



Senators Theresa Gavarone and Nathan Manning
Sponsor Testimony: Senate Bill 61

Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 61, legislation to ensure the separation of powers between the legislative and judicial branches.

Separation of powers between the branches of our government is at the core of our democracy. The executive, legislative, and judicial branches each operate independently of the other two, while having powers exclusive to them and the ability to carry out those powers. As members of the legislative branch, we can not exercise powers unique to the judicial branch or vice versa, a judge can not come to the legislative branch to carry out a power unique to our branch.

Article IV, Section 5 of the Ohio Constitution gives the Ohio Supreme Court the power to set rules of practice and procedure for all courts throughout the state, while specifying that the General Assembly has authority over laws affecting substantive rights. However, as our constitution has been amended over Ohio's history, we have sections of the Revised Code that predate this constitutional provision and set procedural rules that should be left for the courts to decide.

SB 61 specifically amends and repeals sections of the Revised Code that overlap with the Ohio Supreme Court's Rules of Superintendence and Rules of Civil Procedure, Criminal Procedure, and Evidence. These sections of Revised Code include laws that affect criminal trial procedures, grand jury selections, and other record-keeping procedures.

It cannot be emphasized enough how important the separations of powers between our branches of government is. Without it, our society would cease to exist as we would lose one of the core pieces of the foundation to democracy.

Thank you for your attention and consideration. We will be happy to answer any questions you might have at this time.