
Section 5(B) of the Constitution of the State of Ohio. 37~~

EFFECTIVE DATE 38

If adopted by a majority of the electors voting on this 39  
proposal, Section 9 of Article I of the Constitution of the 40  
State of Ohio amended by this proposal shall take effect 41  
immediately and the existing version of Section 9 of Article I 42  
of the Constitution of the State of Ohio shall be repealed 43  
effective immediately. 44