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H.B. 600
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Troy

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SUMMARY

- Requires a party filing a complaint against a municipal officer to pay the officer's legal expenses if the officer is acquitted.
- Requires the complaining party to furnish sufficient security for expenses, including the accused's legal expenses, in addition to costs under continuing law.

DETAILED ANALYSIS

Background – complaints against a municipal officer

Continuing law permits an elector of a municipal corporation to file, in the probate court of the county in which the municipal corporation (or the greater part of it) is located, a complaint against an officer of the municipal corporation, or a member of the legislative authority. The complaint must be signed by four other electors of the municipal corporation, and must allege misfeasance or malfeasance in office, certain conflicts of interest, or receiving compensation for services contrary to law. Upon a trial, if the officer is convicted, the officer is removed from office.¹

Payment of legal expenses upon acquittal

The bill requires the party filing the complaint, if the officer is acquitted upon trial, to pay the officer's legal expenses.

Current law requires the costs and expenses of the trial to be apportioned among the complainant, the accused officer, and the municipal corporation as the probate judge directs, except that the accused officer is not responsible for the costs and expenses of the trial upon

¹ R.C. 733.72; See also R.C. 733.73 through 733.76, not in the bill.

acquittal. The bill, however, requires the complainant to pay all the costs and expenses of the trial if the officer is acquitted, in addition to the officer's legal expenses.

Continuing law permits the costs and expenses of the trial to be apportioned among the complainant, the accused officer, and the municipal corporation as the probate judge directs in cases where the officer is not acquitted.² Please see the table below for more details.

	Costs and expense of the trial	The officer's legal fees
The officer is acquitted.	<u>Current law</u> : Apportioned among complainant and municipal corporation as judge directs.	<u>Current law</u> : Must be paid by the officer.
	<u>H.B. 600</u> : Must be paid by the complainant.	<u>H.B. 600</u> : Must be paid by the complainant.
The officer is not acquitted.	<u>Current law</u> : Apportioned among officer, complainant, and municipal corporation as judge directs.	<u>Current law</u> : Must be paid by the officer.
	<u>H.B. 600</u> : Same as current law.	<u>H.B. 600</u> : Same as current law.

Furnishing security

Continuing law requires the complainant to post sufficient security for the costs of the trial. The bill requires the complainant to post sufficient security for costs and expenses, including the accused's legal expenses.³

HISTORY

Action	Date
Introduced	05-15-24

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² R.C. 733.77.

³ R.C. 733.72.