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**Majority Floor Leader Bill Seitz
The Ohio House of Representatives**

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**Sponsor Testimony for HB 281: Requirements, Civil Action for Damages for
Criminal Acts**

Chairman Hillyer, Vice Chair Mathews, Ranking Member Galonski and members of the House Civil Justice Committee. Thank you for the opportunity to offer testimony on HB 281 in concert with my joint sponsor Representative Young. HB 281 would modify the requirements to bring a civil action for damages for criminal acts under ORC 2307.60.

In 2008, the Ohio General Assembly instituted ORC 2307.60. This section created the statute that authorizes an individual to launch a civil suit based on another individual's criminal acts. However, in an apparent oversight, the General Assembly never included a requirement in this section that a person must actually be convicted of a criminal act. In 2020 the Ohio Supreme Court ruled in *Buddenberg v. Weisdack* that because of the way the statute was (ambiguously) worded, a prior criminal conviction is NOT required. So, as a result, the presence of mere allegations of criminal wrongdoing creates standing for a suit under this section.

Clever lawyers have now begun to bring civil suits based on 2307.60 against persons who have never even been charged, let alone convicted, of any criminal act. In one such suit against a local Butler County Township Trustee, over \$80,000 in legal fees (taxpayer funds) were expended to successfully defend the trustee against a case brought by a disappointed real estate developer. The developer alleged that the trustee's vote to reject a zone change was based on the trustee's receipt of a lawful campaign contribution which the disappointed developer recharacterized as an illegal bribe. The co-called "bribe" was never the subject of any criminal charge or conviction, but the trustee's reputation was unfairly sullied by the allegation under 2307.60 that "criminal conduct" had occurred.

This bill simply changes current Ohio law to require an actual criminal conviction before someone can sue under ORC 2307.60. Making this change would not in any way prevent anyone from suing another person civilly for damages from any tortious conduct, such as assault and

battery, personal injury due to neglect or reckless conduct, intentional infliction of emotional distress, or tortious interference with a contract or business expectancy. In other words, nothing in the bill precludes any person from filing a civil lawsuit for damages to remedy tortious wrongful conduct committed by another person, even if that tortious conduct could also be prosecuted as its own criminal violation. But it would reserve the right to sue civilly for damages arising from a criminal act only to cases where there was an actual prior conviction or guilty plea.

Thank you again for the opportunity to offer testimony on HB 281, we would be happy to answer any questions at this time.

