OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

S.B. 237
135th General Assembly

Fiscal Note & Local Impact Statement

Click here for S.B. 237's Bill Analysis

Version: As Reported by House Civil Justice

Primary Sponsors: Sens. Gavarone and Manning

Local Impact Statement Procedure Required: No

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Highlights

- The bill will likely reduce court-related expenditures stemming from the more rapid disposition of certain civil actions involving defendants sued because they engaged in protected public expression.
- The bill has no direct fiscal effect on the state.

Detailed Analysis

Uniform Public Expression Protection Act

The bill creates the Uniform Public Expression Protection Act, under which any person who engages in specified forms of public expression[1] may apply for and be granted expedited relief from a civil action for a claim based on that expression. The bill specifies that it is the intent of the General Assembly to confer substantive immunity from suit, and not merely immunity from liability, for any cause of action concerning protected speech under the bill.

The bill, in effect, creates an expedited process for the courts to adjudicate and dismiss meritless civil actions that challenge some protected public expression. The bill provides that if a claim is brought against a person based upon a protected expression, the defendant may file a special motion for expedited relief. The court is required to hold a hearing on the motion within 60 days of filing and, if the relief is granted, the court must award reasonable attorney's fees,[2] court costs, and other litigation expenses to the defendant. If the motion for relief is denied and

[1] See the LSC bill analysis for a list of protected types of public expression.

[2] Under the bill, a court must not fail to award, or reduce an award of, attorney's fees, court costs, and litigation expenses by reason of a pro bono or contingent representation of the moving party.

the court finds that the motion was frivolous conduct, the court must award to the responding party reasonable attorney's fees, court costs, and other reasonable litigation expenses incurred in responding to the motion.

The bill will relieve pressure on the courts by faster disposition of cases in which the defendant has engaged in specified activities, and the plaintiff will not likely prevail. Where these cases can take a lengthy period of time to dispose of under current law, the bill could result in dismissals in a matter of months. Expenditures incurred by the courts to adjudicate such civil matters will be reduced accordingly. The bill will not necessarily prevent cases from being filed, although it is possible that the prospect of such civil actions being quickly dismissed and the plaintiffs being charged monetary sanctions may lead to a reduction in new filings, particularly if the plaintiffs realize the suit is no longer useful or effective.

Minor tenants in eviction actions

The bill prohibits a person from listing a minor tenant as a defendant in an eviction proceeding if a parent or adult guardian is also listed as a defendant on the same complaint, and requires the court where the eviction action is filed to dismiss the action without prejudice and order the person who filed the action to pay the minor tenant's reasonable attorneys' fees. In cases where a minor is listed in an eviction proceeding, the bill may reduce the workload and associated costs of the court.

Small claims jurisdiction

The bill clarifies that the filing or defense of an action in a small claims division by the holder of a security agreement or retail installment contract, purchased by the holder for the holder's portfolio of investments, was not and is not prohibited, provided that the holder is not an assignee for the purpose of collection. This provision is not expected to result in any discernable fiscal impact for the state or political subdivisions.

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