

**As Reported by the House Judiciary Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 29**

**Representatives Raussen, D. Evans, Distel, Aslanides, Allen, Raga, Driehaus,  
Trakas, Barrett, Daniels, Carano, McGregor, Reidelbach, Willamowski,  
Hartnett, Martin, Brinkman, Kearns, C. Evans, Blessing, Schaffer, Harwood,  
Miller**

**—**

**A B I L L**

To amend section 2919.251 of the Revised Code to 1  
require a court to consider certain factors before 2  
setting bail for a person if the person is charged 3  
with an offense of violence involving a victim who 4  
is a family or household member and the court is 5  
aware of certain information accompanying the 6  
complaint and to generally require the person to 7  
appear before the court before the court sets bail 8  
for that person. 9

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

**Section 1.** That section 2919.251 of the Revised Code be 10  
amended to read as follows: 11

**Sec. 2919.251.** (A) ~~If Subject to division (D) of this~~ 12  
~~section,~~ a person who is charged with the commission of any 13  
offense of violence, ~~shall appear before the court for the setting~~ 14  
~~of bail~~ if the alleged victim of the offense charged was a family 15  
or household member at the time of the offense, and if ~~the person~~ 16  
~~charged, at the time of the alleged offense, was subject to the~~ 17

~~terms of a protection order issued or consent agreement approved~~ 18  
~~pursuant to section 2919.26 or 3113.31 of the Revised Code or~~ 19  
~~previously was convicted of or pleaded guilty to a violation of~~ 20  
~~section 2919.25 of the Revised Code or a violation of section~~ 21  
~~2919.27 of the Revised Code involving a protection order or~~ 22  
~~consent agreement of that type, a violation of an existing or~~ 23  
~~former municipal ordinance or law of this or any other state or~~ 24  
~~the United States that is substantially similar to either section,~~ 25  
~~a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of~~ 26  
~~the Revised Code if the victim of the violation was a family or~~ 27  
~~household member at the time of the violation a violation of an~~ 28  
~~existing or former municipal ordinance or law of this or any other~~ 29  
~~state or the United States that is substantially similar to any of~~ 30  
~~those sections if the victim of the violation was a family or~~ 31  
~~household member at the time of the commission of the violation,~~ 32  
~~or any offense of violence if the victim of the offense was a~~ 33  
~~family or household member at the time of the offense, the~~ 34  
arresting officer indicates in a police report or other document 35  
accompanying the complaint any of the following: 36

(1) That the arresting officer observed on the alleged victim 37  
objective manifestations of physical harm that the arresting 38  
officer reasonably believes are a result of the alleged offense; 39

(2) That the arresting officer reasonably believes that the 40  
person had on the person's person at the time of the alleged 41  
offense a deadly weapon or dangerous ordinance; 42

(3) That the arresting officer reasonably believes that the 43  
person presents a credible threat of serious physical harm to the 44  
alleged victim or to any other person if released on bail before 45  
trial. 46

(B) To the extent that information about any of the following 47  
is available to the court, the court shall consider all of the 48  
following, in addition to any other circumstances considered by 49

the court and notwithstanding any provisions to the contrary 50  
contained in Criminal Rule 46, before setting bail for ~~the a~~ 51  
person who appears before the court pursuant to division (A) of 52  
this section: 53

(1) Whether the person has a history of domestic violence or 54  
a history of other violent acts; 55

(2) The mental health of the person; 56

(3) Whether the person has a history of violating the orders 57  
of any court or governmental entity; 58

(4) Whether the person is potentially a threat to any other 59  
person; 60

(5) ~~Whether setting bail at a high level will interfere with~~ 61  
~~any treatment or counseling that the person or the family of the~~ 62  
~~person is undergoing~~ the person has access to deadly weapons or a 63  
history of using deadly weapons; 64

(6) Whether the person has a history of abusing alcohol or 65  
any controlled substance, as defined in section 3719.01 of the 66  
Revised Code; 67

(7) The severity of the alleged violence that is the basis of 68  
the offense, including but not limited to, the duration of the 69  
alleged violent incident, and whether the alleged violent incident 70  
involved serious physical injury, sexual assault, strangulation, 71  
abuse during the alleged victim's pregnancy, abuse of pets, or 72  
forcible entry to gain access to the alleged victim; 73

(8) Whether a separation of the person from the alleged 74  
victim or a termination of the relationship between the person and 75  
the alleged victim has recently occurred or is pending; 76

(9) Whether the person has exhibited obsessive or controlling 77  
behaviors toward the alleged victim, including but not limited to, 78  
stalking, surveillance, or isolation of the alleged victim; 79

(10) Whether the person has expressed suicidal or homicidal ideations; 80  
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(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint. 82  
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~~(B)~~(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 ~~(A)~~(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 certain criteria in the schedule. 85  
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(D)(1) Upon the court's own motion or the motion of a party and upon any terms that the court may direct, a court may permit a person who is required to appear before it by division (A) of this section to appear by video conferencing equipment. 94  
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(2) If in the opinion of the court the appearance in person or by video conferencing equipment of a person who is charged with a misdemeanor and who is required to appear before the court by division (A) of this section is not practicable, the court may waive the appearance and release the person on bail in accordance with the court's schedule for bail set under division (C) of this section or, if the court has not set a schedule for bail under that division, on one or both of the following types of bail in an amount set by the court: 98  
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(a) A bail bond secured by a deposit of ten per cent of the amount of the bond in cash; 107  
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(b) A surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash, at the 109  
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option of the person. 111

(3) Division (A) of this section does not create a right in a 112  
person to appear before the court for the setting of bail or 113  
prohibit a court from requiring any person charged with an offense 114  
of violence who is not described in that division from appearing 115  
before the court for the setting of bail. 116

**Section 2.** That existing section 2919.251 of the Revised Code 117  
is hereby repealed. 118

**Section 3.** The General Assembly acknowledges the Supreme 119  
Court's authority to prescribe rules governing practice and 120  
procedure in the courts of this state, as provided by Section 5 of 121  
Article IV of the Ohio Constitution. Recognizing the dangers posed 122  
to victims of domestic violence and other crimes of violence when 123  
the alleged perpetrators are not physically restrained, even 124  
though they may be under bond or subject to orders of protection, 125  
the General Assembly respectfully urges the Supreme Court to amend 126  
the existing Rules of Civil and Criminal Procedure, or to adopt 127  
new rules, to acknowledge the exigency of, give priority to, and 128  
otherwise encourage the speedy resolution of cases involving 129  
domestic violence. 130