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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

H.B. 370  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Hillyer and Baldrige

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### SUMMARY

- Authorizes the Attorney General to defend any political subdivision, with the subdivision's consent, in any action brought against the political subdivision for maintaining a historical symbol or monument on public property as violating the United States or Ohio Constitution's guaranty of the free exercise of religion.

### DETAILED ANALYSIS

#### Attorney General defense of political subdivisions

The bill provides that notwithstanding any contrary provision of the Revised Code, the Attorney General, with the consent of the legislative authority of a political subdivision, may defend, or appoint and authorize special counsel to defend, the political subdivision in any action brought against the political subdivision for maintaining a historical symbol or monument on public property on the ground that maintaining the symbol or monument violates the Establishment Clause of the First Amendment to the United States Constitution or an analogous provision of Section 7 of Article I of the Ohio Constitution.<sup>1</sup>

The Establishment Clause of the First Amendment to the United States Constitution reads as follows:

Congress shall make no law respecting an establishment of  
religion, or prohibiting the free exercise thereof; . . .<sup>2</sup>

The Ohio Constitution provides:

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<sup>1</sup> R.C. 109.141.

<sup>2</sup> Constitution of the United States, Amendment 1.

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.<sup>3</sup>

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## HISTORY

Action	Date
Introduced	10-16-19

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<sup>3</sup> Constitution of Ohio, Article I, Section 7.