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OHIO LEGISLATIVE SERVICE COMMISSION

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S.C.R. 16
134th General Assembly

Final Analysis

Primary Sponsor: Sen. Gavarone

Adopted: June 1, 2022

Dennis M. Papp, Attorney

SUMMARY

- Disapproves the proposed amendments to specified Rules, and to Staff Notes to specified Rules, filed by the Ohio Supreme Court with the General Assembly on April 26, 2022, and the previously proposed amendments to those specified Rules and Staff Notes filed by the Court on January 12, 2022, that were proposed to:
 - The Ohio Rules of Civil Procedure;
 - The Ohio Rules of Criminal Procedure;
 - The Ohio Rules of Evidence; and
 - The Ohio Rules of Juvenile Procedure.

DETAILED ANALYSIS

Disapproval resolution

The concurrent resolution disapproves of the proposed amendments to specified Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Ohio Rules of Evidence, and Ohio Rules of Juvenile Procedure filed by the Ohio Supreme Court on April 26, 2022, with the Clerk of the Senate and the Clerk of the House of Representatives, and the previously proposed amendments to those Rules filed by the Court on January 12, 2022, and also disapproves of the proposed amendments to the specified Staff Notes for certain of those Rules filed by the Court with the chairperson of the Senate Judiciary Committee, the chairperson of the House Criminal Justice Committee, and the chairperson of the House Civil Justice Committee on those dates.

The concurrent resolution states that it is the General Assembly's intention in adopting the resolution of disapproval to comply with Article IV, Section 5(B) of the Ohio Constitution, and thus to prevent the specified proposed amendments filed on those dates from taking effect, and

to also prevent the specified proposed amendments to the Staff Notes for certain of those Rules filed on those dates from taking effect.

The proposed amendments disapproved under the concurrent resolution are:

1. The proposed amendments to Rule 1, Rule 1.1, Rule 30, Rule 39, and Rule 43 of the Ohio Rules of Civil Procedure, and to Staff Notes to Rule 16, Rule 30, Rule 39, and Rule 43 of those Rules;

2. The proposed amendments to Rule 1, Rule 2, Rule 10, Rule 40, and Rule 43 of the Ohio Rules of Criminal Procedure, and to Staff Notes to Rule 40 and Rule 43 of those Rules;

3. The proposed amendments to Rule 101 of the Ohio Rules of Evidence;

4. The proposed amendments to Rule 1, Rule 2, Rule 20, Rule 25, Rule 27, Rule 29, Rule 34, and Rule 41 of the Ohio Rules of Juvenile Procedure.

The concurrent resolution directs the Clerk of the Senate to send a certified copy of the resolution to the Supreme Court by June 6, 2022, together with a certification stating that the resolution was adopted on June 1, 2022.

Effect of disapproval resolution

As a result of the concurrent resolution's adoption by both houses of the General Assembly prior to July 1, 2022, the proposed amendments to those Rules, and the proposed amendments to Staff Notes to those Rules, do not take effect.¹

Procedures for proposal, amendment, disapproval, and taking effect of court rules of practice and procedure

A provision of the Ohio Constitution requires the Ohio Supreme Court to prescribe rules governing practice and procedure in all Ohio courts, and specifies that the rules may not abridge, enlarge, or modify any substantive right. Proposed rules must be filed by the Court, not later than January 15, with the clerk of each house of the General Assembly during a regular session, and amendments to any of the proposed rules may be so filed not later than May 1 in that session. The rules take effect on the following July 1, unless prior to that day the General Assembly adopts a concurrent resolution of disapproval. All laws in conflict with the Rules are of no further force or effect after the Rules have taken effect.²

Pursuant to this mandate, the Court has adopted the Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Ohio Rules of Evidence, Ohio Rules of Juvenile Procedure, and Ohio Rules of Appellate Procedure.

¹ Ohio Constitution, Section 5(B) of Article IV.

² Ohio Constitution, Section 5(B) of Article IV.

HISTORY

Action	Date
Introduced	06-01-22
Adopted by Senate (24-8)	06-01-22
Adopted by House (60-29)	06-01-22
