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S.B. 321
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Wilson

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SUMMARY

- Protects the following officers from liability for loss of public funds when the officer has performed the officer's official duties with reasonable care: a county treasurer, a township fiscal officer and deputy township fiscal officer, and treasurer of a municipal corporation.
- Makes the same officers liable for loss of public funds resulting from the officer's negligence or other wrongful act.

DETAILED ANALYSIS

Fiscal officer liability

The bill modifies the standards for when certain fiscal officers are liable for the loss of public funds. These officers are: county treasurer, township fiscal officer, deputy township fiscal officer, and treasurer of a municipal corporation or officer of a municipal corporation that has the duties of a treasurer. The standard for each is the same: an officer is not liable for the loss of public funds if the officer performed the officer's official duties with reasonable care, and the officer is only liable for the loss of public funds if the officer acted negligently, or committed some other wrongful act.¹

Under existing law, public officials generally are subject to strict personal liability for public money they receive or collect; this is a long-standing common law principle.² "Strict liability" is liability for loss resulting from the public official's actions no matter what level of

¹ R.C. 321.50, 507.14, and 733.82.

² R.C. 9.39, not in the bill.

care the public official exercised. An exception exists for county treasurers for losses resulting from any investment reasonably made pursuant to law.³

Under the bill, the affected officers would no longer be strictly liable for any losses of public funds; instead, officers are liable only for losses resulting from the officer's negligence or other wrongful act.

HISTORY

Action	Date
Introduced	06-08-20

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³ R.C. 135.39, not in the bill.