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H.B. 234
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. Williams and Rogers

Local Impact Statement Procedure Required: No

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The bill has no direct fiscal effect on the state or political subdivisions. The bill prohibits a court from considering an Alford plea when determining whether an offender showed genuine remorse for a felony or misdemeanor offense. Under existing law, genuine remorse is a factor that a court must consider in felony sentencing when determining whether an offender is likely or not likely to commit future crimes. Misdemeanor sentencing also requires the consideration of certain factors, including if there is a substantial risk that the offender will commit another offense, but genuine remorse is not required as part of that determination.

The bill also includes language that states that it is the General Assembly's intent to address that Alford pleas are generally disfavored by Ohio courts because Alford pleas do not determine the guilt or innocence of the offender.¹

According to the Ohio Judicial Conference's Criminal Law and Procedure Committee, Alford pleas are rare in Ohio. Some judges reported that they see several each year, and others more infrequently. Most judges on the Committee indicated that they already do not consider remorse when sentencing on an Alford plea, recognizing that the defendant is still asserting their innocence, and thus there might not be any remorse shown.

Conversations with the Ohio Prosecuting Attorneys Association similarly suggest that Alford pleas are not common across the state. According to the Association, most counties rarely use them, if ever, because they often result in more post-conviction litigation. It is possible that the bill may lead to more defendants requesting Alford pleas, which potentially could increase

¹ 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. The types of cases that a defendant might consider an Alford plea are generally those involving high level charges, particularly those where they would face a significant sentence if they were to lose at trial.

post-conviction litigation. However, as with all plea bargains, an Alford plea is not a right and it is ultimately up to the prosecutor and judge to decide if they will offer or accept it. While it is possible that the bill may induce more defendants to enter into an Alford plea because they are rare, any increase is not expected to be significant.