

## RESOLUTION NO. 98-22

BY: **KAMMY SHUMAN**

A RESOLUTION IN SUPPORT OF STATE ISSUE 1 WHICH SEEKS TO AMEND OHIO REVISED CODE SECTION 2937.23(A)(3) TO PERMIT JUDGES TO CONSIDER "PUBLIC SAFETY" WHEN SETTING BAIL OR BOND, AND DECLARING AN EMERGENCY

WHEREAS, Ohio House Bill (HB) 607 was introduced on March 28, 2022, adding public safety as a factor when setting bail; and

WHEREAS, on August 23, 2022, the Ohio Ballot Board approved the language for Issue 1 (previous Ohio HB 607) on the November 8, 2022, ballot; and

WHEREAS, current law in the State of Ohio requires in all cases, bail must be fixed with consideration of the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of the defendant appearing at the trial of the case; and

WHEREAS, as reported by the Ohio House Criminal Justice Committee Issue 1 seeks to amend Section 2937.23(A)(3) of the Ohio Revised Code to add public safety as a factor for judges to consider in setting bail; and

WHEREAS, the General Assembly declares in the bill that its intent is to supersede the effect of the recent Ohio Supreme Court ruling in *DuBose v McGuffey*, Slip Opinion No. 2022-Ohio-8; and

WHEREAS, ORC Section 2937.23(A)(1) currently states and shall remain unchanged by Issue 1, "In a case involving a felony or a violation of Sections 2903.11, 2903.12, or 2903.13 of the ORC when the victim of the offense is a peace officer, the judge or magistrate shall fix the amount of bail."

WHEREAS, ORC Section 2937.23(A)(2) currently states and shall remain unchanged by Issue 1, "In a case involving a misdemeanor or a violation of a municipal ordinance and not involving a felony or a violation of Sections 2903.11, 2903.12, or 2903.13 of the Revised Code when the victim of the offense is a peace officer, the judge, magistrate, or clerk of the court may fix the amount of bail and may do so in accordance with a schedule previously fixed by the judge or magistrate. If the judge, magistrate, or clerk of the court is not readily available, the sheriff, deputy sheriff, marshal, deputy marshal, police officer, or jailer having custody of the person charged may fix the amount of bail in accordance with a schedule previously fixed by the judge or magistrate and shall take the bail only in the county courthouse, the municipal or township building, or the county or municipal jail."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Mayor and this Council, on behalf of all the residents of Parma do hereby stand in support of Issue 1 which seeks to amend section 2937.23(A)(3) of the Revised Code to add public safety as a factor for judges to consider in setting bail.

Section 2. We recognize the importance of providing Judges the ability to consider public safety as a factor in setting bail.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements

Section 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary due to the public safety risk posed to the residents of Parma associated with permitting defendants likely to cause harm to individuals upon setting bond, and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_  
MAYOR, CITY OF PARMA, OHIO