



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Cody Weisbrodt

S.B. 307

132nd General Assembly
(As Passed by the Senate)

Sens. Obhof, Gardner, Coley, Huffman, Jordan, LaRose, McColley, Terhar, Uecker, Wilson, Williams, Bacon, Burke, Dolan, Eklund, Hackett, Hoagland, Hottinger, Kunze, Lehner, Manning, Oelslager, Peterson

BILL SUMMARY

- Eliminates a provision of law that specifies some factors a court may consider when it interprets an ambiguous statute and attempts to determine the intention of the legislature in enacting the statute.
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CONTENT AND OPERATION

The bill eliminates a provision of law that specifies some factors a court may consider when it interprets an ambiguous statute and attempts to determine the intention of the legislature in enacting the statute. Under that law, the court may consider the following, among other matters:¹

- The object sought to be attained;
- The circumstances under which the statute was enacted;
- The legislative history;
- The common law or former statutory provisions, including laws upon the same or similar subjects;
- The consequences of a particular construction;
- The administrative construction of the statute.

¹ R.C. 1.49, repealed by the bill.

Although the bill repeals this law, a court still may consider any of the factors listed above in interpreting an ambiguous statute. Before the law was enacted, Ohio's courts considered those factors at various times in interpreting ambiguous statutes because they are part of the common law – that is, the law created by judicial custom and precedent. The courts may continue to do so under the bill.²

HISTORY

ACTION	DATE
Introduced	06-05-18
Reported, S. Judiciary	11-28-18
Passed Senate (29-1)	11-28-18

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² See *Crowl v. De Luca*, 29 Ohio St.2d 53, 61 (1972), in which the Ohio Supreme Court stated that R.C. 1.49 expresses "the principles of statutory construction long followed by courts in the interpretation of an ambiguous statute."

