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S.B. 108
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Obhof

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Summary

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

Detailed Analysis

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

Although the bill repeals this provision of law, the repeal would not bar a court from considering any of the factors listed above in interpreting an ambiguous statute. Before the repealed provision was enacted, Ohio's courts considered those factors at various times in interpreting ambiguous statutes because they are part of the common law –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. Without the repealed

¹ R.C. 1.49, repealed by the bill.

provision of law, the common law would govern courts in their interpretation of an ambiguous statute.²

Related to the repealed provision of law, note that the Ohio Supreme Court has held in several decisions that: (1) when the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no need for a court to apply rules of statutory interpretation, and (2) statutory interpretation involves an examination of the words used by the legislature in a statute, and when the legislature has plainly and unambiguously conveyed its legislative intent, there is nothing for a court to interpret or construe, and therefore, the court applies the law as written.³

History

Action	Date
Introduced	03-13-19

S0108-I-133/ts

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.”

³ See *State v. Kreischer*, 109 Ohio St.3d 391 (2006).