

As Introduced

**127th General Assembly
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H. B. No. 414

Representative Latta

**Cosponsors: Representatives McGregor, J., Hughes, Evans, Setzer,
Goodwin, Webster, Combs, Jones, Collier, Fende**

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A BILL

To amend section 2919.251 of the Revised Code to 1
modify when a defendant who is accused of 2
committing an offense of violence against a family 3
or household member must personally appear for the 4
setting of bail. 5

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

Section 1. That section 2919.251 of the Revised Code be 6
amended to read as follows: 7

Sec. 2919.251. (A) Subject to division (D) of this section, a 8
person who is charged with the commission of any offense of 9
violence shall appear before the court for the setting of bail if, 10
at the time of the offense, the alleged victim of the offense 11
charged was a family or household member ~~at the time of the~~ 12
offense or has or had a sexual relationship that resulted in the 13
person being the natural parent of a child of whom the alleged 14
victim is the other natural parent and if any of the following 15
applies: 16

(1) The person charged, at the time of the alleged offense, 17
was subject to the terms of a protection order issued or consent 18

agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code ~~or~~. 19
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(2) The person charged previously was convicted of or pleaded guilty to ~~a~~ any of the following: 21
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(a) A violation of section 2919.25 of the Revised Code ~~or a;~~ 23

(b) A violation of section 2919.27 of the Revised Code involving a protection order or consent agreement of ~~that the~~ type, ~~a~~ described in section 2919.26 or 3113.31 of the Revised Code; 24
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(c) 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 ~~either~~ section, ~~a~~ 2919.25 or 2919.27 of the Revised Code; 28
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(d) A violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the victim of the violation was a family or household member at the time of the violation ~~a;~~ 32
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(e) 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 any of ~~those~~ the sections described in division (A)(2)(a) of this section if the victim of the violation was a family or household member at the time of the commission of the violation, ~~or any;~~ 35
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(f) Any offense of violence if the victim of the offense was a family or household member at the time of the offense ~~;~~. 41
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~~(2)~~(3) The arresting officer indicates in a police report or other document accompanying the complaint any of the following: 43
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(a) That the arresting officer observed on the alleged victim objective manifestations of physical harm that the arresting officer reasonably believes are a result of the alleged offense; 45
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(b) That the arresting officer reasonably believes that the 48

person had on the person's person at the time of the alleged 49
offense a deadly weapon or dangerous ordnance; 50

(c) That the arresting officer reasonably believes that the 51
person presents a credible threat of serious physical harm to the 52
alleged victim or to any other person if released on bail before 53
trial. 54

(4) A domestic violence advocate or a domestic violence 55
specialist or similarly trained employee employed by a law 56
enforcement agency or the court submits a written document to the 57
court indicating any of the following: 58

(a) That the advocate or specialist has observed on the 59
alleged victim objective manifestations of physical harm that the 60
advocate or specialist reasonably believes are a result of the 61
alleged offense; 62

(b) That the advocate or specialist reasonably believes that 63
the person had on the person's person at the time of the alleged 64
offense a deadly weapon or dangerous ordnance; 65

(c) That the advocate or specialist reasonably believes that 66
the person presents a credible threat of serious physical harm to 67
the alleged victim or to any other person if released on bail 68
before trial. 69

(B) To the extent that information about any of the following 70
is available to the court, the court shall consider all of the 71
following, in addition to any other circumstances considered by 72
the court and notwithstanding any provisions to the contrary 73
contained in Criminal Rule 46, before setting bail for a person 74
who appears before the court pursuant to division (A) of this 75
section: 76

(1) Whether the person has a history of domestic violence or 77
a history of other violent acts; 78

(2) The mental health of the person;	79
(3) Whether the person has a history of violating the orders of any court or governmental entity;	80 81
(4) Whether the person is potentially a threat to any other person;	82 83
(5) Whether the person has access to deadly weapons or a history of using deadly weapons;	84 85
(6) Whether the person has a history of abusing alcohol or any controlled substance;	86 87
(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;	88 89 90 91 92 93
(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;	94 95 96
(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;	97 98 99
(10) Whether the person has expressed suicidal or homicidal ideations;	100 101
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	102 103 104
(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	105 106 107 108

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 certain criteria in the schedule.

(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.

(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:

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

(b) 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 person.

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

(E) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Dangerous ordnance" and "deadly weapon" have the same 140
meanings as in section 2923.11 of the Revised Code. 141

Section 2. That existing section 2919.251 of the Revised Code 142
is hereby repealed. 143