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Substitute Bill Comparative Synopsis

Sub. H.B. 315

134th General Assembly

House Criminal Justice

Sarah A. Maki, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

H.B. 315 (As Introduced)	Sub. H.B. 315 (I_134_1369-2)
Conditions of pretrial release	
<p>Requires the court to make a preliminary pretrial release decision for the accused not later than 24 hours after the accused's arrest (<i>R.C. 2937.011(A)</i>).</p> <p>Requires that a conditions of release hearing on a motion from the prosecutor or the court's own motion be held within 48 hours of the accused's arrest if the accused is detained (<i>R.C. 2937.011(A)(2)</i>).</p> <p>Requires the court to make written findings that the conditions imposed on pretrial release are the least restrictive necessary to assure</p>	<p>Requires the court to make a preliminary pretrial release decision for the accused not later than 48 hours after the accused's arrest (<i>R.C. 2937.011(A)</i>).</p> <p>Requires that a conditions of release hearing on a motion from the prosecutor or the court's own motion be held within 96 hours of the accused's arrest if the accused is detained (<i>R.C. 2937.011(A)(2)</i>).</p> <p>No provision.</p>

H.B. 315 (As Introduced)	Sub. H.B. 315 (I_134_1369-2)
<p>the safety of any person or organization <i>(R.C. 2937.011(B))</i>.</p>	
<p>Permits the court to order that the accused avoid all contact with a victim of the alleged offense <i>(R.C. 2937.011(B)(2))</i>.</p>	<p>Permits the court to order that the accused must not contact a victim of the alleged offense <i>(R.C. 2937.011(B)(2))</i>.</p>
<p>No provision.</p>	<p>Permits a court to set, as a condition of pretrial release on the accused's personal recognizance, (1) that the accused not operate a motor vehicle, (2) that the accused not consume alcohol or drugs, and (3) any other reasonable conditions, except that if the court imposes a monetary bond on the accused, the court may only impose the monetary bond as permitted under the Revised Code <i>(R.C. 2937.011(B)(6) to (8))</i>.</p>
<p>No provision.</p>	<p>Requires the court to issue a written entry containing all the conditions imposed on the accused as part of pretrial release and to provide the accused with a copy of the written entry <i>(R.C. 2937.011(C))</i>.</p>
<p>Permits the court to either impose conditions of release or to detain the accused in jail until the hearing, unless the accused has already been released from custody <i>(R.C. 2937.011(D))</i>.</p>	<p>Permits the court to either impose conditions of release <i>and</i> to detain the accused in jail until the hearing, unless the accused has already been released from custody <i>(R.C. 2937.011(E))</i>.</p>
<p>Requires the accused to provide contact information to the court if the accused is released on personal recognizance, if that information is available <i>(R.C. 2937.011(E))</i>.</p>	<p>Requires the accused to provide the court with the accused's telephone number, electronic mail address, mailing address, and current residential address if the accused is released on personal recognizance <i>(R.C. 2937.011(F))</i>.</p>
<p>Permits the court to grant a motion for a conditions of release hearing where the offense is not a misdemeanor domestic violence offense and schedule the hearing not later than 48 hours after the accused is arrested, if the accused is detained after arrest <i>(R.C. 2937.012(A)(1)(a))</i>.</p>	<p>Permits the court to grant a motion for a conditions of release hearing where the offense is not a misdemeanor domestic violence offense and schedule the hearing not later than 96 hours after the accused is arrested, if the accused is detained after arrest <i>(R.C. 2937.012(A)(1)(a))</i>.</p>

H.B. 315 (As Introduced)	Sub. H.B. 315 (I_134_1369-2)
<p>Permits the court to grant a motion for a conditions of release hearing where the offense is a misdemeanor domestic violence offense and schedule the hearing not later than 72 hours after the accused is arrested, if the accused is detained after arrest <i>(R.C. 2937.012(A)(1)(b))</i>.</p>	<p>Permits the court to grant a motion for a conditions of release hearing where the offense is a misdemeanor domestic violence offense and schedule the hearing not later than 96 hours after the accused is arrested, if the accused is detained after arrest <i>(R.C. 2937.012(A)(1)(b))</i>.</p>
<p>No provision.</p>	<p>Permits a conditions of release hearing to be held by video or telephone conference <i>(R.C. 2937.012(B))</i>.</p>
<p>No provision.</p>	<p>Allows information stated in or offered in connection to the condition of release hearing to not conform to the rules pertaining to the admissibility of evidence in a court of law and clarifies that statements or admissions of the accused made at the conditions of release hearing will not be received as substantive evidence in the trial of the case <i>(R.C. 2937.012(C)(4))</i>.</p>
<p>Requires the court, when issuing an order imposing conditions of release on the accused to (1) include a written statement that sets forth all of the conditions of release in a manner that is sufficiently clear and specific to serve as a guide for the accused’s conduct, (2) advise the accused of the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release, including immediate arrest or issuance of a warrant for the accused’s arrest, and (3) include written findings of fact and a written statement of the reasons for each condition imposed <i>(R.C. 2937.012(F)(1) to (3))</i>.</p>	<p>Requires the court, when issuing an order imposing conditions of release on the accused to (1) include a written statement that sets forth all of the conditions of release in a manner that is sufficiently clear and specific to serve as a guide for the accused’s conduct and (2) advise the accused <i>in open court or in writing</i> of the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release, including immediate arrest or issuance of a warrant for the accused’s arrest <i>(R.C. 2937.012(F)(1) and (2))</i>.</p>
<p>Requires the prosecutor to file a motion with the court for a new conditions of release hearing if the prosecutor seeks to strengthen or add conditions of release <i>(R.C. 2937.012(G)(2))</i>.</p>	<p>Requires the prosecutor to file a motion with the court for a new conditions of release hearing if the prosecutor seeks to modify or add conditions of release <i>(R.C. 2937.012(G)(2))</i>.</p>
<p>Permits a court to order counseling for alcohol or drug dependency only if the accused is charged with a drug-related offense or if the</p>	<p>Permits a court to order counseling for alcohol or drug dependency only if the accused is charged with a drug-related offense or if the</p>

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<p>accused committed an offense of violence while under the influence of alcohol or drugs (<i>R.C. 2937.013(A)(10)(a)</i>).</p> <p>Permits a court to order medical, psychological, or psychiatric treatment only if the court makes a written finding that the underlying facts of the case indicate a need of that treatment (<i>R.C. 2937.013(A)(10)(b)</i>).</p> <p>No provision.</p> <p>Requires the accused to provide contact information to the court if the accused person is released with conditions of release, if that information is available, and specifies that the court will provide the accused with reminders for all upcoming court dates via telephone, text message, and electronic mail, if the accused provided the court with the accused's contact information (<i>R.C. 2937.013(B)</i>).</p>	<p>accused committed an offense while under the influence of alcohol or drugs (<i>R.C. 2937.013(A)(10)(a)</i>).</p> <p>Permits a court to order medical, psychological, or psychiatric treatment only if the underlying facts of the case indicate a need of that treatment (<i>R.C. 2937.013(A)(10)(b)</i>).</p> <p>Permits a court to impose, as a condition of pretrial release, (1) a requirement that the accused refrain from accessing a computer or pornography, (2) a requirement to comply with alternatives to pretrial detention, including but not limited to diversion programs, day reporting, or comparable alternatives, and (3) any other reasonable conditions, except that if the court imposes a monetary bond on the accused, the court may only impose the monetary bond pursuant to the requirements of the Revised Code (<i>R.C. 2937.013(A)(16) to (18)</i>).</p> <p>Requires the accused to provide the accused's telephone number, electronic mail address, residential address, and mailing address to the court if the accused person is released with conditions of release, if that information is available, and specifies that the court will provide the accused with reminders for all upcoming court dates via telephone, text message, and electronic mail, if the accused provided the court with the accused's telephone number, electronic mail address, residential address, and mailing address (<i>R.C. 2937.013(B)</i>).</p>
Conditions of bond	
<p>Permits a court to order that an accused person post a secured bond only if there is clear and convincing evidence that the accused will not appear at a future date and time during which the accused is required to appear before the court (<i>R.C. 2937.014(B)</i>).</p>	<p>Permits a court to order <i>by written entry</i> that an accused person post a secured bond only if there is clear and convincing evidence that the accused will not appear at a future date and time during which the accused is required to appear before the court (<i>R.C. 2937.014(B)(1)</i>).</p>

H.B. 315 (As Introduced)	Sub. H.B. 315 (I_134_1369-2)
<p>No provision.</p> <p>Requires the court, when setting a secured bond as a condition of release, to issue written findings regarding (1) the clear and convincing evidence that the accused will not appear at a future date and time during which the accused is required to appear before the court, (2) why monetary conditions of release will reasonably assure the appearance of the accused at a future date and time during which the accused is required to appear before the court, and (3) why the bond amount is the lowest amount necessary to reasonably assure the appearance of the accused at a future date and time during which the accused is required to appear before the court (R.C. 2937.014(E)).</p>	<p>Permits a court to revoke the secured bond of an accused person and order that the person be detained if the accused person (1) violated the terms and conditions of a secured bond in the underlying case, (2) has violated terms and conditions of community control in the underlying case, (3) has failed to appear for a hearing or mandatory meeting order by the court for the underlying case or for another case within the immediately preceding 24 months, (4) is not a resident of the jurisdiction in which the accused is being charged and the court determines that the accused does not have sufficient access to that jurisdiction to ensure that the accused is reasonably likely to appear for subsequent proceedings, (5) while subject of the secured bond in which the accused is before the court, violated terms and conditions of community control sanctions previously imposed by another court and simultaneously in place, (6) violated conditions of release in the present case or in another case that were set as conditions of pretrial release, or (7) violated any conditions of release in the case in which the accused is before the court or any other case in which the accused has been charged (R.C. 2937.014(B)(2)).</p> <p>No provision.</p>

H.B. 315 (As Introduced)	Sub. H.B. 315 (I_134_1369-2)
No provision.	Specifies that a court is not prevented from revoking a secured bond under the law as it existed prior to the effective date of the bill (<i>R.C. 2937.014(H)</i>).
Specifies that the affidavit of financial hardship that the accused must complete as part of the court's ability to pay inquiry when setting a monetary bond will include the following monthly expenses: (1) rent, (2) mortgage, (3) total utilities, (4) health care expenses, (5) loan payments, (6) credit card payments, (7) education expenses, (8) employment expenses, (9) transportation expenses, (10) child care expenses, (11) child support, (12) spousal support, (13) fines, (14) court costs, and (15) restitution (<i>R.C. 2937.015(A)(2)(b)(ii)</i>).	Specifies that the affidavit of financial hardship that the accused must complete as part of the court's ability to pay inquiry when setting a monetary bond will include the following monthly expenses: (1) rent, (2) mortgage, (3) total utilities, (4) health care expenses, (5) loan payments, (6) credit card payments, (7) transportation expenses, (8) childcare expenses, (9) child support, (10) insurance, (11) food, (12) telephone service, and (13) taxes owed or withheld (<i>R.C. 2937.015(A)(2)(b)(ii)</i>).
Sets the maximum secured bond amount that a court may set for an accused person as 25% of the total amount after the accused's monthly expenses are deducted from the accused's total monthly income (<i>R.C. 2937.015(B)(1)</i>).	Sets the maximum secured bond amount that a court may set for an accused person as 25% of the total amount after the accused's total monthly expenses are deducted from the accused's total monthly income, unless that percentage amount is less than \$200, in which case the court may set a secured bond amount of up to \$200 (<i>R.C. 2937.015(B)(1)</i>).
Limits the total amount of a percentage bond to an amount the accused person is able to pay within 24 hours of setting the bond (<i>R.C. 2937.015(B)(4)</i>).	Limits the required amount to be paid as a percentage of the total bond to an amount the accused person is able to pay within 24 hours of the setting of the bond (<i>R.C. 2937.015(B)(4)</i>).
No provision.	Prohibits the court from setting a secured bond if (1) the accused, while the subject of the secured bond in which the accused is before the court, violated terms and conditions of community control sanctions previously imposed by another court and simultaneously in place, (2) the accused violated conditions of release in the present case or another case that were set as conditions of pretrial release, (3) the accused violated any conditions of release in the case in which the accused is before the court or any other case in which the accused has been charged, or (4) the

<p style="text-align: center;">H.B. 315 (As Introduced)</p>	<p style="text-align: center;">Sub. H.B. 315 (I_134_1369-2)</p>
	<p>accused is not a resident of the jurisdiction in which the accused is being charged and the court determines that the accused does not have sufficient access to that jurisdiction to ensure that the accused is reasonably likely to appear for subsequent proceedings <i>(R.C. 2937.015(C))</i>.</p>
<p>Detention hearings</p>	
<p>Requires that, on the motion of the prosecuting attorney or on the judge’s own motion, the judge hold a detention hearing to determine whether an accused person charged with aggravated murder when it is not a capital offense, murder, a first or second degree felony, aggravated vehicular homicide, felony vehicular homicide, felony menacing by stalking, felony domestic violence, felony violating a protection order, or felony operating a vehicle impaired should be denied bail or assigned conditions of release <i>(R.C. 2937.222(A))</i>.</p>	<p>Requires that, on the motion of the prosecuting attorney or on the judge’s own motion, the judge hold a detention hearing to determine whether an accused person charged with an offense listed in the left column or charged with involuntary manslaughter; aggravated vehicular assault; vehicular assault; aggravated assault; abduction; importuning; commercial exploitation of a minor; soliciting or providing support for an act of terrorism; making terroristic threat; criminal possession of chemical, biological, radiological, or nuclear weapon or explosive device; burglary; theft; unlawful sexual conduct with a minor if the offender previously has been convicted of or pleaded guilty to rape, sexual battery, or unlawful sexual conduct with a minor; or having weapons under a disability when it is a third degree felony; aggravated menacing or menacing by stalking when it is a fourth or fifth degree felony; an attempt to commit an offense when that attempt is a felony; and reckless homicide; negligent homicide; unlawful termination of another’s pregnancy; gross sexual imposition; terrorism; or complicity in committing any of the listed offenses should be denied bail and detained until otherwise ordered by the court <i>(R.C. 2937.222(A)(1))</i>.</p>
<p>No provision.</p>	<p>Allows a detention hearing to be held by video or telephone conference <i>(R.C. 2937.222(A)(2))</i>.</p>
<p>No provision.</p>	<p>Specifies that information used in the detention hearing is not required to be admissible and provides that information stated in or offered in connection with any order entered does not need to conform to rules</p>

H.B. 315 (As Introduced)	Sub. H.B. 315 (I_134_1369-2)
No provision.	<p>pertaining to the admissibility of evidence in a court of law <i>(R.C. 2937.222(A)(3))</i>.</p> <p>Requires that statements or admissions of the accused made at the detention hearing or in the course of compliance with a condition of release will not be received as substantive evidence in the trial of the case <i>(R.C. 2937.222(A)(3))</i>.</p>
Evidentiary standards	
Prohibits denial of bail unless the judge finds by clear and convincing evidence that the proof is evident and the presumption is great that the accused committed the offense with which the accused is charged, finds by clear and convincing evidence that the accused poses a substantial risk of serious physical harm to any person or organization, and finds by clear and convincing evidence that no release conditions will reasonably assure the safety of that person or organization <i>(R.C. 2937.222(B))</i> .	Lowers the standard to a preponderance of the evidence <i>(R.C. 2937.222(B))</i> .