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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 214  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Crossman and Lepore-Hagan

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### SUMMARY

- Prohibits a person who is currently indicted for a public corruption offense from taking office as a General Assembly member.
- Prohibits a person who is elected as a General Assembly member, but who is incompetent to hold office under the bill, from holding office as of the 90<sup>th</sup> day after the person is entitled to take office, or the day the person is convicted of the public corruption offense, whichever is earlier.
- Prohibits a person who is elected as a General Assembly member, but who is incompetent to hold office under the bill, from receiving any salary, employment benefits, or other benefits in connection with the office.
- Provides that, if the person is convicted of the public corruption offense, the person is liable to the state for the salary and employment benefits the person received beginning on the day in which the person was incompetent to take office, and ending on the day the person is convicted.
- Declares an emergency.

### DETAILED ANALYSIS

#### Public corruption offenses

The bill prohibits a person from taking office as a General Assembly member upon being indicted for a public corruption offense. A “public corruption offense” is defined under the bill as one of the following:<sup>1</sup>

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<sup>1</sup> R.C. 2961.04(A).

- Extortion, bribery, theft in office, engaging in a corrupt activity, and intimidation of a public servant, party official, or witness while in the performance of the person's duty;<sup>2</sup>
- Obstructing official business or having an unlawful interest in a public contract if charged as a felony;<sup>3</sup>
- Felony conspiracy, felony attempt, or felony complicity with respect to any of the offenses listed above;
- A felony violation of a law of any other state or the United States that is substantially equivalent to any of the above offenses.

## **Incompetence to hold office**

Under the bill, a person is considered incompetent to take office as a General Assembly member if:<sup>4</sup>

- The person has been indicted for a public corruption offense; or
- The person has been charged with a public corruption offense, and either a court of competent jurisdiction has determined at a preliminary hearing that there is probable cause to believe that the person committed the offense, or the person has waived the preliminary hearing; and
- The person is not yet convicted, acquitted, or had the charge or indictment dismissed.

The person, however, may finish out the person's current term and, if the person is acquitted or the charge is dismissed, the person is no longer incompetent to hold office. If the person is convicted for a felony, however, the person is removed from office under existing law.<sup>5</sup> Under the bill, if the person is convicted, in addition to being removed under current law, the person is liable to the state for an amount equal to the value of the salary and employment benefits the person received in connection with the person's office as a General Assembly member, as of the date of incompetence.

If a person is elected to the General Assembly but is incompetent to take office under the bill, the office is considered vacant as of the date of conviction, or the 90<sup>th</sup> day after the person is entitled to take office, whichever is earlier. If the charge is dismissed or the person acquitted, the person may take office or remain in office. A person who takes office while incompetent, under the bill, may not receive a salary, employment benefits, or other benefits in connection

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<sup>2</sup> See R.C. 2905.11, 2921.02, 2921.41, 2923.32, and 2921.03, not in the bill for more information about these crimes.

<sup>3</sup> See R.C. 2921.31 and 2921.42, not in the bill for these crimes. Note that obstructing official business is only a felony if the accused also creates a risk of physical harm.

<sup>4</sup> R.C. 2961.04(B).

<sup>5</sup> R.C. 2961.01 and 2961.02, not in the bill.

with the office, during that 90-day period, until the office is vacant or the person is no longer incompetent.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	03-16-21

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H0214-I-134/ts

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<sup>6</sup> R.C. 2961.04(C), (D), and (E).