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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 108
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 108's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Williams

Local Impact Statement Procedure Required: Yes

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Highlights

- Local criminal justice systems, including courts and prosecutors, will likely see a significant increase in workload and related expenses due to the increase in hearings under the bill's pretrial motion process.

Detailed Analysis

The bill allows a person who is accused of an offense that involved the person's use of self-defense¹ to file a pretrial motion asserting that the person acted in self-defense and requesting that the court establish a rebuttable presumption that the person acted in self-defense. If the accused person files a pretrial motion, the bill requires the court to hold a pretrial hearing, and, if there is evidence presented that tends to support that the accused person used the force in self-defense, the court is required to grant the pretrial motion.

When the court grants the pretrial motion, the bill requires that at the trial of the accused person there is a rebuttable presumption that the accused person acted in self-defense and the prosecution has the burden to rebut this presumption by proving beyond a reasonable doubt that the accused person did not use the force in self-defense.

The bill will likely impact, with a complicated mix of potential outcomes, the way that certain criminal cases are prosecuted, defended, and ultimately adjudicated. Most practitioners who were contacted by LBO have indicated that the bill has the potential to increase the number of hearings, possibly significantly, for criminal cases which could potentially be subject to the

¹ Under current law, a person is allowed to act in self-defense, defense of another, or defense of that person's residence.

bill's new hearing requirements. As a result, local criminal justice systems, including courts and prosecutors, will likely see a significant increase in workload and related expenses due to the increase in hearings. While statistics on the number of hearings for specific crimes are not available, according to the Federal Bureau of Investigation (FBI), there were over 22,000 reports of incidents of aggravated assault and nearly 700 reports of homicide in Ohio in 2023.^{2, 3}

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² Aggravated assault and homicide are used as examples of crimes for which a claim of self-defense may be asserted, and are not intended to be an exhaustive list.

³ Approximately 637 law enforcement agencies reported data to the FBI in 2023, covering 94% of Ohio's population. A single incident may involve multiple offenses.