



# Judicial Impact Statement

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## HB 234 – *Alford* Pleas

### HB 234 As Introduced

Rep. Rogers and Rep.  
Williams

#### Title Information

To amend sections 2929.12 and 2929.22 of the Revised Code to prohibit a court imposing a sentence on an offender for a felony or misdemeanor from considering whether the offender who entered an *Alford* plea shows genuine remorse for the offense.

#### Background

The bill prohibits a court, when sentencing a defendant who entered an *Alford* plea, from considering the defendant's lack of remorse for the offense. The bill additionally provides that "The general assembly, in amending division (G) of this section pursuant to this act, hereby declares the purpose of the amendment is to address that *Alford* pleas are generally disfavored by courts of this state because *Alford* pleas do not determine the guilt or innocence of the offender."

#### Judicial Impact

While the Judicial Conference has no position on the substance of the bill, we are concerned about the sentence underlined above, and would like to see it removed from the bill, for two reasons. First, while certain judges may disfavor *Alford* pleas, we think it is inappropriate to attempt to characterize in this manner the position of the entire judiciary of Ohio. It has not been established how many judges favor or disfavor such pleas. Put another way: the evidence or basis for this statement is unestablished and unknown. Second, and similarly, we do not think it appropriate for the legislative branch, through legislation, to purport to present the position of the judicial branch, an independent and co-equal branch of government.

#### Conclusion

The Judicial Conference does not take a position on removing a judge's ability to consider a lack of remorse when sentencing on an *Alford* plea, but does object to the legislature purporting to speak to the position of Ohio's judicial branch regarding *Alford* pleas, and we respectfully ask that that reference be removed from the bill.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.