



ENACTMENT SUMMARY

House Bill 191 **Criminal Rule 46 codification** Effective June 30, 2023

On June 30, 2023, Governor DeWine signed House Bill 191 (Reps. Swearingen and Seitz) into law. The bill codifies what was previously Criminal Rule 46, pertaining to pre-trial release. The bill contained an emergency clause, and thus became effective the same day.

In November of 2022, Ohio voters approved an amendment to Article 1, Section 9 of the state constitution that did two things: It added language requiring courts to consider public safety when setting bail amounts, and it also removed language assigning to the Supreme Court the responsibility of establishing the amount and conditions of bail. As a result of the latter change, the Court subsequently voted to repeal Criminal Rule 46 in its entirety, a repeal which became effective on July 1, 2023.

A coalition consisting of the Judicial Conference, Chief Justice Kennedy, the Ohio State Bar Association, the Buckeye State Sheriffs Association, the Ohio Prosecuting Attorneys Association, and the Ohio Association of Criminal Defense Lawyers quickly came together to urge the legislature to swiftly adopt a clean codification of Criminal Rule 46 into the Revised Code. The result was two companion bills, H.B. 191 and S.B. 122, both of which added the language from Criminal Rule 46 into R.C. 2937. The bills contained an emergency clause, so as to take immediate effect before the July 1 repeal of the criminal rule.

The Ohio House of Representatives passed H.B. 191 on June 14, 2023 by a vote of 94-0, with the Senate following suit on June 21, 2023 by a vote of 30-0.