

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 274**

**Senator McColley**

**Cosponsors: Senators Lehner, Hoagland, Beagle, Sykes**

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**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 <del>Chapter</del> <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
<del>(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</del>	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 252  
party and upon any terms that the court may direct, a court may 253  
permit a person who is required to appear before it by division 254  
(A) of this section to appear by video conferencing equipment. 255

(2) If in the opinion of the court the appearance in 256  
person or by video conferencing equipment of a person who is 257  
charged with a misdemeanor and who is required to appear before 258  
the court by division (A) of this section is not practicable, 259  
the court may waive the appearance and release the person on 260  
~~bail in accordance with the court's schedule for bail set under~~ 261  
~~division (C) of this section or, if the court has not set a~~ 262  
~~schedule for bail under that division, on one or both of the~~ 263  
~~following types of bail in an amount set by the court:~~ 264

~~(a) A bail bond secured by a deposit of ten per cent of~~ 265  
~~the amount of the bond in cash;~~ 266

~~(b) A surety bond, a bond secured by real estate or~~ 267  
~~securities as allowed by law, or the deposit of cash, at the~~ 268  
~~option of the person, set after considering all of the factors~~ 269  
listed in division (B) of this section. Every court other than a 270  
juvenile court shall consider the results of a validated risk 271  
assessment tool before setting bail under this section. A 272  
juvenile court setting bail under this section may, but is not 273  
required to, consider the results of a validated risk assessment 274  
tool. 275

(3) Division (A) of this section does not create a right 276  
in a person to appear before the court for the setting of bail 277  
or prohibit a court from requiring any person charged with an 278  
offense of violence who is not described in that division from 279

appearing before the court for the setting of bail.	280
<del>(E)</del> <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
<b>Sec. 2935.15.</b> Amount of <del>bail,</del> and nature of security	291
<del>therefor set or conditions required as bail</del> in misdemeanor cases	292
may be <del>set by a schedule fixed by the court or magistrate, or it</del>	293
<del>may be</del> endorsed on the warrant by the magistrate or clerk of the	294
issuing court. <del>If the amount be not endorsed on the warrant, the</del>	295
<del>schedule set by the court or magistrate before whom bail is</del>	296
<del>taken shall prevail.</del> All recognizances taken, or cash received	297
shall be promptly transmitted to the court issuing the warrant,	298
and further proceedings <del>thereon on that warrant</del> shall be the	299
same as if taken by the issuing court.	300
<b>Sec. 2937.22.</b> (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, <del>"peace</del> ;	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
<b>Sec. 2937.231.</b> (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><b>Sec. 2937.47.</b> (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