

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 750

Representatives Crossman, Blair

**Cosponsors: Representatives Leland, Galonski, Brown, Patterson, Miller, J.,
Sobecki, Russo, Lepore-Hagan, Weinstein, O'Brien, Lightbody, Liston**

A BILL

To enact section 2961.04 of the Revised Code to
prohibit a person who is currently charged with
a public corruption offense from taking office
as a member of the General Assembly, to require
a current member who is charged with a public
corruption offense to repay certain amounts to
the state, and to declare an emergency.

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

Section 1. That section 2961.04 of the Revised Code be
enacted to read as follows:

Sec. 2961.04. (A) As used in this section, "public
corruption offense" means any of the following:

(1) A violation of section 2905.11, 2921.02, 2921.03,
2921.41, or 2923.32 of the Revised Code;

(2) A felony violation of section 2921.31 or 2921.42 of
the Revised Code;

(3) Felony conspiracy, felony attempt, or felony

complicity with respect to an offense listed in division (A) (1) 17
or (2) of this section; 18

(4) A felony violation of a law of any other state or the 19
United States that is substantially equivalent to an offense 20
described in division (A) (1), (2), or (3) of this section. 21

(B) Subject to division (D) of this section, a person to 22
whom any of the following applies is incompetent to take office 23
as a member of the general assembly: 24

(1) The person has been indicted for a public corruption 25
offense, has not been acquitted of the charge or had the 26
indictment dismissed, and has not been convicted of the charge. 27

(2) The person has been charged with a public corruption 28
offense, a court of competent jurisdiction has determined at a 29
preliminary hearing that there is probable cause to believe that 30
the person committed the offense, the person has not been 31
acquitted of the charge or had the charge dismissed, and the 32
person has not been convicted of the charge. 33

(3) The person has been charged with a public corruption 34
offense, has waived a preliminary hearing concerning the charge, 35
has not been acquitted of the charge or had the charge 36
dismissed, and has not been convicted of the charge. 37

(C) (1) If a person is elected to the office of member of 38
the general assembly but is incompetent to take office under 39
division (B) of this section, the office shall be considered 40
vacant as of the earlier of the ninetieth day after the first 41
day the person would have been entitled to take office or, if 42
applicable, the day the person is convicted of the public 43
corruption offense. If, before the office is considered vacant, 44
the person ceases to be incompetent to take office, the person 45

shall take office.

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(2) A person who is elected to the office of member of the
general assembly but is incompetent to take office under
division (B) of this section shall not be entitled to receive
any salary, employment benefits, or other benefits in connection
with the office of member of the general assembly during the
period beginning on the first day the person would have been
entitled to take office and ending on the earlier of the first
day the office is considered vacant or, if applicable, the first
day the person is no longer incompetent to take office.

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(D) If a person is a member of the general assembly as of
the first day division (B) (1), (2), or (3) of this section
applies to the person, the person is not considered incompetent
on that basis to serve the remainder of the person's current
term of office in the general assembly. However, if the person
is convicted of the public corruption offense, the person shall
be 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 member of the general assembly
during the period beginning on the later of the first day
division (B) (1), (2), or (3) of this section applies to the
person and the effective date of this section and ending on the
day the person is convicted of the public corruption offense.

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(E) The provisions of this section are in addition to, and
not in derogation of, the provisions of sections 2961.01 and
2961.02 of the Revised Code and any other provision of the
Revised Code pertaining to a person's eligibility to be a
candidate for, or member of, the general assembly.

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Section 2. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public

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peace, health, and safety. The reason for such necessity is to	76
ensure that the provisions of this act apply to persons who may	77
be elected to the office of member of the General Assembly in	78
November 2020. Therefore, this act shall go into immediate	79
effect.	80