



Representative Brian Stewart
House District 12

House Judiciary Committee, Sponsor Testimony on House Bill 447
October 15th, 2025

Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg, thank you for hearing my sponsor testimony on Amended House Bill 447, which will provide a long-overdue inflation adjustment to Ohio's damages caps for the first time in 20 years.

Since 2005, and continuing today, compensatory damages for injured Ohioans' non economic damages, such as pain and suffering, psychological trauma, loss of consortium, and emotional distress, are capped at \$250,000. However, it is basic economic reality that the value of \$250,000 in 2005, has been greatly diminished since that time. House Bill 447 simply applies an inflationary adjustment upwards from \$250,000 to \$415,000, or an amount that is equal to 3 times the plaintiff's economic loss up to a maximum of \$580,000 for each plaintiff or a maximum of \$830,000 for each occurrence. House Bill 447 also increases the current \$500,000 cap on permanent and substantial injury to \$830,000 for each plaintiff or \$1.6 million for each occurrence.

House Bill 447 does nothing else to alter the balance which currently exists in the law between the interests of plaintiffs, defendants, business, the bar, or the insurance industry. It merely takes 2005 numbers and updates them for 2025. That is all. Moreover, if we pass this bill, we avoid falling into the same trap in years to come, since further inflationary adjustments would the occur automatically to keep pace with inflation.

Accounting for the effects of inflation is basic good governance across a whole host of other areas of Ohio law. Government budgets increase to keep pace with the increasing costs of goods and services we have to pay for. Salaries for law enforcement officers, prosecutors, clerks, and road workers, and yes, even elected officials, are increased to keep pace with inflation. Filing fees, licensing fees, the minimum wage that Ohio businesses must pay workers, and monetary penalties for breaking the law – all of them are routinely increased to keep pace with inflation.

Colleagues, Ohio law should certainly do the same for damages caps that apply to victims of child rape.

As this bill moves hopefully moves forward, I'm sure other proponents will provide may compelling examples of why this change is necessary. I'll share just one. Sarah was a client of my

law practice. She was raped and sexually abused by her uncle on 6 separate occasions from the time she was age 5 to age 9. Under Ohio law, the maximum compensatory damages award Sarah could receive for her non-economic damages – her pain and suffering, her panic attacks, her decades of depression, the trauma of having rape as her first sexual experience – was \$250,000. That is not justice.

Friends, Ohio can do better, and House Bill 447 will help us do so. I urge you to support these modest, common sense increases to our damages caps, and I'm happy to answer any questions you may have.