



House Bill 315/Senate Bill 182

May 20, 2022

Dear Members of the Ohio State Legislature,

On behalf of the National Association of Bail Agents (NABA), we are writing to express our strongest possible opposition to House Bill 315/Senate Bill 182.

NABA is a grassroots member association from across the United States that represents Bail and Fugitive Recovery Agents. Secured Bail Agents ensure the appearance of the accused in Courts throughout the nation, and Fugitive Recovery Agents ensure the lawful return of fugitives to the Order of the Court. The individuals that represent our profession in the State of Ohio are imperative to the function of the Criminal Justice System and its success. The appearance of an accused until final disposition also ensures a victim of crime their day in Court. Our profession takes this responsibility quite seriously.

The portion of your bill that pertains to “all monetary bonds must be affordable” essentially translates into a practice of preventative detention. Currently when bail is set by the Judiciary, and an accused can not make bail in that the amount is too high, then defense counsel has the ability to make a motion to the Court for Writ of Habeas Corpus under Ohio section 2725.01. The practice of motion of Habeas Corpus must not be circumvented by legislation that restricts Judicial Discretion. The practice of preventative detention is patently unjust and circumvents the accused's 8th Amendment “right to bail”.

Subsequent to the Bail Reform Act implementation of 2019 in the State of New Jersey thousands of people of color are held in custody through trial without an option of bail. One particular story that we bring to your attention is that of Ed Forchion, an African-American, honorably discharged United States Marine that

was charged with witness tampering. Ed was held without bail for 447 days. Ed lost everything, his business, his ability to see his family, and of course his liberty. Bail is the vehicle to liberty and allows an accused to prepare for his defense. The failure of preventative detention should never become common practice in Ohio.

The members of NABA encourage the Ohio legislature to continue an all important dialogue with industry professionals before instituting sweeping changes that will ultimately affect public safety, and the need for vast amendments.

One must look no further than the State of New York, now moving to its third set of amendments to bail reform to “fix” legislative error. The state of Alaska completely repealed their bail reform implementation after putting it into practice.

Secured bail is not the enemy of an accused, quite to the contrary, secured bail is the only accountable form of release. Secured Bail Agents provide a unique layer of accountability in pre-trial release. As a profession we are proud of the work that we do on a daily basis and the support that we offer an accused and his family in obtaining essential support services. Judges throughout the nation rely on secured bail policies due to their experience in its success in producing an accused to Court.

We urge the Ohio State legislature to reconsider the passing of House Bill 315/ Senate Bill 182 in the interest of justice.

The Executive Board of NABA
www.NationalAssociationOfBailAgents.com