

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 590

Representatives Stinziano, Curtin

**Cosponsors: Representatives Antonio, Cera, Driehaus, Foley, Hagan, R.,
Phillips, Rogers**

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A B I L L

To enact section 2721.22 of the Revised Code to 1
confer on a qualified person standing to challenge 2
the constitutionality of a statute. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2721.22 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2721.22. (A) A person has standing to bring an action 6
for a declaratory judgment to determine the constitutionality of a 7
statute or to intervene in an action in which the 8
unconstitutionality of a statute has been alleged in the 9
pleadings, notwithstanding the person's failure to allege facts 10
showing that the person has suffered or will suffer a direct and 11
concrete injury resulting from enforcement of the statute, if the 12
person meets all of the following criteria: 13

(1) The person has a sufficient interest in the 14
constitutionality of the statute to effectively assist the court 15
in developing and reviewing all relevant legal and factual 16
questions necessary to a determination of the statute's 17
constitutionality. 18

(2) The issue of the statute's constitutionality is of 19
significant public importance and interest. 20

(3) The issue of the statute's constitutionality is unlikely 21
to be raised if the person is denied standing. 22

(B) If a person that has standing under division (A) of this 23
section has commenced an action for a declaratory judgment or has 24
intervened in a pending action, the court may deny a motion to 25
intervene by another person having standing under division (A) of 26
this section or may grant the motion on such terms as the court 27
finds to be in the interest of judicial economy. 28

(C) An original action authorized by division (A) of this 29
section shall be brought in the Franklin county court of common 30
pleas. 31