

As Reported by the Senate Judiciary Committee

134th General Assembly

Regular Session

2021-2022

Am. S. J. R. No. 5

Senator Gavarone

Cosponsor: Senator Manning

A JOINT RESOLUTION

Proposing to amend Section 9 of Article I of the 1
Constitution of the State of Ohio to eliminate the 2
requirement that the amount and conditions of bail be 3
established pursuant to Section 5(b) of Article IV of 4
the Constitution of the State of Ohio, and instead 5
allow the courts to use factors such as public safety, 6
including the seriousness of the offense, and a 7
person's criminal record, the likelihood a person will 8
return to court, and any other factor the General 9
Assembly may prescribe. 10

Be it resolved by the General Assembly of the State of 11
Ohio, three-fifths of the members elected to each house 12
concurring herein, that there shall be submitted to the electors 13
of the state, in the manner prescribed by law at the general 14
election to be held on November 8, 2022, a proposal to amend 15
Section 9 of Article I of the Constitution of the State of Ohio 16
to read as follows: 17

ARTICLE I 18

Section 9. All persons shall beailable by sufficient 19
sureties, except for a person who is charged with a capital 20

offense where the proof is evident or the presumption great, and 21
except for a person who is charged with a felony where the proof 22
is evident or the presumption great and where the person poses a 23
substantial risk of serious physical harm to any person or to 24
the community. Where a person is charged with any offense for 25
which the person may be incarcerated, the court may determine at 26
any time the type, amount, and conditions of bail. Excessive 27
bail shall not be required; nor excessive fines imposed; nor 28
cruel and unusual punishments inflicted. When determining the 29
amount of bail, the court shall consider public safety, 30
including the seriousness of the offense, and a person's 31
criminal record, the likelihood a person will return to court, 32
and any other factor the general assembly may prescribe. 33

The general assembly shall fix by law standards to 34
determine whether a person who is charged with a felony where 35
the proof is evident or the presumption great poses a 36
substantial risk of serious physical harm to any person or to 37
the community. ~~Procedures for establishing the amount and~~ 38
~~conditions of bail shall be established pursuant to Article IV,~~ 39
~~Section 5(B) of the Constitution of the State of Ohio.~~ 40

EFFECTIVE DATE 41

If adopted by a majority of the electors voting on this 42
proposal, Section 9 of Article I of the Constitution of the 43
State of Ohio amended by this proposal shall take effect 44
immediately and the existing version of Section 9 of Article I 45
of the Constitution of the State of Ohio shall be repealed 46
effective immediately. 47