



Judicial Impact Statement

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HB 233 – Pre-trial self-defense hearing

HB 233 As Introduced

Rep. Hillyer and Rep.
Williams

Title Information

To amend section 2901.05 of the Revised Code to enact the Self-Defense Protection Act to create a pretrial procedure for a person asserting self-defense, defense of another, or defense of that person's property.

Background

Under the bill, a person accused of an offense involving self-defense can file a pretrial motion asserting that they acted in self-defense, requesting a rebuttable presumption that they acted in self-defense. The court must hold a hearing on the motion, and if evidence is presented that, by a preponderance of evidence, supports the defendant's assertion that they acted in self-defense, the court must grant the motion, and, at trial, there is a rebuttable presumption that the defendant did act in self-defense. The prosecution then has the burden of proving, beyond a reasonable doubt, that the defendant did NOT act in self-defense.

Judicial Impact

Under existing law, the prosecution already has the burden of proving at trial that the defendant did not act in self-defense. That is true without the need for any pretrial hearing to be held. Just as a person charged with any crime is presumed innocent, current Ohio law presumes that anyone asserting self-defense or defense of another did indeed act in self-defense or defense of another. And just as the basic presumption of innocence can be rebutted by the State at trial (with proof beyond a reasonable doubt), so too the presumption that a defendant claiming self-defense did in fact act in that way can be rebutted by the State at trial (again, with burden of proof already set at the familiar beyond-a-reasonable-doubt standard).

What this bill does, then, is essentially require the State, the defense, and the court to try the case twice. This will result in additional costs, time, and court resources without any additional appropriation to fund the duplication of work. Court dockets are already busy enough that it can be challenging to even find time on a calendar to schedule a trial, let alone additional hearings that are entirely unnecessary.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

Conclusion

The Judicial Conference opposes HB 233, as it will result in caseload duplication and unnecessary use of court time, staff, and resources.