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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 66*
133rd General Assembly

Bill Analysis

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Version: As Reported by Senate Government Oversight and Reform

Primary Sponsor: Rep. Merrin

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SUMMARY

Theft Victims' Restitution Act

- Allows restitution to be granted as part of a criminal sentence for accounting and auditing costs the victim incurred to determine the extent of the victim's loss.
- Limits the amount of restitution for accounting or auditing costs to a reasonable amount that does not exceed the value of property or services stolen or damaged as a result of the crime.

Joint Legislative Ethics Committee

- Specifies that during the current General Assembly, if a member of the Joint Legislative Ethics Committee (JLEC) is or has been charged with or indicted for certain offenses, that member's seat on JLEC is deemed vacant, and requires the President of the Senate or the Speaker of the House, as applicable, to fill the vacancy within 15 days.

Capitol Square Review and Advisory Board

- Allows an appointing authority to remove an appointed member of the Capitol Square Review and Advisory Board (CSRAB) at any time, without cause.
- Specifies that an appointed legislator may remain on CSRAB as long as the legislator is a member of the General Assembly, unless the legislator is removed, instead of serving a three-year term.
- Specifies that an appointed member of CSRAB who is not a legislator may remain on CSRAB for three years, unless the member is removed.

* This analysis was prepared before the report of the Senate Government Oversight and Reform Committee appeared in the Senate Journal.

- Eliminates a provision specifying that an appointed member of CSRAB must remain a member after the member's term expires until a new member is appointed or until 60 days have elapsed, whichever occurs first.
- Allows an appointed member of CSRAB to be reappointed, so long as the member remains otherwise eligible.
- Specifies that the bill applies to current appointed members of CSRAB.

Emergency clause

- Declares an emergency, meaning that the bill takes effect immediately.

DETAILED ANALYSIS

Theft Victims' Restitution Act

The bill enacts the Theft Victims' Restitution Act to allow a court to order a criminal offender to pay a victim restitution for any cost the victim was required to pay for accounting or auditing done to determine the extent of the victim's economic loss. The amount of any restitution order for accounting or auditing costs must be reasonable and must not exceed the value of the property or services stolen or damaged as a result of the crime.

Under continuing law, a crime victim may receive restitution based on economic loss that was a direct and proximate result of an offense. Currently, "economic loss" means any loss of income due to lost time at work because of injury, and any property loss, medical cost, or funeral expense incurred as a result of the crime. The bill expands the definition of economic loss to include the cost the victim was required to pay for any accounting or auditing done to determine the extent of the victim's loss.¹

Joint Legislative Ethics Committee

The bill specifies that during the current General Assembly, if a member of the Joint Legislative Ethics Committee (JLEC) is or has been charged with or indicted for certain offenses, that member's seat on JLEC is deemed vacant. Under the bill, the Speaker of the House of Representatives or the President of the Senate, as applicable, must appoint a member to fill the vacancy not later than 15 days after the seat becomes vacant.

The offenses that, under the bill, require a member to be removed from JLEC are the same as the offenses that, under continuing law, disqualify a person from registering as a legislative agent (lobbyist) if the person is convicted. The offenses are any of the following that are a felony:

- Bribery;
- Intimidation of a public servant, party official, or witness;
- Retaliation against a public servant, party official, attorney, or witness;

¹ R.C. 2929.01(L), 2929.18(A)(1), and 2929.28(A)(1), and Section 4 of the bill.

- Theft in office;
- Having an unlawful interest in a public contract;
- Engaging in a pattern of corrupt activity;
- Any of the following offenses, if the person committed them while serving in a public office and the conduct was related to the public office:
 - Tampering with records;
 - Intimidation of a victim, witness, or attorney;
 - Perjury;
 - Tampering with evidence;
 - Obstructing official business;
 - Obstructing justice.
- A violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially equivalent to one of those violations;
- Conspiracy, attempt, or complicity with respect to any of those violations.

Under continuing law, among other duties, JLEC hears ethics complaints and, as appropriate, recommends sanctions against legislators, legislative staff, and General Assembly candidates. JLEC consists of 12 members, with three appointed by the President from each Senate caucus and three appointed by the Speaker from each House caucus. The statute specifies that each member of JLEC remains on the Committee through the end of the member's term in the legislature, and does not allow a member to be removed unless the person is no longer a member of the General Assembly. The bill creates a temporary exception to that restriction.²

Capitol Square Review and Advisory Board

The bill makes several changes to the requirements that apply concerning membership on the Capitol Square Review and Advisory Board (CSRAB). First, under the bill, the authority who appointed a member of CSRAB may remove the member from CSRAB at any time, without cause. The bill also allows a legislator to serve on CSRAB as long as the legislator is a member of the General Assembly, unless the legislator is removed. Currently, all CSRAB members serve three-year terms. The bill retains the three-year term for nonlegislator members of CSRAB, unless they are removed.

The bill eliminates a provision of law that specifies that an appointed member of CSRAB must remain a member after the member's term expires until a new member is appointed or until 60 days have elapsed, whichever occurs first. Additionally, the bill allows an appointed member of CSRAB to be reappointed, so long as the member remains otherwise eligible.

² Section 6 of the bill. See also R.C. 101.34 and 101.721, not in the bill.

Finally, the bill specifies that it applies to current appointed members of CSRAB, in addition to members who are appointed in the future.

Under continuing law, CSRAB is responsible for operating Capitol Square and maintaining the Statehouse and its grounds. The Board consists of the following 12 members:

- Two members of the Senate, appointed by the President of the Senate, who are not members of the same political party;
- Two members of the House of Representatives, appointed by the Speaker of the House, who are not members of the same political party;
- Four members appointed by the Governor with the advice and consent of the Senate, no more than three of whom are members of the same political party, including:
 - The Governor’s Chief of Staff;
 - A member who represents the Ohio Arts Council;
 - A member who represents the Ohio History Connection;
 - A member who represents the public at large.
- A former President of the Senate, appointed by the current President;
- A former Speaker of the House of Representatives, appointed by the current Speaker;
- The Clerk of the Senate;
- The Clerk of the House of Representatives.³

Emergency clause

The bill declares an emergency, meaning that it takes effect immediately and is not subject to the referendum.⁴

HISTORY

Action	Date
Introduced	02-12-19
Reported, H. Criminal Justice	03-29-19
Passed House (89-3)	04-11-19
Reported, S. Gov’t Oversight and Reform	---

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³ R.C. 105.41 and Section 5 of the bill.

⁴ Section 7 of the bill.