

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 600

Representative Troy

A BILL

To amend sections 733.72 and 733.77 of the Revised 1
Code to require a party filing a complaint 2
against a municipal officer to pay the officer's 3
legal expenses if the officer is acquitted. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 733.72 and 733.77 of the Revised 5
Code be amended to read as follows: 6

Sec. 733.72. When a complaint under oath is filed with the 7
probate judge of the county in which a municipal corporation or 8
the larger part thereof is situated, by any elector of the 9
municipal corporation, signed and approved by four other 10
electors thereof, the judge shall forthwith issue a citation to 11
any person charged in the complaint for ~~his~~ the person's 12
appearance before the judge within ten days from the filing 13
thereof, and shall also furnish the accused and the village 14
solicitor or city director of law with a copy thereof. The 15
complaint shall charge any of the following: 16

(A) That a member of the legislative authority of the 17
municipal corporation has received, directly or indirectly, 18
compensation for ~~his~~ services as a member thereof, as a 19

~~committeeman, committeeperson,~~ or otherwise, contrary to law; 20

(B) That a member of the legislative authority or an 21
officer of the municipal corporation is or has been interested, 22
directly or indirectly, in the profits of a contract, job, work, 23
or service, or is or has been acting as a commissioner, 24
architect, superintendent, or engineer in work undertaken or 25
prosecuted by the municipal corporation, contrary to law; 26

(C) That a member of the legislative authority or an 27
officer of the municipal corporation has been guilty of 28
misfeasance or malfeasance in office. 29

Before acting upon such complaint, the judge shall require 30
the party complaining to furnish sufficient security for costs 31
and expenses, including the accused's legal expenses. 32

Sec. 733.77. The ~~cost~~costs and expenses of the trial, 33
including the accused's legal expenses, shall be charged against 34
the party filing the complaint under section 733.72 of the 35
Revised Code if the accused is acquitted upon trial. Otherwise, 36
the costs and expenses shall be charged against the party filing 37
the complaint, the accused, or the municipal corporation, or 38
apportioned among them, as the probate judge directs, and shall 39
be collected as in other cases. ~~No costs or expenses shall be~~ 40
~~charged to the accused if he is acquitted upon trial.~~ If an 41
appeal on questions of law is instituted by the officer 42
complained of, to reverse or vacate the order of the probate 43
court, such officer shall not exercise the functions of ~~his~~ 44
office until the order is finally reversed or vacated. 45

Section 2. That existing sections 733.72 and 733.77 of the 46
Revised Code are hereby repealed. 47