



Judicial Impact Statement

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HB 371 – Issue 1 Implementation

**HB 371
As Introduced**

**Rep. Dean
Rep. Gross**

Title Information

To enact the Issue 1 Implementation Act.

Background

The bill states that the Ohio General Assembly shall have exclusive authority over implementing Ohio Constitution, Article I, Section 22, which is the portion of the Ohio Constitution enacted by citizen initiative as Issue 1 in November 2023. Section 22 secures reproductive rights, including the right to receive an abortion.

The bill further states that “all jurisdiction is hereby withdrawn from and denied to the Courts of Common Pleas and all other courts ... on any and all claims attempting to enforce or implement Ohio Constitution, Article I, Section 22. ... Any violation of this Act by any judge in the State of Ohio shall constitute a misdemeanor in office for the purpose of Ohio Constitution, Article II, Section 24, concerning impeachable offenses.”

Judicial Impact

HB 371 lacks any resemblance to the American form of government that sets up three co-equal branches to create a system of checks and balances, one against the others. This bill would remove judicial power from the judiciary to vest it in the legislature, creating an undemocratic system that will undermine justice. In fact, the very purpose of this bill seems to be to undermine justice.

All legislators take an oath to uphold Article IV, Section 1 of the Ohio Constitution, which states: “The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas and divisions thereof, and such other courts inferior to the Supreme Court as may from time to time be established by law.” Bills that attempt to circumvent this clause are very highly likely unconstitutional.

From a practical standpoint, who in the legislature will accept “any and all claims attempting to enforce or implement” Article 1 Section 22? Who will act as jurors? What will constitute a hearing or a trial? Who will preside? Where

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.

will it take place? What rules of evidence will be applied? How will appeals be handled? Put simply, the legislature is not the right place for any of this.

Conclusion

The OJC strongly opposes HB 371 and any attempt to pervert the American system of democracy.