



Ohio Legislative Service Commission

Garrett Crane

Fiscal Note & Local Impact Statement

Bill: [H.B. 376 of the 130th G.A.](#)

Date: January 22, 2014

Status: As Introduced

Sponsor: Reps. Derickson and Patmon

Local Impact Statement Procedure Required: Yes

Contents: Ohio Religious Freedom Restoration Act

State and Local Fiscal Highlights

- The bill may increase the amount of money expended by the state and its political subdivisions to litigate and settle certain civil matters involving governmental action, as it provides an additional basis on which a person can assert a right to exercise religion and obtain appropriate relief. The timing and the magnitude of any such expenditure increases would be contingent upon the behavior of private parties and governmental entities in the future, and are uncertain.

Detailed Fiscal Analysis

The bill: (1) prohibits governmental action from burdening a person's right to the exercise of religion, (2) permits the person to assert that right as a claim or defense in a judicial proceeding, and (3) permits the person to seek appropriate relief, including compensatory damages and the recovery of costs and reasonable attorney's fees.

The extent to which the state and its political subdivisions will be fiscally affected is dependent upon the frequency with which a person asserts a claim or defense that a governmental action violates their right of exercise of religion, as described in the bill, and prevails. Under current law, a person can already assert that a governmental action violates their constitutional right of exercise of religion. It is uncertain whether as a result of the bill a person is: (1) more likely to assert such a claim or defense against a governmental action, and (2) more likely to prevail.

At a minimum, the bill may increase the amount expended by the state and its political subdivisions on the legal services necessary to assert or defend a governmental action. The frequency and magnitude of any subsequent relief against a governmental action that the courts may order is uncertain.

Research gathered from states that already have enacted legislation similar to the bill indicates that most of the fiscal effects would be felt at the local level by the state's political subdivisions. Past litigation has been filed against numerous local governments, including cities, school districts, and police departments. The litigation has frequently taken years to resolve and involved multiple parties. Litigation has been filed against governmental entities and the specific public officials and employees that carried out the action.

Civil actions filed against the state of Ohio would likely be filed with the Court of Claims, which has original jurisdiction to hear and determine all civil actions filed against the state of Ohio and its agencies. Disputes involving the governmental action of the state's political subdivisions would likely fall under the subject matter jurisdiction of common pleas, municipal, and county courts. Common pleas courts have exclusive jurisdiction over all civil actions where the amount of the controversy exceeds \$15,000.