

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 692

Representative Wiggam

A BILL

To amend section 305.14 of the Revised Code to 1
permit the court of common pleas to authorize 2
the board of county commissioners to employ 3
legal counsel to assist the prosecuting attorney 4
in defending an action brought by a vexatious 5
litigator against a county board, officer, or 6
employee or another person under certain 7
circumstances. 8

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

Section 1. That section 305.14 of the Revised Code be 9
amended to read as follows: 10

Sec. 305.14. (A) The court of common pleas, upon the 11
application of the prosecuting attorney and the board of county 12
commissioners, may authorize the board to employ legal counsel 13
to assist the prosecuting attorney, the board, or any other 14
county officer in any matter of public business coming before 15
such board or officer, and in the prosecution or defense of any 16
action or proceeding in which such board or officer is a party 17
or has an interest, in its official capacity. 18

(B) The board of county commissioners may also employ 19

legal counsel, as provided in section 309.09 of the Revised 20
Code, to represent it in any matter of public business coming 21
before such board, and in the prosecution or defense of any 22
action or proceeding in which such board is a party or has an 23
interest, in its official capacity. 24

(C) Notwithstanding division (A) of this section and 25
except as provided in division (D) of this section, a county 26
board of developmental disabilities or a public children 27
services agency may, without the authorization of the court of 28
common pleas, employ legal counsel to advise it or to represent 29
it or any of its members or employees in any matter of public 30
business coming before the board or agency or in the prosecution 31
or defense of any action or proceeding in which the board or 32
agency in its official capacity, or a board or agency member or 33
employee in the member's or employee's official capacity, is a 34
party or has an interest. 35

(D) (1) In any legal proceeding in which the prosecuting 36
attorney is fully able to perform the prosecuting attorney's 37
statutory duty to represent the county board of developmental 38
disabilities or public children services agency without conflict 39
of interest, the board or agency shall employ other counsel only 40
with the written consent of the prosecuting attorney. In any 41
legal proceeding in which the prosecuting attorney is unable, 42
for any reason, to represent the board or agency, the 43
prosecuting attorney shall so notify the board or agency, and, 44
except as provided in division (D) (2) of this section, the board 45
or agency may then employ counsel for the proceeding without 46
further permission from any authority. 47

(2) A public children services agency that receives money 48
from the county general revenue fund must obtain the permission 49

of the board of county commissioners of the county served by the 50
agency before employing counsel under division (C) of this 51
section. 52

(E) (1) As used in division (E) (2) of this section, 53
"vexatious litigator" means an individual who has been declared 54
a vexatious litigator under section 2323.52 of the Revised Code. 55

(2) The court of common pleas, upon the application of the 56
prosecuting attorney and the board of county commissioners, may 57
authorize the board to employ legal counsel to assist the 58
prosecuting attorney in defending against any action or 59
proceeding brought before any court by a vexatious litigator 60
against either of the following: 61

(a) Any county board, officer, or employee; 62

(b) At the discretion of the prosecuting attorney, any 63
person who, because of the person's relationship or former 64
relationship with a county board, officer, or employee, is named 65
as a defendant in the action or proceeding that is brought by a 66
vexatious litigator and serves primarily to harass, intimidate, 67
or retaliate against that county board, officer, or employee. 68

Section 2. That existing section 305.14 of the Revised 69
Code is hereby repealed. 70