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H.B. 234
135th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsors: Reps. Williams and Rogers, Jr.

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SUMMARY

- Prohibits a court, when determining an appropriate sentence when an offender enters an Alford plea, from considering whether an offender showed genuine remorse for an offense.

DETAILED ANALYSIS

Use of Alford plea in felony sentencing

Existing law gives a court that imposes a felony sentence upon an offender discretion to determine the most effective way to comply with the purposes and principles of felony sentencing. In exercising that discretion, the court must consider certain factors, including factors related to the seriousness of the conduct and related to the likelihood of the offender's recidivism. The bill includes a requirement that the court consider the factors related to Alford pleas.¹

Under existing law, one factor that a court imposing a felony sentence must consider when determining whether an offender is likely or not likely to commit future crimes is if the offender shows genuine remorse for the offense.² The bill provides that, if an offender enters an Alford plea, the court is prohibited from considering whether the offender showed genuine remorse for the offense.³

¹ R.C. 2929.12(A); an Alford plea is a guilty plea entered by a criminal defendant who does not admit guilt but nevertheless pleads guilty as part of a plea bargain.

² R.C. 2929.12(E)(5).

³ R.C. 2929.12(G).

Use of Alford plea in misdemeanor sentencing

Existing law gives a court that imposes a misdemeanor sentence upon an offender discretion to determine the most effective way to comply with the purposes and principles of misdemeanor sentencing.⁴ In exercising that discretion, the court must consider certain factors, including the nature and circumstances of the offense or offenses, whether the offender has a history of persistent criminal activity and if there is a substantial risk that the offender will commit another offense, and whether the offender will be a danger to others.⁵ The bill provides that, in determining the appropriate sentence for a misdemeanor, if the offender enters an Alford plea, the sentencing court is prohibited from considering whether the offender showed genuine remorse for the offense.⁶

HISTORY

| Action | Date |
|-------------------------------|----------|
| Introduced | 06-30-23 |
| Reported, H. Criminal Justice | 04-24-24 |

ANHB0234RH-135/ar

⁴ R.C. 2929.22(A).

⁵ R.C. 2929.22(B)(1).

⁶ R.C. 2929.22(B)(2).