

## **Issue 1**

### **Proposed Constitutional Amendment TO REQUIRE COURTS TO CONSIDER FACTORS LIKE PUBLIC SAFETY WHEN SETTING THE AMOUNT OF BAIL**

**Proposed by Joint Resolution of the General Assembly  
To amend Section 9 of Article 1 of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Require Ohio courts, when setting the amount of bail, to consider public safety, including the seriousness of the offense, as well as a person's criminal record, the likelihood a person will return to court, and any other factor the Ohio General Assembly may prescribe.
- Remove the requirement that procedures for establishing the amount and conditions of bail be determined by the Supreme Court of Ohio.

#### **Pros**

- Bail is about appearing for the person's court date according to the guidelines and the Supreme Court. This amendment ensures that courts, when setting bail, consider factors such as public safety, an individual's criminal record, and the severity of the offense committed.
- Courts can consider public safety, among other factors, when setting the financial conditions of bail rather than the longer process of denying bail completely.
- Puts cash bail and its conditions directly in the Ohio Constitution.
- Gives individual courts more discretion in determining cash bail.

#### **Cons**

- This amendment would no longer require the Ohio Supreme Court to establish consistent rules of bail, placing cash bail and its conditions directly in the Ohio Constitution.
- There is no substantial evidence that bail ensures public safety. But rather, it can worsen or create inequities.
- Bail allows some accused persons with enough money to be freed pretrial, while others without enough money remain incarcerated for the same or lesser crime.
- Cash bail may lead the accused in jail during pretrial to plead guilty in exchange for their freedom while awaiting trial.