OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

H.B. 66
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Rep. Merrin

Effective date: *

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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 Senate President 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 General Assembly member, unless the legislator is removed, instead of serving a three-year term.

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

- Specifies that an appointed member of CSRAB who is not a legislator may remain on CSRAB for three years, unless the member is removed.
- Eliminates the requirement 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 act applies to current appointed members of CSRAB.

Emergency clause

- Declares an emergency, meaning that the act takes effect immediately and is not subject to the referendum.

DETAILED ANALYSIS

Theft Victims' Restitution Act

The act allows 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. This provision is entitled the Theft Victims' Restitution Act.

Under continuing law, a crime victim may receive restitution based on economic loss that was a direct and proximate result of an offense. And, "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 act 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 act 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 act, 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 act, 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:

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

- Bribery;
- Intimidation of a public servant, party official, or witness;
- Retaliation against a public servant, party official, attorney, or witness;
- 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 act creates a temporary exception to that restriction.[2]

Capitol Square Review and Advisory Board

The act makes several changes to the requirements for membership on the Capitol Square Review and Advisory Board (CSRAB). First, under the act, the authority who appointed a member of CSRAB may remove the member from CSRAB at any time, without cause. The act also allows a legislator to serve on CSRAB as long as the legislator is a General Assembly member, unless the legislator is removed. Under prior law changed in part by the act, all CSRAB

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

members serve three-year terms. The act retains the three-year term for nonlegislator members of CSRAB, unless they are removed.

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

Finally, the act specifies that it applies to current, as well as future, appointed members of CSRAB.

Under continuing law, CSRAB operates Capitol Square and maintains the Statehouse and its grounds. The Board consists of 12 members:

- Two Senate members, appointed by the President, who are not members of the same political party;
- Two House members, appointed by the Speaker, 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 Senate President, appointed by the current President;
- A former House Speaker, appointed by the current Speaker;
- The Clerk of the Senate;
- The Clerk of the House.[3]

Emergency clause

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

[3] R.C. 105.41 and Section 5 of the act.

[4] Section 7 of the act.

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	09-23-20
Passed Senate (32-0)	09-23-20
House Concurred in Senate amendments (90-0)	09-23-20

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