



Ohio Revised Code Section 2937.011 Pretrial release.

Effective: June 30, 2023

Legislation: House Bill 191 - 135th General Assembly

(A) Unless the court orders the defendant detained pursuant to section 2937.222 of the Revised Code or other applicable law, the court shall release the defendant on the least restrictive conditions that, in the discretion of the court, will reasonably assure the defendant's appearance in court, the protection or safety of any person or the community, and that the defendant will not obstruct the criminal justice process. If the court orders financial conditions of release, those financial conditions shall be related to public safety, the defendant's risk of nonappearance in court, the seriousness of the offense, and the previous criminal record of the defendant.

(B) Any financial conditions shall be in an amount and type that are least costly to the defendant while also sufficient to reasonably assure the defendant's future appearance in court.

(C) Any defendant who is entitled to release may be released upon one or more of the following types of bail in the amount set by the court:

(1) An unsecured bail bond;

(2) A bail bond secured by the deposit of ten per cent of the amount of the bond in cash. The court shall return ninety per cent of the deposit upon compliance with all conditions of the bond.

(3) 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 defendant.

(D) The court may impose any of the following conditions of release:

(1) The personal recognizance of the defendant;

(2) Placing the defendant in the custody of a designated person or organization that agrees to supervise the defendant;



- (3) Placing restrictions on the travel, association, or place of abode of the defendant during the period of release;
 - (4) Placing the defendant under a house arrest, electronic monitoring, or work release program;
 - (5) Regulating or prohibiting the defendant's contact with the victim;
 - (6) Regulating the defendant's contact with witnesses or others associated with the case upon proof of the likelihood that the defendant will threaten, harass, cause injury, or seek to intimidate those persons;
 - (7) For any defendant charged with an offense that is alcohol or drug related, or where alcohol or drug influence or addiction appears to be a contributing factor in the offense, and who appears based upon an evaluation, prior treatment history, or recent alcohol or drug use, to be in need of treatment, requiring completion of a drug or alcohol assessment and compliance with treatment recommendations;
 - (8) Requiring compliance with alternatives to pretrial detention, including diversion programs, day reporting, or comparable alternatives, to ensure the defendant's appearance at future court proceedings;
 - (9) Any other constitutional condition considered reasonably necessary to reasonably assure the defendant's appearance or public safety.
- (E) Subject to division (I)(2) of this section, in determining the types, amounts, and conditions of bail, the court shall consider all relevant information, including the following:
- (1) The nature and circumstances of the crime charged, and specifically whether the defendant used or had access to a weapon;
 - (2) The weight of the evidence against the defendant;



(3) The confirmation of the defendant's identity;

(4) The defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, record of convictions, record of appearance at court proceedings or of flight to avoid prosecution;

(5) Whether the defendant is on probation, a community control sanction, parole, post-release control, bail, or under a court protection order;

(6) The considerations required under Ohio Constitution, Article I, Section 9.

(F) Absent good cause, there is a presumption of release on personal recognizance when the defendant appears pursuant to a summons issued by the court.

(G) When a judicial officer, either on motion of a party or on the court's own motion, determines that the considerations set forth in divisions (D) and (E) of this section require a modification of the conditions of release, the judicial officer may order additional or different types, amounts, or conditions of bail, or may eliminate or lessen conditions of bail the court determines to be no longer necessary. Unless the parties agree to a modification, the court shall hold a hearing on the modification of bond as promptly as possible. Unless modified by the judicial officer, or if application is made by a surety for discharge from a bond pursuant to section 2937.40 of the Revised Code, conditions of release shall continue until the return of a verdict or the entry of a guilty plea or a no-contest plea and may continue thereafter pending sentence or disposition of the case on review.

(H) Information stated in or offered in connection with any order entered pursuant to this section does not need to conform to the rules pertaining to the admissibility of evidence in a court of law. The court shall not receive as substantive evidence in the trial of the case statements or admissions of the defendant made at a bail proceeding or in the course of compliance with a condition of bail.

(I)(1) In order to expedite the prompt release of a defendant prior to an initial appearance, each court shall establish a bail bond schedule covering all misdemeanors including traffic offenses, either specifically, by type, by potential penalty, or by some other reasonable method of classification. The court also may include requirements for release in consideration of divisions (D) and (E)(5) of this



section. The sole purpose of a bail schedule is to allow for the consideration of release prior to the defendant's initial appearance.

(2) A bond schedule is not relevant information under division (E) of this section.

(3) Each municipal or county court shall, by rule, establish a method whereby a defendant may make bail by use of a credit card.

(4) Each court shall review its bail bond schedule biennially by the thirty-first day of January of each even-numbered year beginning in 2024, to ensure an appropriate bail bond schedule that does not result in the unnecessary detention of a defendant due to the defendant's inability to pay.

(J)(1) A person who has been arrested, either pursuant to a warrant or without a warrant, and who has not been released on bail, shall be brought before a judicial officer for an initial bail hearing not later than the second court day following the person's arrest. That bail hearing may be combined with the initial appearance provided for in the Rules of Criminal Procedure.

(2) If, at the initial bail hearing before a judicial officer, the defendant was not represented by counsel, and if the defendant has not yet been released on bail, the court shall hold a second bail hearing on the second court day following the initial bail hearing. An indigent defendant shall be afforded representation by appointed counsel at the state's expense at this second bail hearing.

(K) Any person who fails to appear before any court as required is subject to the punishment provided by the law, and any bail given for the defendant's release may be forfeited. If there is a breach of a condition of release, the court may amend the bail.

(L) Every surety, except a corporate surety licensed as provided by law, shall justify by affidavit, and may be required to describe in the affidavit, the property that the surety proposes as security and the encumbrances on it, the number and amount of other bonds and undertakings for bail entered into by the surety and remaining undischarged, and all of the surety's other liabilities. The surety shall provide other evidence of financial responsibility as the court or clerk may require. The court shall not approve a bail bond unless the surety or sureties appear, in the opinion of the court or clerk, to be financially responsible in at least the amount of the bond. A licensed attorney at law may not be a



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surety.