



Ohio Judicial Conference

The Voice of Ohio Judges

HB 108 Interested Party testimony House Judiciary Committee

Chair Thomas, Vice Chair Swearingen, Ranking Member Isaacsohn, and members of the Committee:

Thank you for the opportunity to provide this Interested Party testimony on House Bill 108, on behalf of the Ohio Judicial Conference. I will note that the concerns I am sharing in this testimony are the same that we expressed last General Assembly, when the bill was introduced as House Bill 233.

The bill creates a pre-trial process whereby a defendant can file a motion asserting that they acted in self-defense. Upon the filing of the motion, the court must hold a pre-trial hearing, where it must determine whether the defendant establishes sufficient evidence that they did in fact act in self-defense, in which case the court must then grant the motion, establishing a rebuttable presumption that the defendant did indeed act in self-defense. At trial, the prosecution then has the burden to rebut this presumption.

This new step seems unnecessary and redundant, because, under existing law, the prosecution already has the burden of proving that a defendant did not act in self-defense. Thus, HB 108 creates a pre-trial hearing that could amount, in essence, to all of the parties having to litigate question of self-defense twice. This trial-before-the-trial 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.

Thank you for considering the feedback of Ohio's judges, and please do not hesitate to contact the OJC if you have any questions.