OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

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H.B. 946
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Abrams

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SUMMARY

- Prohibits a charitable bail organization from acting in the capacity of a surety bail bond agent unless the charitable bail organization is qualified, licensed, and appointed as a surety bail bond agent.
- Prohibits a charitable bail organization from furnishing a bond for a person charged with a criminal offense in certain circumstances.
- Requires the Attorney General to investigate civil violations relating to charitable bail organizations.

DETAILED ANALYSIS

Charitable bail organizations

Surety bail bond agent

Existing law prohibits any "person" from acting in the capacity of a surety bail bond agent, or from performing any of the functions, duties, or powers prescribed for surety bail bond agents, unless the person is qualified, licensed, and appointed as a surety bail bond agent. The bill expands this prohibition to apply to a "charitable bail organization."[1]

The bill applies the existing law penalties to a charitable bail organization as a first degree misdemeanor on a first or second offense, and a third degree felony on each subsequent offense.[2]

[1] R.C. 3905.84.

[2] R.C. 3905.99(E), not in the bill.

Furnishing bond

The bill prohibits a charitable bail organization from furnishing a person indicted for or otherwise charged with a criminal offense with a cash bond or surety bail bond if any of the following apply:[3]

- The person is indicted for or otherwise charged with an offense of violence.
- The person is indicted for or otherwise charged with a felony, and the person previously has been convicted of or pleaded guilty to an offense of violence.
- The person has previously been released on bond and failed to appear for two or more court appearances.

The bill allows the Attorney General to commence a civil action based on the above. If the court finds that a charitable bail organization has violated the above provisions, the court must impose a $10,000 civil fine on the charitable bail organization and may grant injunctive relief. Any civil fine imposed on a charitable bail organization must be deposited into the Reparations Fund.[4]

Attorney General investigation

The bill requires the Attorney General to investigate any civil violations relating to charitable bail organizations.[5] If it appears to the Attorney General that there is cause to pursue a civil remedy, the Attorney General may initiate and prosecute a civil action in any court in Ohio. In pursuing the civil action, the Attorney General has all rights, privileges, and powers of a prosecuting attorney, and any assistant or special counsel designated by the Attorney General for that purpose has the same authority.[6]

Definition of charitable bail organization

The bill defines "charitable bail organization" as an organization, including an organization that is exempt from federal income taxation under 26 U.S.C. 501(a) and described in subsection 501(c) and (d), that solicits or accepts donations from the public for the purpose of furnishing a cash bond or surety bail bond for a person indicted for or otherwise charged with a criminal offense.[7]

[3] R.C. 3905.96(A).

[4] R.C. 3905.96(B) and 2743.191, not in the bill.

[5] R.C. 109.861(A).

[6] R.C. 109.861(B).

[7] R.C. 3905.83(A).

HISTORY

Action	Date
Introduced	05-19-26

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